SA 925. Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 926. Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 927. Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 928. Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 929. Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 930. Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 931. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 932. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 933. Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 934. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 935. Mr. MCCONNELL (for Ms. WARREN (for herself and Mr. HELLER)) proposed an amendment to the bill S. 327, to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes.

SA 936. Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to the bill S. 1311, to provide assistance in abolishing human trafficking in the United States.

SA 937. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 1312, to prioritize the fight against human trafficking in the United States.

SA 938. Mrs. ERNST (for herself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 939. Mr. REED (for himself, Mr. MCCAIN, Mr. CARDIN, Mr. BROWN, Mr. WHITEHOUSE, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 855.** Ms. WARREN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1070 and insert the following:

**SEC. _____. REPORTS ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.**

(a) BIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than April 1, 2018, and every six months thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on civilian casualties caused as a result of United States military operations during the preceding six months.

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) A list of all the United States military operations during the six month covered by such report that were confirmed to have resulted in civilian casualties.

(B) For each military operation listed pursuant to subparagraph (A), the following:

(i) The date.

(ii) The location.

(iii) The type of operation.

(iv) The confirmed number of civilian casualties.

(b) ANNUAL REPORT.—Not later than April 1 each year, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) The information required under subsection (a)(2) for the preceding year, including any changes to such information as submitted previously in a report under subsection (a).

(2) A description of the actions taken by the Armed Forces of the United States in the preceding year to mitigate civilian casualties as a result of United States military operations that were in addition to any such actions taken in the year preceding such preceding year.

(3) Any other information the Secretary considers appropriate.

(c) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(d) SUNSET.—The requirements to submit reports under this section shall expire on the date that is five years after the date of the enactment of this Act.

**SA 856.** Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS.**

(a) COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE REQUIRED.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense shall collaborate on developing standards, policies, and procedures for sense and avoid capabilities for unmanned aircraft systems.

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

(A) Sharing information and technology on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system.

(B) Building upon the experience of the Air Force and the Department of Defense to inform the Federal Aviation Administration's development of civil standards, policies, and procedures for integrating unmanned aircraft systems in the national airspace system.

(C) Assisting in the development of best practices for unmanned aircraft safety standards, development of airborne and ground-based sense and avoid capabilities for unmanned aircraft systems, and research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) PARTICIPATION BY FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) IN GENERAL.—The Administrator may participate and provide assistance for participation in test and evaluation efforts of the Department of Defense, including the Air Force, relating to ground-based sense and avoid and airborne sense and avoid capabilities for unmanned aircraft systems.

(2) PARTICIPATION THROUGH CENTERS OF EXCELLENCE AND TEST SITES.—Participation under paragraph (1) may include provision of assistance through the Center of Excellence for Unmanned Aircraft Systems and unmanned aircraft systems test ranges designated under section 332(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ''unmanned aircraft system'' has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

**SA 857.** Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. NORTH KOREA STRATEGY.**

(a) REPORT ON STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth a strategy of the United States with respect to North Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of support from foreign nations for North Korea's nuclear and ballistic missile programs.

(3) A description of the security relationships between China and North Korea and Russia and North Korea, including trends in those relationships and their impact on the Government of North Korea.

(4) A description of the security relationships between other countries and North Korea, and an identification of countries that may be undermining United States objectives identified in paragraph (5).

(5) The desired end state in North Korea and current United States objectives relative to security threats emanating from North Korea.

(6) A detailed roadmap to reach the end state and objectives identified in paragraph (5).

(7) An identification of the resources and authorities necessary to carry out the roadmap described in paragraph (6).

(8) A description of operational plans and associated military requirements for the protection of United States national security interests relative to threats from North Korea.

(9) An identification of any personnel, capability, and resource gaps that would impact the execution of the roadmap described in paragraph (6) or any associated operational plan, and a mitigation plan to address such gaps.

(10) An assessment of current and desired partner nation contributions to countering threats from North Korea and a plan to enhance military cooperation with nations that have shared security interests.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) QUARTERLY UPDATES REQUIRED.—The Secretary of Defense shall provide Congress with a quarterly written progress report on the implementation of the strategy required pursuant to subsection (a) in unclassified form.

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**SA 858.** Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. NORTH KOREA STRATEGY.**

(a) REPORT ON STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report that sets forth a strategy of the United States with respect to North Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of support from foreign nations for North Korea's nuclear and ballistic missile programs.

(3) A description of known foreign nation, foreign entity, or individual violations of existing United Nations sanctions against North Korea, together with parameters for determining whether and on what timeline it serves United States interests to target those violators with unilateral secondary sanctions.

(4) A description of the economic, political, and trade relationships between China and North Korea and Russia and North Korea, including trends in those relationships and their impact on the Government of North Korea.

(5) A description of the economic, political, and trade relationships between other countries and North Korea, and an identification of countries that may be undermining United States objectives identified in paragraph (7).

(6) A description of the channels North Korea is using to access the United States and international financial systems, the degree to which those channels have been targeted by United States and multilateral sanctions thus far, and a roadmap for determining whether, how, and on what timeline the United States may take action to cut off access in the future.

(7) The desired end state in North Korea and current United States objectives relative to security threats emanating from North Korea.

(8) A description of existing unilateral and multilateral levers the United States has to exert coercive pressure on North Korea, together with an assessment of the degree to which those levers have been utilized thus far, the degree to which those actions have imposed costs on North Korea, remaining options for increasing those costs, and parameters the President will use to determine when and to what degree increasing those costs is necessary.

(9) A detailed roadmap to reach the end state and objectives identified in paragraph (7) through unilateral and multilateral diplomatic and economic means, including timelines for each element of the roadmap.

(10) An identification of the resources and authorities necessary to carry out the roadmap described in paragraph (9).

(11) A description of the number and types of United States civilian personnel supporting the roadmap described in paragraph (9), including an identification of appointed positions relevant to the roadmap and the current status of such positions as vacant or filled.

(12) A description of operational plans and associated military requirements for the protection of United States national security interests relative to threats from North Korea.

(13) An identification of any military or civilian personnel, capability, and resource gaps that would impact the execution of the roadmap described in paragraph (9) or any associated operational plan, and a mitigation plan to address such gaps.

(14) An assessment of current and desired partner nation contributions to countering threats from North Korea and a plan to enhance diplomatic, economic, and military cooperation with nations that have shared security interests.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) QUARTERLY UPDATES REQUIRED.—The President shall provide Congress with a quarterly written progress report on the implementation of the strategy required pursuant to subsection (a) in unclassified form.

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**SA 859.** Mr. BOOKER (for himself and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. ____. IMPROVED EMPLOYMENT ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND VETERANS.**

(a) IMPROVED EMPLOYMENT SKILLS VERIFICATION.—Section 1143(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

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

''(2) In order to improve the accuracy and completeness of a certification or verification of job skills and experience required by paragraph (1), the Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy shall—

''(A) establish a database to record all training performed by members of the armed forces that may have application to employment in the civilian sector; and

''(B) make unclassified information regarding such information available to States and other potential employers referred to in subsection (c) so that State and other entities may allow military training to satisfy licensing or certification requirements to engage in a civilian profession.''.

(b) IMPROVED ACCURACY OF CERTIFICATES OF TRAINING AND SKILLS.—Section 1143(a) of title 10, United States Code, is further amended by inserting after paragraph (2), as added by subsection (a), the following new paragraph:

''(3) The Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy shall ensure that a certification or verification of job skills and experience required by paragraph (1) is rendered in such a way that States and other potential employers can confirm the accuracy and authenticity of the certification or verification.''.

(c) IMPROVED RESPONSIVENESS TO CERTIFICATION REQUESTS.—Section 1143(c) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''For the purpose''; and

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

''(2) A State may use a certification or verification of job skills and experience provided to a member of the armed forces under subsection (a) and request the Department of Defense or the Coast Guard, as the case may be, to confirm the accuracy and authenticity of the certification or verification. A response confirming or denying the information shall be provided within five business days.''.

(d) IMPROVED NOTICE TO MEMBERS.—Section 1142(b)(4)(A) of title 10, United States Code, is amended by inserting before the semicolon the following: '', including State-submitted and approved lists of military training and skills that satisfy occupational certifications and licenses''.

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**SA 860.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. PERMANENT RESIDENT STATUS FOR ALEMSEGHED MUSSIE TESFAMICAL.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) and section 240 of such Act (8 U.S.C. 1229a), Alemseghed Mussie Tesfamical shall be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alemseghed Mussie Tesfamical enters the United States

before the filing deadline specified in subsection (c), Alemseghed Mussie Tesfamical shall be considered to have entered into and remained lawfully in the United States and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or for adjustment of status is filed by Alemseghed Mussie Tesfamical with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Alemseghed Mussie Tesfamical, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of Alemseghed Mussie Tesfamical's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of such country under section 202(e) of such Act (8 U.S.C. 1152(e)).

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**SA 861.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT RESIDENT STATUS FOR JOEL COLINDRES.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Joel Colindres shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Joel Colindres enters the United States before the filing deadline specified in subsection (c), Joel Colindres shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Joel Colindres, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Joel Colindres under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Joel Colindres under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the Senate, provided that such statement has been submitted prior to the vote on passage.

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**SA 862.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT RESIDENT STATUS FOR VALENT KOLAMI.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Valent Kolami shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Valent Kolami enters the United States before the filing deadline specified in subsection (c), Valent Kolami shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Valent Kolami, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Valent Kolami under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Valent Kolami under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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**SA 863.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT RESIDENT STATUS FOR ADRIAN EMIN.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Adrian Emin shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Adrian Emin enters the United States before the filing deadline specified in subsection (c), Adrian Emin shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Adrian Emin, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Adrian Emin under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Adrian Emin under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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**SA 864.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT RESIDENT STATUS FOR NURY CHAVARRIA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Nury Chavarria shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nury Chavarria enters the United States before the filing deadline specified in subsection (c), Nury Chavarria shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Nury Chavarria, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Nury Chavarria under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Nury Chavarria under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the Senate, provided that such statement has been submitted prior to the vote on passage.

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**SA 865.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT RESIDENT STATUS FOR VALENT KOLAMI, NURY CHAVARRIA, JOEL COLINDRES, AND ADRIAN EMIN.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Valent Kolami, Nury Chavarria, Joel Colindres, and Adrian Emin shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin enters the United States before the filing deadline specified in subsection (c), Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, as applicable, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, as applicable, under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) the total number of immigrant visas that are made available to natives of the country of birth of Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, as applicable, under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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**SA 866.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT RESIDENT STATUS FOR LUIS BARRIOS, VALENT KOLAMI, NURY CHAVARRIA, JOEL COLINDRES, AND ADRIAN EMIN.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Luis Barrios, Valent Kolami, Nury Chavarria, Joel Colindres, and Adrian Emin shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Luis Barrios, Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin enters the United States before the filing deadline specified in subsection (c), Luis Barrios, Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, as applicable, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Luis Barrios, Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Luis Barrios, Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, as applicable, under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) the total number of immigrant visas that are made available to natives of the country of birth of Luis Barrios, Valent Kolami, Nury Chavarria, Joel Colindres, or Adrian Emin, as applicable, under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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**SA 867.** Ms. WARREN (for herself and Mr. TILLIS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1630C. REPORT ON SIGNIFICANT SECURITY RISKS OF DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, the Secretary of Energy, and the Secretary of Homeland Security, submit to the appropriate committees of Congress a report setting forth the following:

(1) Identification of significant security risks to defense critical electric infrastructure posed by significant malicious cyber-enabled activities.

(2) An assessment of the potential effect of the security risks identified pursuant to paragraph (1) on the readiness of the Armed Forces.

(3) An assessment of the strategic benefits derived from, and the challenges associated with, isolating military infrastructure from the national electric grid and the use of microgrids by the Armed Forces.

(4) Recommendations on actions to be taken—

(A) to eliminate or mitigate the security risks identified pursuant to paragraph (1); and

(B) to address the effect of those security risks on the readiness of the Armed Forces identified pursuant to paragraph (2).

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the congressional defense committees;

(B) the Committee on Energy and Natural Resources and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Homeland Security of the House of Representatives.

(2) The term ''defense critical electric infrastructure''—

(A) has the meaning given such term in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a)); and

(B) shall include any electric infrastructure located in any of the 48 contiguous States or the District of Columbia that serves a facility—

(i) designated by the Secretary of Defense as—

(I) critical to the defense of the United States; and

(II) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider; and

(ii) that is not owned or operated by the owner or operator of such facility.

(3) The term ''security risk'' shall have such meaning as the Secretary of Defense shall determine, in coordination with the Director of National Intelligence and the Secretary of Energy, for purposes of the report required by subsection (a).

(4) The term ''significant malicious cyber-enabled activities'' include—

(A) significant efforts—

(i) to deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(ii) to exfiltrate, degrade, corrupt, destroy, or release information from such a system or network without authorization for purposes of—

(I) conducting influence operations; or

(II) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;

(B) significant destructive malware attacks; and

(C) significant denial of service activities.

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**SA 868.** Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION 1. STRENGTHENING ALLIED CYBERSECURITY.**

(a) SHORT TITLE.—This section may be cited as the ''Strengthening Allied Cybersecurity Act of 2017''.

(b) FINDINGS.—Congress makes the following findings:

(1) In January 2017, the Director of National Intelligence (referred to in this Act as the ''DNI''), in coordination with the Central Intelligence Agency, the Federal Bureau of Investigation (referred to in this Act as the ''FBI''), and the National Security Agency, judged with high confidence that Russian President Vladimir Putin ordered an influence campaign aimed at the 2016 United States presidential election.

(2) The DNI report stated, ''[The Department of Homeland Security] assesses that the types of systems Russian actors targeted or compromised were not involved in vote tallying.''.

(3) On January 10, 2017, the DNI stated, in testimony before the Select Committee on Intelligence of the Senate, ''We can say that we did not see evidence of the Russians altering vote tallies.''.

(4) On March 20, 2017, FBI Director James Comey stated, in testimony before the Permanent Select Committee on Intelligence of the House of Representatives, ''We also, as a government, supplied information to all the states so they could equip themselves to make sure there was no successful effort to affect the vote and there was none, as we said earlier.''.

(5) The DNI, in coordination with the Central Intelligence Agency, the FBI, and the National Security Agency, judged that Russia's intelligence services conducted cyber operations against targets associated with the 2016 United States presidential election.

(6) The DNI assessed that the Russian Government's campaign aimed at the United States election featured—

(A) disclosures of data obtained through Russian cyber operations;

(B) intrusions into United States state and local election boards; and

(C) overt propaganda.

(7) Russia's use of public disclosures of Russian-collected data during the United States election was unprecedented.

(8) The DNI, in coordination with the Central Intelligence Agency, the FBI, and the National Security Agency, assessed that Russia will apply lessons learned from its Putin-ordered campaign aimed at the United States presidential election to influence future elections worldwide, including against United States allies and their election processes.

(9) In May 2016, Germany's domestic intelligence agency assessed that hackers linked to the Russian Government had targeted Chancellor Angela Merkel's Christian Democratic Union party and German state computers.

(10) The head of Germany's foreign intelligence service, Bruno Kahl, later asserted that Germany had ''evidence that cyber-attacks are taking place that have no other purpose than to elicit political uncertainty. The perpetrators are interested in delegitimizing the democratic process as such, regardless of who that ends of helping. We have indications that [the attacks] come from the Russian region.'' In November 2016, German Chancellor Merkel, said, ''such cyber-attacks, or hybrid conflicts as they are known in Russian doctrine, are now part of daily life and we must learn to cope with them''.

(11) On May 9, 2017, Admiral Michael Rogers, United States Cyber Command commander and Director of the National Security Agency, testified before the Committee on Armed Services of the Senate that the United States surveilled Russian hackers attack French computer systems as the French election approached. In his testimony, Rogers said, ''We had talked to our French counterparts prior to the public announcements of the events that were publicly attributed this past weekend, and gave them a heads up, 'Look we're watching the Russians, we're seeing them penetrate some of your infrastructure.'.''.

(12) In February 2017, the United Kingdom's Defence Secretary Fallon stated that—

(A) all North Atlantic Treaty Organization (NATO) countries must support reform ''to make NATO more agile, resilient, and better configured to operate in the contemporary environment including against hybrid and cyber-attacks''; and

(B) ''NATO must defend itself as effectively in the cyber sphere as it does in the air, on land, and at sea.''.

(c) DEFINITIONS.—In this section:

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

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives;

(C) the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the Senate;

(D) the Subcommittee on State, Foreign Operations, and Related Programs of the Committee on Appropriations of the House of Representatives;

(E) the Select Committee on Intelligence of the Senate;

(F) the Permanent Select Committee on Intelligence of the House of Representatives;

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

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

(I) the Committee on Armed Services of the Senate;

(J) the Committee on Armed Services of the House of Representatives;

(K) the Committee on the Judiciary of the Senate; and

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

(2) APPROPRIATE FEDERAL AGENCIES.—The term ''appropriate Federal agencies'' means—

(A) the Department of Defense;

(B) the Department of Homeland Security;

(C) the Department of Justice;

(D) the Department of the Treasury;

(E) the Office of the Director of National Intelligence; and

(F) the Department of Commerce

(3) HYBRID WARFARE.—The term ''hybrid warfare'' means a military strategy that blends conventional warfare, irregular warfare, informational warfare, and cyber warfare.

(d) TRANS-ATLANTIC CYBERSECURITY COOPERATION STRATEGY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of the appropriate Federal agencies, shall develop, and submit to the appropriate congressional committees, a trans-Atlantic cybersecurity strategy, with a classified annex if necessary, that includes—

(A) a plan of action to guide United States cooperation with North Atlantic Treaty Organization (NATO) allies to respond to Russia's hybrid warfare against NATO allies;

(B) a plan of action to guide United States cooperation with European partners, including non-NATO nations, to counter Russia's cyber efforts to undermine democratic elections in the United States and Europe;

(C) an assessment of nonmilitary tools and tactics, including sanctions, indictments, or other actions that the United States can use, unilaterally or in cooperation with like-minded nations, to counter Russia's malicious cyber activity in the United States and Europe; and

(D) a review of resources required by the Department of State and appropriate Federal agencies to conduct activities to build cooperation with NATO allies and European partners on countering Russia's hybrid warfare and disinformation efforts.

(2) CIVIL LIBERTIES AND PRIVACY.—The Secretary of State shall ensure that the implementation of the strategy described in paragraph (1) is consistent with United States standards for civil liberties and privacy protections.

(e) FEDERAL CYBERSECURITY LIAISON TO UNITED STATES PRESIDENTIAL CAMPAIGNS AND MAJOR NATIONAL POLITICAL PARTY COMMITTEES.—

(1) APPOINTMENT.—The Director of the Federal Bureau of Investigation shall appoint, at the rank of Executive Assistant Director, a cybersecurity liaison for presidential campaigns and major national political party committees, who, at the request of presidential campaigns and major national political party committees, shall—

(A) regularly share cybersecurity best practices and protocols with each presidential campaign, the Democratic National Committee, the Republican National Committee, the Democratic Senatorial Campaign Committee, the National Republican Senatorial Committee, the Democratic Congressional Campaign Committee, and the National Republican Congressional Committee; and

(B) provide the timely sharing of cybersecurity threats to such campaigns and committees to prevent or mitigate adverse effects from such cybersecurity threats.

(f) REPORTING REQUIREMENT.—The Secretary of State, in coordination with the heads of the appropriate Federal agencies, shall submit an annual report to the appropriate congressional committees on the implementation of the trans-Atlantic cybersecurity cooperation strategy developed under subsection (d).

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**SA 869.** Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. RETENTION AND SERVICE OF TRANSGENDER MEMBERS OF THE ARMED FORCES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that individuals who are qualified and can meet the standards to serve in the military should be eligible to serve.

(b) PROHIBITION ON CERTAIN ACTIONS BASED ON MEMBER GENDER IDENTITY.—A member of the Armed Forces may not be involuntarily separated from the Armed Forces, or denied reenlistment or continuation in service in the Armed Forces, solely on the basis of the member's gender identity.

(c) REVIEW OF ACCESSION OF TRANSGENDER INDIVIDUALS INTO THE ARMED FORCES.—

(1) DEADLINE FOR COMPLETION OF REVIEW.—The Secretary of Defense shall complete the review of policy on the accession of transgender individuals into the Armed Forces announced by the Secretary on June 30, 2017, by not later than December 31, 2017.

(2) REPORT.—Not later than February 21, 2018, the Secretary shall submit to Congress a comprehensive report on the results of the review of policy described in paragraph (1).

**SA 870.** Mr. COTTON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 236. VERY-LOW PROFILE HARDWARE TO INTERACT WITH THE MOBILE USER OBJECTIVE SYSTEM AND OTHER SYSTEMS.**

(a) ADDITIONAL FUNDING.—The amount authorized to be appropriated for fiscal year 2018 by section 201 for research, development, test, and evaluation is hereby increased by $8,000,000, with the amount of the increase to be available for the Joint Tactical Information Distribution System (PE 0604771D8Z).

(b) AVAILABILITY.—The amount available under subsection (a) shall be available for the Secretary of Defense to study and demonstrate very-low profile hardware, such as antennas and chipsets, with software, encryption, and cyber and network management tools necessary to interact with the Mobile User Objective System (MUOS) and other systems that are considered part of the Internet of things to provide command, control, communications, and cyber restoral capabilities.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2018 by section 301 for operation and maintenance is hereby decreased by $8,000,000, with the amount of the decrease to be applied as an increase to the reduction from fuel savings in the funding table in section 4301.

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**SA 871.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AND AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.**

Effective as of the date that is six months after the date of the enactment of this Act, the following are repealed:

(1) The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

(2) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note).

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**SA 872.** Mr. PAUL (for himself, Mr. SCHATZ, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVII—PREVENTION OF MILITARIZATION OF LAW ENFORCEMENT BY EXCESS FEDERAL PROPERTY TRANSFERS**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the ''Stop Militarizing Law Enforcement Act''.

**SEC. 1702. ADDITIONAL LIMITATIONS ON TRANSFER OF DEPARTMENT OF DEFENSE PERSONAL PROPERTY TO FEDERAL AND STATE LAW ENFORCEMENT AGENCIES.**

(a) ADDITIONAL LIMITATIONS.—

(1) IN GENERAL.—Section 2576a of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''subsection (b)'' and inserting ''the provisions of this section''; and

(II) in subparagraph (A), by striking '', including counter-drug and counterterrorism activities''; and

(ii) in paragraph (2), by striking ''and the Director of National Drug Control Policy'';

(B) in subsection (b)—

(i) in paragraph (3), by striking ''and'' at the end;

(ii) in paragraph (4), by striking the period and inserting a semicolon; and

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

''(5) the recipient certifies to the Department of Defense that it has the personnel and technical capacity, including training, to operate the property; and

''(6) the recipient certifies to the Department of Defense that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense.'';

(C) by striking subsection (d); and

(D) by adding at the end the following new subsections:

''(d) LIMITATIONS ON TRANSFERS.—The Secretary of Defense may not transfer under this section any property as follows:

''(1) Weapons, weapon parts, and weapon components, including camouflage and deception equipment, and optical sights.

''(2) Weapon system specific vehicular accessories.

''(3) Demolition materials.

''(4) Explosive ordinance.

''(5) Night vision equipment.

''(6) Tactical clothing, including uniform clothing and footwear items, special purpose clothing items, and specialized flight clothing and accessories.

''(7) Drones.

''(8) Combat, assault, and tactical vehicles, including Mine-Resistant Ambush Protected (MRAP) vehicles.

''(9) Training aids and devices.

''(10) Firearms of .50 caliber or higher, ammunition of .50 caliber or higher, grenade launchers, flash grenades, and bayonets.

''(e) APPROVAL BY LAW REQUIRED FOR TRANSFER OF PROPERTY NOT PREVIOUSLY TRANSFERRABLE.—(1) In the event the Secretary of Defense proposes to make available for transfer under this section any property of the Department of Defense not previously made available for transfer under this section, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

''(A) A description of the property proposed to be made available for transfer.

''(B) A description of the conditions, if any, to be imposed on use of the property after transfer.

''(C) A certification that transfer of the property would not violate a provision of this section or any other provision of law.

''(2) The Secretary may not transfer any property covered by a report under this subsection unless authorized by a law enacted by Congress after the date of the receipt of the report by Congress.

''(f) ANNUAL CERTIFICATION ACCOUNTING FOR TRANSFERRED PROPERTY.—(1) The Secretary of Defense shall submit to the appropriate committees of Congress each year a certification in writing that each recipient to which the Secretary has transferred property under this section during the preceding fiscal year—

''(A) has provided to the Secretary documentation accounting for all property the Secretary has previously transferred to such recipient under this section; and

''(B) has complied with paragraphs (5) and (6) of subsection (b) with respect to the property so transferred during such fiscal year.

''(2) If the Secretary cannot provide a certification under paragraph (1) for a recipient, the Secretary may not transfer additional property to such recipient under this section, effective as of the date on which the Secretary would otherwise make the certification under this subsection, and such recipient shall be suspended or terminated from further receipt of property under this section.

''(g) CONDITIONS FOR EXTENSION OF PROGRAM.—Notwithstanding any other provision of law, amounts authorized to be appropriated or otherwise made available for any fiscal year may not be obligated or expended to carry out this section unless the Secretary submits to the appropriate committees of Congress a certification that for the preceding fiscal year that—

''(1) each recipient agency that has received property under this section has—

''(A) demonstrated 100 percent accountability for all such property, in accordance with paragraph (2) or (3), as applicable; or

''(B) been suspended or terminated from the program pursuant to paragraph (4);

''(2) with respect to each non-Federal agency that has received property under this section, the State Coordinator responsible for each such agency has verified that the State Coordinator or an agent of the State Coordinator has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

''(3) with respect to each Federal agency that has received property under this section, the Secretary of Defense or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended or terminated from the program pursuant to paragraph (4);

''(4) the eligibility of any agency that has received property under this section for which 100 percent of the equipment was not accounted for during an inventory described in paragraph (2) or (3), as applicable, to receive property transferred under this section has been suspended or terminated; and

''(5) each State Coordinator has certified, for each non-Federal agency located in the State for which the State Coordinator is responsible that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated; and

''(6) the Secretary of Defense has certified, for each Federal agency that has received property under this section that—

''(A) the agency has complied with all requirements under this section; or

''(B) the eligibility of the agency to receive property transferred under this section has been suspended or terminated.

''(h) WEBSITE.—The Defense Logistics Agency shall maintain, and update on a quarterly basis, an Internet website on which the following information shall be made publicly available in a searchable format:

''(1) A description of each transfer made under this section, including transfers made before the date of the enactment of the Stop Militarizing Law Enforcement Act, set forth by State, county, and recipient agency, and including item name, item type, item model, and quantity.

''(2) A list of all property transferred under this section that is not accounted for by the Defense Logistics Agency, including—

''(A) the name of the State, county, and recipient agency;

''(B) the item name, item type, and item model;

''(C) the date on which such property became unaccounted for by the Defense Logistics Agency; and

''(D) the current status of such item.

''(3) A list of each agency suspended or terminated from further receipt of property under this section, including State, county, and agency, and the reason for and duration of such suspension or termination.

''(i) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

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

''(B) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

''(2) The term 'agent of a State Coordinator' means any individual to whom a State Coordinator formally delegates responsibilities for the duties of the State Coordinator to conduct inventories described in subsection (g)(2).

''(3) The term 'State Coordinator', with respect to a State, means the individual appointed by the governor of the State to maintain property accountability records and oversee property use by the State.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) RETURN OF PROPERTY TO DEPARTMENT OF DEFENSE.—Not later than one year after the date of the enactment of this Act, each Federal or State agency to which property described by subsection (d) of section 2576a of title 10, United States Code (as added by subsection (a)(1) of this section), was transferred before the date of the enactment of this Act shall return such property to the Defense Logistics Agency on behalf of the Department of Defense.

**SEC. 1703. USE OF DEPARTMENT OF HOMELAND SECURITY PREPAREDNESS GRANT FUNDS.**

(a) DEFINITIONS.—In this section—

(1) the term ''Agency'' means the Federal Emergency Management Agency; and

(2) the term ''preparedness grant program'' includes—

(A) the Urban Area Security Initiative authorized under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604);

(B) the State Homeland Security Grant Program authorized under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605);

(C) the Port Security Grant Program authorized under section 70107 of title 46, United States Code; and

(D) any other non-disaster preparedness grant program of the Agency.

(b) LIMITATION.—The Agency may not permit awards under a preparedness grant program—

(1) to be used to buy, maintain, or alter—

(A) explosive entry equipment;

(B) head and face protection equipment, other than those to be used by certified bomb technicians;

(C) canines (other than bomb-sniffing canines for agencies with certified bomb technicians or for use in search and rescue operations);

(D) tactical or armored vehicles;

(E) long range hailing and warning devices;

(F) tactical entry equipment (other than for use by specialized teams such as Accredited Bomb Squads, Tactical Entry, or Special Weapons and Tactics (SWAT) Teams); or

(G) firearms of .50 caliber or higher, ammunition of .50 caliber or higher, grenade launchers, flash grenades, or bayonets;

(2) to be used to buy, maintain, or alter body armor or ballistic helmets and shields unless the grantee certifies to the Agency that the equipment will not be used for riot suppression.

(c) REVIEW OF PRIOR RECEIPT OF PROPERTY BEFORE AWARD.—In making an award under a preparedness grant program, the Agency shall—

(1) determine whether the awardee has already received, and still retains, property from the Department of Defense pursuant to section 2576a of title 10, United States Code, including through review of the website maintained by the Defense Logistics Agency pursuant to subsection (h) of such section (as added by section 1702(a)(1) of this Act);

(2) require that the award may not be used by the awardee to procure or obtain property determined to be retained by the awardee pursuant to paragraph (1); and

(3) require that the award only be used to procure or obtain property in accordance with use restrictions contained within the Agency's State and Local Preparedness Grant Programs' Authorized Equipment List.

(d) USE OF GRANT PROGRAM FUNDS FOR REQUIRED RETURN OF PROPERTY TO DOD.—Notwithstanding any other provision of law, the use of funds by a State or local agency to return to the Department of Defense property transferred to such State or local agency pursuant to section 2676a of title 10, United States Code, as such return is required by section 1702(b) of this Act, shall be an allowable use of preparedness grant program funds by such agency.

(e) ACCOUNTABILITY MEASURES.—

(1) AUDIT OF USE OF PREPAREDNESS GRANT FUNDS.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit covering the period of fiscal year 2010 through the current fiscal year on the use of preparedness grant program funds. The audit shall assess how funds have been used to procure equipment, how the equipment has been used, and whether the grant awards have furthered the Agency's goal of improving the preparedness of State and local communities.

(2) ANNUAL ACCOUNTING OF USE OF AWARD FUNDS.—Not later than one year after the date of the enactment of this Act, the Agency shall develop and implement a system of accounting on an annual basis how preparedness grant program funds have been used to procure equipment, how the equipment has been used, whether grantees have complied with restrictions on the use of equipment contained with the Authorized Equipment List, and whether the awards have furthered the Agency's goal of enhancing the capabilities of State agencies to prevent, deter, respond to, and recover from terrorist attacks, major disasters, and other emergencies.

**SEC. 1704. USE OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS.**

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

''(3) The purchase, maintenance, alteration, or operation of—

''(A) lethal weapons; or

''(B) less-lethal weapons.''.

(b) USE OF GRANT FUNDS FOR REQUIRED RETURN OF PROPERTY TO DOD.—Notwithstanding any other provision of law, the use of funds by a State agency or unit of local government to return to the Department of Defense property transferred to such agency or unit of local government pursuant to section 2676a of title 10, United States Code, as such return is required by section 1702(b) of this Act, shall be an allowable use of grant amounts under the Edward Byrne Memorial Justice Assistance Grant Program.

**SEC. 1705. COMPTROLLER GENERAL REPORT.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to Congress a report on Federal agencies, including offices of Inspector General for Federal agencies, that have specialized units that receive special tactical or military-style training or use hard-plated body 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 (SWAT) team, tactical response teams, special events teams, special response teams, or active shooter teams.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of each specialized unit described under such subsection.

(2) A description of the training and weapons of each such unit.

(3) The criteria for activating each such unit and how often each such unit was activated for each year of the previous ten years.

(4) An estimate of the annual cost of equipping and operating each such unit.

(5) Any other information that is relevant to understanding the usefulness and justification for the units.

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**SA 873.** Mrs. ERNST (for herself, Mrs. GILLIBRAND, and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPORT ON UTILIZATION OF SMALL BUSINESSES FOR FEDERAL CONTRACTS.**

(a) FINDINGS.—Congress finds that—

(1) since the passage of the Budget Control Act of 2011 (Public Law 112–25; 125 Stat. 240), many Federal agencies have started favoring longer-term Federal contracts, including multiple award contracts, over direct individual awards;

(2) these multiple award contracts have grown to more than one-fifth of Federal contract spending, with the fastest growing multiple award contracts surpassing $100,000,000 in obligations for the first time between 2013 and 2014;

(3) in fiscal year 2017, 17 of the 20 largest Federal contract opportunities are multiple award contracts;

(4) while Federal agencies may choose to use any or all of the various socio-economic groups on a multiple award contract, the Small Business Administration only examines socio-economic performance through the small business procurement scorecard and does not examine potential opportunities by those groups; and

(5) Congress and the Department of Justice have been clear that no individual socio-economic group shall be given preference over another.

(b) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''covered small business concerns'' means—

(A) HUBZone small business concerns;

(B) small business concerns owned and controlled by service-disabled veterans;

(C) small business concerns owned and controlled by women; and

(D) socially and economically disadvantaged small business concerns, as defined in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)), receiving assistance under such section 8(a); and

(3) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

(A) a determination as to whether small business concerns and each category of covered small business concerns described in subparagraphs (A) through (D) of subsection (b)(2) are being utilized in a significant portion of the Federal market on multiple award contracts, including—

(i) whether awards are being reserved for 1 or more of those categories; and

(ii) whether each such category is being given the opportunity to perform on multiple award contracts;

(B) a determination as to whether performance requirements for multiple award contracts, as in effect on the day before the date of enactment of this Act, are feasible and appropriate for small business concerns; and

(C) any additional information as the Administrator may determine necessary.

(2) REQUIREMENT.—In making the determinations required under paragraph (1), the Administrator shall use information from multiple award contracts—

(A) with varied assigned North American Industry Classification System codes; and

(B) that were awarded by not less than 8 Federal agencies.

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**SA 874.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ___. AUTHORIZED COST INCREASES.**

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''by not more than 10 percent'' after ''may be increased''; and

(2) in subsection (c)—

(A) by striking ''limitation on cost variations'' and inserting ''limitation on cost decreases''; and

(B) in paragraph (1)—

(i) by striking ''case of a cost increase or a reduction'' and inserting ''case of a reduction''; and

(ii) in subparagraph (A)—

(I) by striking ''cost increase or reduction in scope, the reasons therefor,'' and inserting ''reduction in scope, the reasons therefor, and''; and

(II) by striking '', and a description of the funds proposed to be used to finance any increased costs''.

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**SA 875.** Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXVII and insert the following:

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

**Subtitle A—Authorization of Appropriations**

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2017, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

**Subtitle B—Defense Force and Infrastructure Review and Recommendations**

**SEC. 2711. SHORT TITLE; PURPOSE.**

(a) SHORT TITLE.—This subtitle may be cited as the ''Defense Force and Infrastructure Review Act of 2017''.

(b) PURPOSE.—The purpose of this subtitle is to provide a fair and transparent process that will result in the credible analysis of infrastructure requirements and recommendations for military infrastructure.

**SEC. 2712. PROCEDURE FOR MAKING RECOMMENDATIONS FOR INFRASTRUCTURE CLOSURES AND REALIGNMENTS.**

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2019, the Secretary shall submit to Congress the following:

(A)(i) Subject to clause (ii), a force-structure plan for the Armed Forces based on the

most recent National Military Strategy, an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

(ii) The force structure described in the force-structure plan under clause (i) shall contain, at a minimum, a Navy of 355 ships, an Air Force of 1500 combat coded aircraft, an Army of 60 brigade combat teams, and a Marine Corps of three Marine expeditionary forces, together with all enabling and supporting elements.

(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(2) Using the most recent National Military Strategy and the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity within the United States and the target of the Secretary for the reduction of such excess capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(3) In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(4) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than September 15, 2018. For purposes of selecting military installations for closure or realignment under this subtitle, no revision of the force-structure plan or infrastructure inventory is authorized after September 15, 2018.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—(1) On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) if such need exists, a certification that the additional round of closures and realignments would result in substantial annual net savings for the Department of Defense following the completion of such closures and realignments.

(2) If the Secretary does not include the certifications referred to in paragraph (1) as part of the submission of the force-structure plan and infrastructure inventory prepared under subsection (a), the President may not commence a round for the selection of military installations for closure and realignment under this subtitle in the year following submission of the force-structure plan and infrastructure inventory.

(c) COMPTROLLER GENERAL EVALUATION.—(1) If the certification is provided under subsection (b), the Comptroller General of the United States shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria specified in subsection (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) The need for the closure or realignment of additional military installations.

(2) The Comptroller General shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in paragraph (2) and other criteria specified in paragraph (3).

(2) The military value criteria specified in this paragraph are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(E) The strategic impact of the location of an installation on operational plans, contingency plans, and missions of the combatant commands.

(3)(A) The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations in the United States under this subtitle are as follows:

(i) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

(ii) The economic impact on existing communities in the vicinity of military installations.

(iii) The extent with which a closure or realignment contributes to the reduction of excess infrastructure and infrastructure capacity to meet the targeted reduction established by the Secretary as required by subsection (a)(2)(B).

(iv) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(v) The cost of mitigating the impact of any increases of such forces, missions, and personnel at receiving locations to maintain the level of service that exists prior to the closure or realignment.

(vi) The environmental impact, including the impact of costs related to potential environmental restoration, vulnerability adaptation, mitigation, waste management, and environmental compliance activities.

(B) When determining the costs associated with a closure or realignment under subparagraph (A)(i), the Secretary shall consider costs associated with military construction, information technology, environmental remediation, relocation of personnel, termination of public-private contracts, guarantees, and other factors contributing to the cost of a closure or realignment as determined by the Secretary.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (d)(2) in the making of recommendations for the closure or realignment of military installations.

(f) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—Selection criteria relating to cost savings or return on investment from the proposed closure or realignment of military installations under this subtitle shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

(g) RELATION TO OTHER MATERIALS.—The final selection criteria specified in subsection (d) shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in subsection (a), in making recommendations for the closure or realignment of military installations in the United States under this subtitle.

(h) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—(1)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than May 15, 2019, publish in the Federal Register—

(i) with respect to each military installation in the United States, unclassified assessment data of the current condition of facilities and infrastructure and an environmental baseline of known contamination and remediation activities at each such installation that will be used by the Secretary to develop closure and realignment recommendations; and

(ii) standard rules to be used by the Secretary to calculate annual recurring savings for manpower, base operating costs, utility costs, base closure guarantees, service-sharing agreements, and other installation support activities that the Secretary will use in the determination of the savings derived from closure and realignment of military installations.

(B) The Secretary shall provide a public comment period of 60 days to allow for a review of the data published under subparagraph (A) and an opportunity for the Secretary to correct the assessments to ensure accurate and reliable information is used for final closure and realignment recommendations.

(C) If the Secretary does not publish the data or standard rules under subparagraph (A) by May 15, 2019, the President shall not commence a round for the selection of military installations for closure and realignment under this subtitle.

(2)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than October 15, 2019, publish in the Federal Register and transmit to the congressional defense committees a list of the military installations inside the United States that the Secretary recommends for closure or realignment on

the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

(B) The closures and realignments included in the list published by the Secretary under subparagraph (A) may not have an estimated cost to implement that exceeds $5,000,000,000 as certified by the Director of Cost Analysis and Program Evaluation of the Department of Defense.

(C) At the same time as the transmittal of the list under subparagraph (A), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification that—

(i) the recommendations included in such list will yield net savings to the Department of Defense within seven years of completing the closures and realignments included in such recommendations; and

(ii) no individual recommendation for closure or realignment is included in such list unless the closure or realignment demonstrates net savings to the Department within 10 years.

(D) Not later than seven days after the transmittal of the list of recommendations for closure and realignment under subparagraph (A), the Secretary shall submit to the congressional defense committees—

(i) a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation based on the final selection criteria under subsection (d); and

(ii) for each such recommendation, a master plan that contains a list of each facility action (including construction, development, conversion, or extension, and any acquisition of land necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility) required to carry out the closure or realignment, including the scope of work, cost, and timing of each construction activity as documented in military construction project data justifications.

(E) With respect to each recommendation for closure or realignment of a military installation under subparagraph (A), the construction scope and cost data contained in the master plan under subparagraph (D)(ii) for such installation shall be deemed to be the authorization by law to carry out the construction activity as required under chapter 169 of title 10, United States Code.

(3)(A) In considering military installations for closure or realignment, the Secretary shall consider all military installations in the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning—

(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment.

(D) In making recommendations for closure or realignment of a military installation under subparagraph (A), the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

(E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

(F) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (D) that is received with respect to a military installation covered by such recommendations. The statement shall set forth the reasons for the result.

(G) For each closure recommendation, and based on an assessment of the extent of economic impact to local communities supporting the military installation to be closed, the Secretary shall determine and propose an amount to be provided to the local redevelopment agency within a year of the final decision to close the installation to be used to accelerate local redevelopment activities.

(4)(A) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Comptroller General of the United States.

(B) The Comptroller General shall analyze the information made available to the Comptroller General under subparagraph (A) for each recommendation (including information provided by local communities) and submit any recommendations of the Comptroller General to Congress for consideration.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that person's knowledge and belief.

(B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations that the Secretary of Defense shall prescribe, regulations that the Secretary of each military department shall prescribe for personnel within that military department, or regulations that the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any information provided to the Secretary of Defense by a person described in paragraph (5)(B), regardless of the method of transmission, shall be made available for the public record and submitted in written form to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Secretary.

(7) No military installation may be recommended for inactive status under this subsection unless the Secretary certifies that its use for future mobilization is essential to meet operational plans.

(8) The Secretary shall analyze and, to the extent the Secretary considers appropriate, recommend the realignment and closure of military installations outside the United States.

(9) Not later than October 31, 2019, the Secretary shall submit to the President a report containing a list of the military installations that the Secretary recommends for closure or realignment under this subsection, including recommendations regarding military installations outside the United States under paragraph (8).

(i) REVIEW BY THE PRESIDENT.—(1) The President shall, by not later than November 15, 2019, transmit to Congress a report containing the President's approval or disapproval of the recommendations of the Secretary under subsection (h).

(2) If the President approves all of the recommendations of the Secretary, the President shall transmit a copy of such recommendations to Congress, together with a certification of such approval.

(3) If the President disapproves of the recommendations of the Secretary, in whole or in part, the President shall transmit to Congress the reasons for that disapproval. The Secretary shall then transmit to the President, by not later than December 1, 2019, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Secretary transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to Congress, together with a certification of such approval.

(5) If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) by December 2, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

**SEC. 2713. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.**

(a) IN GENERAL.—The Secretary shall—

(1) close all military installations recommended for closure in the report transmitted to Congress by the President pursuant to section 2712(i) and approved under subsection (b);

(2) realign all military installations recommended for realignment in such report and approved under such subsection;

(3) carry out the privatization in place of a military installation recommended for closure or realignment in such report and approved under such subsection only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations in such report and is determined by the Secretary to be the most cost-effective method of implementation of the recommendation;

(4) carry out the construction activities contained in the master plan for the military installation as required under section 2712(h)(2)(D)(ii);

(5) initiate all such closures and realignments not later than two years after the date on which the President transmits the report to Congress pursuant to section 2712(i) containing the recommendations for such closures or realignments; and

(6) complete all such closures and realignments not later than the end of the five-year period beginning on the date on which the President transmits the report pursuant to section 2712(i) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL APPROVAL.—The Secretary may not carry out a closure or realignment recommended in the report transmitted by the President pursuant to section 2712(i) unless a joint resolution is enacted approving that closure or realignment.

**SEC. 2714. IMPLEMENTATION AND ANALYSIS.**

(a) USE IN MAKING ASSESSMENTS AND RECOMMENDATIONS.—In making assessments and recommendations under section 2712, the Secretary shall analyze the requirements and authorities under this section and consider all of the actions to be taken under this section with respect to closing or realigning a military installation under this subtitle.

(b) IMPLEMENTATION.—(1) In closing or realigning any military installation under this subtitle, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B)(i) provide—

(I) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(II) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account;

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

(2) In carrying out any closure or realignment under this subtitle, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(c) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this subtitle—

(A) the authority of the Administrator to utilize excess property under subchapter II of chapter 5 of title 40, United States Code;

(B) the authority of the Administrator to dispose of surplus property under subchapter III of chapter 5 of title 40, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code; and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with all regulations governing the utilization of excess property and the disposal of surplus property under subtitle I of title 40, United States Code.

(B) The Secretary may, with the concurrence of the Administrator of General Services—

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.

(C) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this subtitle, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subtitle, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) If a military installation to be closed, realigned, or placed in an inactive status under this subtitle includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 180 days after the date of approval of the closure or realignment of a military installation under this subtitle, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities specified in clause (ii) with respect to an installation referred to in that clause until the earlier of—

(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

(III) two years after the date of approval of the closure or realignment of the installation; or

(IV) 90 days before the date of the closure or realignment of the installation.

(ii) The activities specified in this clause are activities relating to the closure or realignment of an installation to be closed or realigned under this subtitle as follows:

(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed or realigned under this subtitle to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation. In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation.

(E) This paragraph shall not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property—

(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

(v)(I) meets known requirements of an authorized program of another Federal agency for which expenditures for similar property would be necessary; and

(II) is the subject of a written request by the head of the agency.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.

(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this subtitle to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-

party buyers or lessees from sales and long-term leases of the conveyed property, a portion of the profits obtained over time from the development of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvements.

(xii) Planning for or the marketing of the development and reuse of the installation.

(xiii) Adaptation for and mitigation of natural disasters.

(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this subtitle (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another Federal agency. Subparagraph (B) shall apply to a transfer under this subparagraph.

(ii) A lease under clause (i) shall be for a term not to exceed 50 years, but may provide for options for renewal or extension of the term by the agency concerned.

(iii) A lease under clause (i) may not require rental payments by the United States.

(iv) A lease under clause (i) shall include a provision specifying that if the agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another Federal agency using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

(G) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under paragraph (1) regarding whether another Federal agency has identified a use for any portion of a military installation to be closed or realigned under this subtitle, or will accept transfer of any portion of such installation, are made not later than 180 days after the date of approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this subtitle shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another Federal agency has identified a use, or of which another Federal agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of such final determinations) information on any building or property that is identified under subclause (II); and

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—

(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct

outreach efforts under clause (iii)(II) with respect to an installation as soon as practicable after the date of approval of closure or realignment of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 90 days and not later than 180 days after the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 90 days and not later than 180 days after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(iii) If a redevelopment authority does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 270 days after the date specified by the redevelopment authority for the installation under subparagraph (D).

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Except as provided in subparagraph (E)(iii), not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

(iv)(I) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(v) If the Secretary of Housing and Urban Development determines as a result of a review under clause (iv) that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

(I) an explanation of that determination; and

(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall submit a revised plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and

Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

(ii)(I) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless.

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iii) Not later than 30 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(VI) It is the sense of Congress that the Secretary of Defense and the redevelopment authority should work with State and local agencies to the maximum extent practicable to collaborate on environmental assessments to reduce redundancy of effort and to accelerate redevelopment actions.

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure or realignment of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

(O) For purposes of this paragraph, the term ''communities in the vicinity of the installation'', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.

(P) For purposes of this paragraph, the term ''other interested parties'', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.

(7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this subtitle, or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this subtitle, if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.

(d) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President and, except as provided in paragraph (2), the Department of Defense in carrying out this subtitle.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation that has been recommended for closure or realignment;

(ii) the need for transferring functions to any military installation that has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(e) WAIVER.—The Secretary of Defense may close or realign military installations under this subtitle without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

(f) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (c)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection. The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this subtitle that are available for purposes other than to assist the homeless.

(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

(5) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330, except in the case of releases or threatened releases not disclosed pursuant to paragraph (4) of this subsection.

**SEC. 2715. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2017.**

(a) IN GENERAL.—(1) If a joint resolution is enacted under section 2713(b), there shall be established on the books of the Treasury an account to be known as the ''Department of Defense Base Closure Account 2017'' (in this section referred to as the ''Account''). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this subtitle.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds that remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the report transmitted under subsection (c)(2).

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2714 with respect to military installations approved for closure or realignment under this subtitle.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2714(a) at a military installation in support of a master plan for the military installation as required under section 2712(h)(2)(D)(ii), such construction project shall be conducted in accordance with the sections of chapter 169 of title 10, United States Code, applicable to such construction project.

(3)(A) In the case of construction projects carried out using funds in the Account that exceed the applicable minor construction threshold under section 2805 of title 10, United States Code, the Secretary may carry out such a project that has not been authorized by law if the Secretary determines that—

(i) the project is necessary for the Department to execute a closure or realignment action under this subtitle; and

(ii) the requirement for the project is so urgent that deferral of the project for authorization by law would pose a significant delay in proceeding with a realignment or closure action under this subtitle or is inconsistent with national security or the protection of health, safety, or environmental quality.

(B)(i) When a decision is made to carry out a construction project under subparagraph (A), the Secretary shall submit to the congressional defense committees in writing a report on that decision. Each such report shall include—

(I) a justification for the project and a current estimate of the cost of the project; and

(II) a justification for carrying out the project under this subtitle.

(ii) The Secretary may carry out a construction project under subparagraph (A) only after the end of the seven-day period beginning on the earlier of—

(I) the date on which the report under clause (i) relating to such project is received by the congressional defense committees; or

(II) the date on which a copy of such report is provided to such committees in an electronic medium pursuant to section 480 of title 10, United States Code.

(4) The maximum amount that the Secretary may obligate in any fiscal year under this section is $100,000,000.

(5) A project carried out using funds under this section shall be carried out within the total amount of funds appropriated for the Account that have not been obligated.

(c) REPORTS.—(1)(A) Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this

subtitle using funds in the Account, the Secretary shall transmit a report to the congressional defense committees of—

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

(ii) the amount and nature of other expenditures made pursuant to section 2714(a) during such fiscal year;

(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2714(a) during the first fiscal year commencing after the submission of the report.

(B) The report for a fiscal year shall include the following:

(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from any proposals for projects and funding levels for the Account for such fiscal year, including an explanation of—

(I) any failure to carry out military construction projects that were so proposed; and

(II) any expenditures for military construction projects that were not so proposed.

(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations approved for closure or realignment under this subtitle.

(2) Not later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all of the funds deposited into and expended from the Account or otherwise expended under this subtitle with respect to such installations; and

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this subtitle, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for nonappropriated fund instrumentalities.

(4) In this subsection:

(A) The term ''commissary store funds'' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term ''nonappropriated funds'' means funds received from a nonappropriated fund instrumentality.

(C) The term ''nonappropriated fund instrumentality'' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2714(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Act of Congress authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2805 of title 10, United States Code.

(3) The limitation on cost or scope variation specified in paragraph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project to be carried out using funds in the Account is required for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determination, the Secretary shall notify the congressional defense committees of the variation in cost or scope not later than 21 days before the date on which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the reasons for the variation in the notification.

**SEC. 2716. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.**

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act, and ending on April 15, 2020, this subtitle shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this subtitle, during the period specified in subsection (a)—

(1) to identify, through any transmittal to Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this subtitle affects the authority of the Secretary to carry out closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency described in subsection (d) of such section.

**SEC. 2717. DEFINITIONS.**

In this subtitle:

(1) The term ''Account'' means the Department of Defense Base Closure Account established by section 2715(a)(1).

(2) The term ''congressional defense committees'' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

(4) The term ''realignment'' includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(5) The term ''Secretary'' means the Secretary of Defense.

(6) The term ''United States'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(7) The term ''date of approval'', with respect to a closure or realignment of an installation, means the date on which Congress approves under section 2713(b) a recommendation of closure or realignment, as the case may be, of such installation.

(8) The term ''redevelopment authority'', in the case of an installation to be closed or realigned under this subtitle, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.

(9) The term ''redevelopment plan'' in the case of an installation to be closed or realigned under this subtitle, means a plan that—

(A) is agreed to by the local redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure or realignment of the installation.

(10) The term ''representative of the homeless'' has the meaning given such term in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

**SEC. 2718. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER PROVISIONS OF LAW.**

(a) DEFINITION OF ''BASE CLOSURE LAW'' IN TITLE 10.—Section 101(a)(17) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The Defense Force and Infrastructure Review Act of 2017.''.

(b) DEFINITION OF ''BASE CLOSURE LAW'' IN OTHER LAWS.—

(1) Section 131(b) of Public Law 107–249 (10 U.S.C. 221 note) is amended by striking ''means'' and all that follows and inserting ''has the meaning given the term 'base closure law' in section 101(a)(17) of title 10, United States Code.''.

(2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

(3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

**SEC. 2719. CONFORMING AMENDMENTS.**

(a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''on or after January 1, 2005,'' and inserting ''from January 1, 2005 through December 31, 2005,''; and

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

''(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2715 of the Defense Force and Infrastructure Review Act of 2017.''.

(b) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking ''the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)'' and inserting ''a base closure law, as that term is defined in section 101(a)(17) of title 10,''.

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**SA 876.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

**SEC. _____. CLARIFICATION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.**

Section 1226(b)(3) of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 2551 note) is amended by striking ''for such fiscal year'' both places it appears.

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**SA 877.** Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. OFFICE OF PERSONNEL MANAGEMENT REPORTING REQUIREMENT ON USE OF OFFICIAL TIME BY FEDERAL EMPLOYEES.**

(a) IN GENERAL.—Section 7131 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1)(A) Not later than March 31 of each calendar year, the Office of Personnel Management, in consultation with the Office of Management and Budget, shall submit to each House of Congress a report on the operation of this section during the fiscal year last ending before the start of such calendar year.

''(B) Not later than December 31 of each calendar year, each agency (as defined by section 7103(a)(3)) shall furnish to the Office of Personnel Management the information which such Office requires, with respect to such agency, for purposes of the report which is next due under subparagraph (A).

''(2) Each report by the Office of Personnel Management under this subsection shall include, with respect to the fiscal year described in paragraph (1)(A), at least the following information:

''(A) The total amount of official time granted to employees.

''(B) The average amount of official time expended per bargaining unit employee.

''(C) The specific types of activities or purposes for which official time was granted, and the impact which the granting of such official time for such activities or purposes had on agency operations.

''(D) The total number of employees to whom official time was granted, and, of that total, the number who were not engaged in any activities or purposes except activities or purposes involving the use of official time.

''(E) The total amount of compensation (including fringe benefits) afforded to employees in connection with activities or purposes for which they were granted official time.

''(F) The total amount of official time spent by employees representing Federal employees who are not union members in matters authorized by this chapter.

''(G) A description of any room or space designated at the agency (or its subcomponent) where official time activities will be conducted, including the square footage of any such room or space.

''(3) All information included in a report by the Office of Personnel Management under this subsection with respect to a fiscal year—

''(A) shall be shown both agency-by-agency and for all agencies; and

''(B) shall be accompanied by the corresponding information (submitted by the Office in its report under this subsection) for the fiscal year before the fiscal year to which such report pertains, together with appropriate comparisons and analyses.

''(4) For purposes of this subsection, the term 'official time' means any period of time, regardless of agency nomenclature—

''(A) which may be granted to an employee under this chapter (including a collective bargaining agreement entered into under this chapter) to perform representational or consultative functions; and

''(B) during which the employee would otherwise be in a duty status.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective beginning with the report which, under the provisions of such amendment, is first required to be submitted by the Office of Personnel Management to each House of Congress by a date which occurs at least 6 months after the date of the enactment of this Act.

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**SA 878.** Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. FEDERAL TAXPAYER-FUNDED UNION TIME.**

(a) IN GENERAL.—

(1) AMENDMENT.—Section 7131 of title 5, United States Code, is amended—

(A) in the section heading, by striking ''**Official time**'' and inserting ''**Federal taxpayer-funded union time**'';

(B) in subsection (a), by striking ''official time'' each place it appears and inserting ''Federal taxpayer-funded union time'';

(C) in subsection (c), by striking ''official time'' and all that follows through ''duty status'' and inserting ''Federal taxpayer-funded union time for such purpose during the time the employee otherwise would be in a duty status as intended upon appointment to a position in the civil service''; and

(D) in subsection (d), in the matter following paragraph (2), by striking ''official time'' and inserting ''Federal taxpayer-funded union time''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 1018(d) of the Foreign Service Act of 1980 (22 U.S.C. 4118(d)) is amended—

(i) by striking ''official time'' each place it appears and inserting ''Federal taxpayer-funded union time''; and

(ii) in paragraph (3), by inserting ''as intended upon appointment to a position in the civil service or foreign service'' before the period at the end.

(B) The table of sections for chapter 71 of title 5, United States Code, is amended by striking the item relating to section 7131 and inserting the following:

''7131. Federal taxpayer-funded union time.''.

(b) LIMITATION ON USE OF FEDERAL TAXPAYER-FUNDED UNION TIME FOR POLITICAL ACTIVITY.—

(1) IN GENERAL.—Section 7131 of title 5, United States Code, is amended—

(A) in subsection (d) by inserting ''and subsection (e)'' after ''preceding subsections''; and

(B) by adding at the end the following:

''(e) An employee may not be granted Federal taxpayer-funded union time under this section for any time such employee would otherwise be in a duty status for purposes of engaging in any political activity, including lobbying activity.''.

(2) APPLICABILITY.—The amendment made by this subsection shall apply on and after the date of enactment of this Act, regardless of whether an employee is covered by a collective bargaining agreement in effect on such date.

(c) EXCLUSION OF CERTAIN DURATIONS OF FEDERAL TAXPAYER-FUNDED UNION TIME FROM CREDITABLE SERVICE.—

(1) CSRS.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1) An employee may not be allowed credit under this section for service performed during any year during which the service of the employee is spent principally on Federal taxpayer-funded union time, as described under paragraph (2).

''(2) For purposes of this subsection, the service of an employee during a year is spent principally on Federal taxpayer-funded union time if at least 80 percent of the hours such employee would otherwise be in a duty status during such year are spent on Federal taxpayer-funded union time granted under section 7131.

''(3) Notwithstanding paragraph (1), any service described under paragraph (1) for which an employee is not allowed credit under this subsection shall be treated as creditable service for purposes of calculating the average pay of the employee under section 8331(4).''.

(2) FERS.—Section 8411 of title 5, United States Code, is amended by—

(A) striking ''(i)(1) Upon application'' and inserting ''(j)(1) Upon application''; and

(B) by adding at the end the following:

''(m)(1) An employee may not be allowed credit under this section for service performed during any year during which the service of the employee is spent principally on Federal taxpayer-funded union time, as described under paragraph (2).

''(2) For purposes of this subsection, the service of an employee during a year is spent principally on Federal taxpayer-funded union time if at least 80 percent of the hours such employee would otherwise be in a duty status during such year are spent on Federal taxpayer-funded union time granted under section 7131.

''(3) Notwithstanding paragraph (1), any service described under paragraph (1) for which an employee is not allowed credit under this subsection shall be considered service for purposes of calculating the average pay of the employee under section 8401(3).''.

(3) APPLICABILITY.—The amendments made by this subsection shall apply to any applicable annuity calculated on or after January 1, 2019.

(d) LIMITATION ON CERTAIN BONUSES.—

(1) RECRUITMENT AND RELOCATION BONUSES.—

(A) IN GENERAL.—Section 5753 of title 5, United States Code, is amended—

(i) in subsection (g) by inserting ''or the bonus is subject to retraction under subsection (h)'' before the period at the end; and

(ii) by adding at the end the following:

''(h) A bonus awarded under this section shall be retracted and subject to repayment under subsection (g) in any case in which an employee has spent at least 80 percent of the hours such employee would otherwise be in a duty status on Federal taxpayer-funded union time granted under section 7131 during the period ending on the date that is 6 months after the appointment or relocation of such employee, as applicable.''.

(B) APPLICABILITY.—The amendment made by subparagraph (A) shall apply with respect to any applicable bonus awarded on or after January 1, 2018.

(2) RETENTION BONUSES.—Section 5754(d) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) A retention bonus may not be paid to an employee who, for a period of 6 consecutive months of service associated with the bonus, has spent at least 80 percent of the hours such employee would otherwise be in a duty status on Federal taxpayer-funded union time granted under section 7131.

''(B) Subparagraph (A) shall apply with respect to any 6 consecutive months of service beginning on or after January 1, 2018.''.

**SA 879.** Mr. JOHNSON (for himself and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. VENUE FOR PROSECUTION OF MARITIME DRUG TRAFFICKING.**

(a) IN GENERAL.—Section 70504(b) of title 46, United States Code, is amended to read as follows:

''(b) VENUE.—A person violating section 70503 or 70508—

''(1) shall be tried in the district in which such offense was committed; or

''(2) if the offense was begun or committed upon the high seas, or elsewhere outside the jurisdiction of any particular State or district, may be tried in any district.''.

(b) CONFORMING AMENDMENT.—Section 1009(d) of the Controlled Substances Import and Export Act (21 U.S.C. 959(d)) is amended—

(1) in the subsection title, by striking ''; VENUE''; and

(2) by striking ''Any person who violates this section shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.''.

**SA 880.** Mr. TILLIS (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ENHANCED MULTI MISSION PARACHUTE SYSTEM.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 for the Enhanced Multi Mission Parachute System may be used to enter into or prepare to enter into a contract for the procurement of the Enhanced Multi Mission Parachute System unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the Secretary of the Navy that—

(1) neither the Marine Corps' currently fielded multi mission parachute system nor the Army's RA–1 parachute system meet the Marine Corps requirements;

(2) that the Marine Corps' PARIS, Special Application Parachute does not meet the Marine Corps requirement;

(3) the testing plan for the enhanced multi mission parachute system meets all regulatory requirements; and

(4) the Department of the Navy has determined that a high glide canopy is as safe and effective as the currently fielded free fall parachute systems.

(c) REPORT.—The report referred to in subsection (a) is a report that includes—

(1) an explanation for using the Parachute Industry Association specification for a military parachute given that sports parachutes are employed from relatively slow flying civilian aircraft at altitudes below 10,000 feet;

(2) a cost estimate for any new equipment and training that the Marine Corps will require in order to employ a high glide parachute;

(3) justification of why the Department of the Navy is not conducting any testing until first article testing; and

(4) an assessment of the risks associated with high glide canopies with a focus on how the Department of the Navy will mitigate the risk for malfunctions experienced in other high glide canopy programs.

**SA 881.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title 16, add the following:

**SEC. 1612. REPORT ON ACQUISITION STRATEGY TO RECAPITALIZE THE EXISTING SYSTEM FOR UNDERSEA FIXED SURVEILLANCE.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the acquisition strategy to recapitalize the existing system for undersea fixed surveillance.

(b) ELEMENTS.—The report required by subsection (a) shall address the following matters:

(1) A description of undersea fixed surveillance system recapitalization requirements, including key performance parameters and key system attributes as applicable.

(2) Cost estimates for procuring a future system or systems

(3) Projected dates for key milestones within the acquisition strategy

(4) A description of how the acquisition strategy will improve performance in the areas of detection and localization compared to the legacy system to enable effective performance against current, emerging, and future threats over the life of the systems.

(5) A description of how the acquisition strategy will encourage competition and reward innovation for addressing system performance requirements.

**SA 882.** Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XVI, add the following:

**SEC. 1612. COMPREHENSIVE REVIEW OF MARITIME INTELLIGENCE, SURVEILLANCE, RECONNAISSANCE, AND TARGETING.**

(a) REPORT REQUIRED.—Not later than May 1, 2018, the Secretary of the Navy shall submit to the congressional defense committees a report on maritime intelligence, surveillance, reconnaissance, and targeting.

(b) COMPREHENSIVE REVIEW.—The report required in subsection (a) shall include a comprehensive review of the following elements for the 2025 and 2035 timeframes:

(1) A description of the projected steady-state demands for maritime intelligence, surveillance, reconnaissance, and targeting capabilities and capacity in each timeframe, including protracted gray-zone or low-intensity confrontations between the United States or its allies and potential adversaries such as Russia and China.

(2) A description of potential warfighting planning scenarios in which maritime intelligence, surveillance, reconnaissance, and targeting will be required in each prescribed timeframe, including the most stressing such scenario.

(3) A description of the undersea, surface, and air threats for each scenario described in paragraph (1) that will require maritime intelligence, surveillance, reconnaissance, and targeting to be conducted in order to achieve warfighting objectives.

(4) An assessment of the sufficiency of maritime intelligence, surveillance, reconnaissance, and targeting program capability and capacity to achieve the warfighting objectives described in paragraph (3) in the most stressing scenario described in paragraph (2), including the effects of attrition.

(5) Planned operational concepts, including a High Level Operational Concept Graphic (OV–1) for each such concept, for conducting maritime intelligence, surveillance, reconnaissance, and targeting during steady state operations and warfighting scenarios described in paragraphs (1) and (2). Consideration of distributed combat operations in a satellite denied environment shall be included.

(6) Specific capability gaps or risk areas in the ability or sufficiency of maritime intelligence, surveillance, reconnaissance, and targeting.

(7) Potential solutions to address the capability gaps and risk areas identified in paragraph (6), including new capabilities, increased capacity, or new operating concepts that could be employed by the Navy.

(8) A description of the funding amount by fiscal year, initial operational capability, and full operational capability for each maritime intelligence, surveillance, reconnaissance, and targeting program identified in paragraph (4), based on the President's fiscal year 2019 future years defense program. Unfunded or partially funded programs shall also be included.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex as necessary.

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**SA 883.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERMANENT RESIDENT STATUS FOR LUIS BARRIOS.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Luis Barrios shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Luis Barrios enters the United States before the filing deadline specified in subsection (c), Luis Barrios shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Luis Barrios, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Luis Barrios under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Luis Barrios under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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**SA 884.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. _____. SENSE OF SENATE ON THE USE BY EXCHANGE STORES OF SMALL BUSINESSES AS SUPPLIERS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Exchange stores, as non-appropriated fund instrumentalities of the Department of Defense, are not required to give any preference to particular vendors or suppliers.

(2) Even so, exchange stores are uniquely positioned to feature products from small businesses, especially veteran-owned small businesses.

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Department to work with the military exchange services to develop strategies for featuring products of small businesses, particularly products of veteran-owned small businesses, in military exchange stores.

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**SA 885.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SAFING UNITED STATES INTERCONTINENTAL BALLISTIC MISSILE FLEET.**

The Secretary of Defense shall take United States ground-based intercontinental ballistic missiles off high alert to eliminate the risk of an accidental or unauthorized launch, and to prevent an intentional launch, in response to an event mistakenly interpreted as an incoming attack, by turning a key in a control switch to isolate the missiles from outside launch signals (commonly referred to as ''safing'').

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**SA 886.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XVI, add the following:

**SEC. 1641. PROHIBITION ON USE OF FUNDS FOR RESEARCH OR TESTING OF LOW-YIELD NUCLEAR WEAPONS.**

None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for research or testing of new nuclear weapons with explosive capabilities below 10 kilotons or for research or testing of existing nuclear weapons to be modified to explode below 10 kilotons.

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**SA 887.** Ms. CANTWELL (for herself and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PROHIBITION ON USE OF FUNDS IN VIOLATION OF INTERNATIONAL OBLIGATIONS.**

None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended to conduct any activity in violation of the obligations of the United States under an international agreement.

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**SA 888.** Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an

amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. EXTENDING THE AUTHORIZATIONS OF THE EEOICPA OMBUDSMAN AND THE ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.**

(a) EXTENDING THE AUTHORIZATION OF THE EEOICPA OMBUDSMAN.—Section 3686(h) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15(h)) is amended by striking ''October 28, 2019'' and inserting ''October 28, 2024''.

(b) EXTENDING THE AUTHORIZATION OF THE ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Section 3687(i) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16(i)) is amended by striking ''5 years'' and inserting ''10 years''.

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**SA 889.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. ESTIMATE OF COSTS OF MAINTAINING AND MODERNIZING NUCLEAR WEAPONS STOCKPILE.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing an estimate of the costs, over the 30-year period beginning on such date of enactment, of maintaining and modernizing the nuclear weapons stockpile.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

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**SA 890.** Mr. BROWN (for himself, Mr. PORTMAN, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. LIMITATION ON CANCELLATION OF DESIGNATION OF SECRETARY OF THE AIR FORCE AS DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.**

(a) LIMITATION ON CANCELLATION OF DESIGNATION.—The Secretary of Defense may not implement the decision, issued on July 1, 2017, to cancel the designation, under Department of Defense Directive 4400.1E, entitled ''Defense Production Act Programs'' and dated October 12, 2001, of the Secretary of the Air Force as the Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) until the date specified in subsection (c).

(b) DESIGNATION.—The Secretary of the Air Force shall continue to serve as the Department of Defense Executive Agent for the program described in subsection (a) until the date specified in subsection (c).

(c) DATE SPECIFIED.—The date specified in this subsection is the earlier of—

(1) the date that is two years after the date of the enactment of this Act; or

(2) the date of the enactment of a joint resolution or an Act approving the implementation of the decision described in subsection (a).

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**SA 891.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. PLAN ON IMPROVEMENT OF ABILITY OF FOREIGN GOVERNMENTS PARTICIPATING IN UNITED STATES INSTITUTIONAL CAPACITY BUILDING PROGRAMS TO PROTECT CIVILIANS.**

(a) REPORT ON PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report setting forth a plan, to be implemented as part of each institutional capacity building program required by section 333(c)(4) of title 10, United States Code, to improve the ability of foreign governments to protect civilians.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Efforts to develop and integrate civilian harm mitigation principles and techniques in all relevant partner force standard operating procedures.

(2) Efforts to build partner capacity to collect, track, and analyze civilian casualty data and apply lessons learned to future operations, and to provide amends to civilians harmed by partner force operations.

(3) Efforts to support enhanced investigatory and accountability standards in partner forces to ensure compliance with the laws of armed conflict and appropriate human rights and civilian protection standards.

(4) Support for increased partner transparency, which should include the establishment of civil affairs capabilities within partner militaries to improve communication with the public.

(5) An estimate of the resources required to implement the efforts and support described in paragraphs (1) through (4).

(6) A description of the appropriate roles of the Department of Defense and the Department of State in such efforts and support.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

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**SA 892.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. ____. CIVILIAN TRAINING FOR NATIONAL GUARD PILOTS AND SENSOR OPERATOR AIRCREWS OF MQ–9 UNMANNED AERIAL VEHICLES.**

(a) CONTRACTS FOR TRAINING.—Subject to subsection (c), the Chief of the National Guard Bureau may enter into one or more contracts with appropriate civilian entities in order to provide flying or operating training for National Guard pilots and sensor operator aircrew members in the MQ–9 unmanned aerial vehicle if the Chief of the National Guard Bureau determines that—

(1) Air Force training units lack sufficient capacity to train such pilots or sensor operator aircrew members for initial qualification in the MQ–9 unmanned aerial vehicle;

(2) pilots or sensor operator aircrew members of Air National Guard units require continuation training in order to remain current and qualified in the MQ-9 unmanned aerial vehicle;

(3) non-combat continuation training in the MQ–9 unmanned aerial vehicle is necessary for such pilots or sensor operator aircrew members to achieve required levels of flying or operating proficiency; or

(4) such training for such pilots or sensor operator aircrew members is necessary in order to meet requirements for the National Guard to provide pilots and sensor operator aircrew members qualified in the MQ–9 unmanned aerial vehicle for operations on active duty and in State status.

(b) NATURE OF TRAINING UNDER CONTRACTS.—Any training provided pursuant to a contract under subsection (a) shall incorporate a level of instruction that is equivalent to the instruction in the MQ–9 unmanned aerial vehicle provided to pilots and sensor operator aircrew members at Air Force training units.

(c) AUTHORITY CONTINGENT ON CERTIFICATION.—The Chief of the National Guard Bureau may not use the authority in subsection (a) unless and until the Secretary of the Air Force certifies to the congressional defense committees in writing that the use of the authority is necessary to provide required flying or operating training for National Guard pilots and sensor operator aircrew members in the MQ–9 unmanned aerial vehicle.

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**SA 893.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 497, beginning on line 1, strike '' '12.6 percent' '' and insert '' '4.8 percent' ''.

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**SA 894.** Mr. MANCHIN submitted an amendment intended to be proposed by

him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ___. ACHIEVEMENT BY DEPARTMENT OF DEFENSE AND MILITARY DEPARTMENTS OF UNQUALIFIED OPINIONS OF STATEMENT OF BUDGETARY RESOURCES.**

(a) ENHANCED REPROGRAMMING AUTHORITY FOLLOWING ACHIEVEMENT BY DEPARTMENT OF DEFENSE AND MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2017.—

(1) DEPARTMENT OF DEFENSE GENERALLY.—Subject to subsection (b)(1), if the Department of Defense obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2017, the limitation on the total amount of authorizations that the Secretary of Defense may transfer pursuant to general transfer authority available to the Secretary in the national interest in the succeeding fiscal year shall be $8,000,000,000.

(2) MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND DEFENSE FIELD ACTIVITIES.—Subject to section (c)(1), if a military department, Defense Agency, or defense field activity obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2017, the thresholds for reprogramming of funds of such military department, Defense Agency, or defense field activity, as the case may be, without prior notice to Congress for the succeeding fiscal year shall be deemed to be the thresholds as follows:

(A) In the case of an increase or decrease to the program base amount for a procurement program, $60,000,000.

(B) In the case of an increase or decrease to the program base amount for a research program, $30,000,000.

(C) In the case of an increase or decrease to the amount for a budget activity for operation and maintenance, $45,000,000.

(D) In the case of an increase or decrease to the amount for a budget activity for military personnel, $30,000,000.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or revise any requirement (other than a threshold amount) for notice to Congress on transfers covered by paragraph (1) or reprogrammings covered by paragraph (2) under any other provision of law.

(4) DEFINITIONS.—In this subsection, the terms ''program base amount'', ''procurement program'', ''research program'', and ''budget activity'' have the meanings given such terms in chapter 6 of volume 3 of the Financial Management Regulation of the Department of Defense (DoD 7000.14R), dated March 2011, or any successor document.

(b) FAILURE OF DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2018 FINANCIAL STATEMENTS.—If the Department of Defense fails to obtain an audit with an unqualified opinion on its general fund statement of budgetary resources for fiscal year 2018 by March 31, 2019, effective as of April 1, 2019, the authority in subsection (a)(1) shall cease to be available to the Department of Defense for fiscal year 2018 and any fiscal year thereafter.

(c) FAILURE OF THE MILITARY DEPARTMENTS TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FINANCIAL STATEMENTS FOR FISCAL YEARS AFTER FISCAL YEAR 2018.—

(1) PERMANENT CESSATION OF AUTHORITIES REPROGRAMMING OF FUNDS.—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2018 by March 31, 2019, effective as of April 1, 2019, the authorities in subsection (a)(2) shall cease to be available to the military department for fiscal year 2018 and any fiscal year thereafter.

(2) ANNUAL PROHIBITION ON EXPENDITURE OF FUNDS FOR CERTAIN MDAPS PAST MILESTONE B IN CONNECTION WITH FAILURE.—

(A) PROHIBITION.—Effective for fiscal years after fiscal year 2018, if a military department fails to obtain an audit with an unqualified opinion on its financial statements for any fiscal year, effective as of the date of the issuance of the opinion on such audit, amounts available to the military department for the following fiscal year may not be obligated by the military department for a weapon or weapon system or platform being acquired as a major defense acquisition program for any activity beyond Milestone B approval unless such program has already achieved Milestone B approval of the date of the issuance of the opinion on such audit.

(B) DEFINITIONS.—In this paragraph:

(i) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

(ii) The term ''Milestone B approval'' has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

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**SA 895.** Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, insert the following:

**SEC. 1607. AVAILABILITY OF FUNDS FOR DEVELOPMENT OF ROBOTIC RAPID PROTOTYPING SATELLITE MANUFACTURING CAPABILITY.**

Of the amount authorized to be appropriated for fiscal year 2018 by section 201 for research, development, test, and evaluation, Air Force, and made available as specified in the funding table in section 4201 for the Operationally Responsive Space program (PE# 1206857F), not less than $1,000,000 shall be available to the Office of the Operationally Responsive Space program for the purposes of development of a robotic rapid prototyping satellite manufacturing capability.

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**SA 896.** Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. CONDITIONS FOR REFUELING SUPPORT OF THE SAUDI-LED COALITION IN YEMEN.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act (in this section, the ''certification submittal deadline''), the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a certification whether or not the Government of Saudi Arabia is taking demonstrable actions to do the following as part of its military operations in Yemen:

(1) Reduce the risk of harm to civilians and civilian objects in compliance with obligations under international humanitarian law, including minimizing harm to civilians, discriminating between civilian objects and military objectives, and exercising proportional use of force.

(2) Facilitate the flow of critical humanitarian aid and commercial goods, including commercial fuel and commodities not subject to sanction or prohibition under United Nations Security Council Resolution 2216 (2015).

(3) Target designated foreign terrorist organizations, including al Qaeda in the Arabian Peninsula and affiliates of the Islamic State of Iraq and the Levant.

(b) ADDITIONAL MATTERS.—The Secretary of Defense shall include with the certification under subsection (a) the following:

(1) A description of efforts by the Government of Saudi Arabia to avoid harm to civilians and civilian objects in Yemen, including any changes to the training of its pilots, its targeting methodology, and its strike approval process.

(2) An explanation of United States support or other assistance to the Government of Saudi Arabia designed to improve the training of its pilots, its targeting methodology, and its strike approval process.

(3) A description of efforts by the Government of Saudi Arabia to investigate incidents where civilians and civilian objects have been harmed as a result of airstrikes and, when necessary, efforts to hold responsible personnel accountable.

(4) Any other matters in connection with the certification that the Secretary considers appropriate.

(c) LIMITATION ON USE OF FUNDS.—

(1) IN GENERAL.—If the Secretary of Defense does not submit the certification described in subsection (a) by the certification submittal deadline, or the Secretary certifies that the Government of Saudi Arabia is not taking demonstrable actions as described in that subsection, none of the funds authorized to be appropriated by this Act may be obligated or expended after the certification submittal deadline for the refueling of aircraft of Saudi Arabia or its military coalition partners in Yemen for any mission to be conducted in Yemen until the certification described in subsection (a) is submitted to the appropriate committees of Congress or the Secretary further certifies to the appropriate committees of Congress that the Government of Saudi Arabia is taking demonstrable actions as described in that subsection, as applicable.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to refueling aircraft of Saudi Arabia or its military coalition partners in Yemen that are conducting counterterrorism operations in support of United States national security objectives.

(3) WAIVER.—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary determines that the waiver is in the national security interests of the United States. The Secretary shall submit to the appropriate committees of Congress a written notification of the waiver, including the justification for the waiver, not later than 48 hours after the issuance of the waiver.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

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**SA 897.** Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. SENSE OF CONGRESS ON THE BUDGET CONTROL ACT OF 2011.**

It is the sense of Congress—

(1) that there are ongoing concerns about the negative impact of the Budget Control Act of 2011 (Public Law 112–25) on the Department of Defense and other agencies that contribute to the national security of the United States; and

(2) to support the unconditional repeal of that Act.

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**SA 898.** Mr. CARPER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. MILITARY AND VETERANS EDUCATION PROTECTION.**

(a) PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)(24)—

(A) by inserting ''that receives funds provided under this title'' before '', such institution''; and

(B) by striking ''other than funds provided under this title, as calculated in accordance with subsection (d)(1)'' and inserting ''other than Federal educational assistance, as defined in subsection (d)(5) and calculated in accordance with subsection (d)(1)''; and

(2) in subsection (d)—

(A) in the subsection heading, by striking ''NON-TITLE IV'' and inserting ''NON-FEDERAL EDUCATIONAL'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''that receives funds provided under this title'' before ''shall'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''assistance under this title'' and inserting ''Federal educational assistance''; and

(II) in clause (ii)(I), by inserting '', or on a military base if the administering Secretary for a program of Federal educational assistance under clause (ii), (iii), or (iv) of paragraph (5)(B) has authorized such location'' before the semicolon;

(iii) in subparagraph (C), by striking ''program under this title'' and inserting ''program of Federal educational assistance'';

(iv) in subparagraph (E), by striking ''funds received under this title'' and inserting ''Federal educational assistance''; and

(v) in subparagraph (F)—

(I) in clause (iii), by striking ''under this title'' and inserting ''of Federal educational assistance''; and

(II) in clause (iv), by striking ''under this title'' and inserting ''of Federal educational assistance'';

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) INELIGIBILITY.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, a proprietary institution of higher education receiving funds provided under this title that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in or receive funds under any program of Federal educational assistance for a period of not less than two institutional fiscal years.

''(ii) REGAINING ELIGIBILITY.—To regain eligibility to participate in or receive funds under any program of Federal educational assistance after being ineligible pursuant to clause (i), a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements for the program for a minimum of two consecutive institutional fiscal years after the institutional fiscal year in which the institution became ineligible. In order to regain eligibility to participate in any program of Federal educational assistance under this title, such compliance shall include meeting the requirements of section 498 for such 2-year period.

''(iii) NOTIFICATION OF INELIGIBILITY.—The Secretary of Education shall determine when a proprietary institution of higher education that receives funds under this title is ineligible under clause (i) and shall notify all other administering Secretaries of the determination.

''(iv) ENFORCEMENT.—Each administering Secretary for a program of Federal educational assistance shall enforce the requirements of this subparagraph for the program concerned upon receiving notification under clause (iii) of a proprietary institution of higher education's ineligibility.''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''In addition'' and all that follows through ''education fails'' and inserting ''Notwithstanding any other provision of law, in addition to such other means of enforcing the requirements of a program of Federal educational assistance as may be available to the administering Secretary, if a proprietary institution of higher education that receives funds provided under this title fails''; and

(bb) by striking ''the programs authorized by this title'' and inserting ''all programs of Federal educational assistance''; and

(II) in clause (i), by inserting ''with respect to a program of Federal educational assistance under this title,'' before ''on the expiration date'';

(D) in paragraph (4)(A), by striking ''sources under this title'' and inserting ''Federal educational assistance''; and

(E) by adding at the end the following:

''(5) DEFINITIONS.—In this subsection:

''(A) ADMINISTERING SECRETARY.—The term 'administering Secretary' means the Secretary of Education, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Homeland Security, or the Secretary of a military department responsible for administering the Federal educational assistance concerned.

''(B) FEDERAL EDUCATIONAL ASSISTANCE.—The term 'Federal educational assistance' means funds provided under any of the following provisions of law:

''(i) This title.

''(ii) Chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code.

''(iii) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.

''(iv) Section 1784a of title 10, United States Code.''.

(b) DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ACTIONS ON INELIGIBILITY OF CERTAIN PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION FOR PARTICIPATION IN PROGRAMS OF EDUCATIONAL ASSISTANCE.—

(1) DEPARTMENT OF DEFENSE.—

(A) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2008 the following new section:

**''§ 2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance**

''(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Defense shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

''(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department of Defense as follows:

''(1) This chapter.

''(2) Chapters 105, 106A, 106A, 1606, 1607, and 1608 of this title.

''(3) Section 1784a of this title.

''(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Defense shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

''(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department of Defense that provides information to persons described in paragraph (1), of the following:

''(A) The name of the institution.

''(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

''(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

''(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2008 the following new item:

''2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance.''.

(2) DEPARTMENT OF VETERANS AFFAIRS.—

(A) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by inserting after section 3681 the following new section:

**''§ 3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance**

''(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Veterans Affairs shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

''(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department under chapters 30, 31, 32, 33, 34, and 35 of this title.

''(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Veterans Affairs shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

''(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department that provides information to persons described in paragraph (1), of the following:

''(A) The name of the institution.

''(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

''(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

''(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3681 the following new item:

''3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance.''.

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**SA 899.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 583. AUTHORIZATION OF THE BEYOND THE YELLOW RIBBON PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense may carry out the Beyond the Yellow Ribbon program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Beyond the Yellow Ribbon program $20,000,000 for fiscal year 2018 and each fiscal year thereafter.

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**SA 900.** Mr. CARDIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPORT ON THE NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER (NBACC) AND LIMITATION ON USE OF FUNDS.**

(a) REPORT.—Not later than December 31, 2017, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate Congressional committees a report, prepared in consultation with the officials listed in subsection (b), on the National Biodefense Analysis and Countermeasures Center (referred to in this section as the ''NBACC'') containing the following information:

(1) The functions of the NBACC.

(2) The end users of the NBACC, including end users whose assets may be managed by other agencies.

(3) The cost and mission impact for each user identified under paragraph (2) of any potential closure of the NBACC, including an analysis of the functions of the NBACC that cannot be replicated by other departments and agencies of the Federal Government.

(4) In the case of closure of the NBACC, a transition plan for any essential functions currently performed by the NBACC to ensure mission continuity, including the storage of samples needed for ongoing criminal cases.

(b) CONSULTATION.—The officials listed in this subsection are the following:

(1) The Director of the Federal Bureau of Investigation.

(2) The Attorney General.

(3) The Director of National Intelligence.

(4) As determined by the Secretary of Homeland Security, the leaders of other offices that utilize the NBACC.

(c) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term ''appropriate Congressional Committees'' means—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Appropriations of the House of Representatives;

(3) the Committee on Armed Services of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

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

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

(7) the Committee on Judiciary of the Senate;

(8) the Committee on the Judiciary of the House of Representatives;

(9) the Committee on Oversight and Government Reform of the House of Representatives;

(10) the Select Committee on Intelligence of the Senate; and

(11) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) TRANSITION PERIOD.—The report submitted under subsection (a) shall include a transition adjustment period of not less than 1 year after the date of enactment of this Act, or 180 days after the date on which the report required in under this section is submitted to Congress, whichever is later, during which none of the funds authorized to be appropriated under this Act or any other Act may be used to support the closure, transfer, or other diminishment of the NBACC or its functions.

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**SA 901.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. PLAN FOR MODERNIZATION OF THE RADAR FOR F–16 FIGHTER AIRCRAFT OF THE NATIONAL GUARD.**

(a) MODERNIZATION PLAN REQUIRED.—The Secretary of the Air Force shall develop a plan to modernize the radars of F–16 fighter aircraft of the National Guard by replacing legacy mechanically-scanned radars for such aircraft with AESA radars.

(b) REPORT.—Not later 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan developed pursuant to subsection (a).

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**SA 902.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 123(a), strike ''procurement of V–22 aircraft'' and all that follows through ''five years'' and insert the following: ''procurement of V–22 aircraft and common configuration-readiness and modernization upgrades for the V–22 aircraft. Notwithstanding subsection (k) of such section 2306b, the Secretary of Defense may enter into a multiyear contract under this section for up to seven years''.

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**SA 903.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 737. FEASIBILITY STUDY ON CONDUCT OF PILOT PROGRAM ON MENTAL HEALTH READINESS OF PART-TIME MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act,

the Secretary of Defense shall conduct a feasibility study and cost estimate for a pilot program that uses predictive analytics and screening to identify mental health risk and provide early, targeted intervention for part-time members of the reserve components of the Armed Forces to improve readiness and mission success.

(b) ELEMENTS.—The feasibility study conducted under subsection (a) shall include elements to assess the following with respect to the pilot program studied under such subsection:

(1) The anticipated improvement in quality of behavioral health services for part-time members of the reserve components of the Armed Forces and the impact of such improvement in quality of behavioral health services on their families and employers.

(2) The anticipated impact on the culture surrounding behavioral health treatment and help-seeking behavior.

(3) The feasibility of embedding mental health professionals with units that—

(A) perform core mission sets and capabilities; and

(B) carry out high-risk and high-demand missions.

(4) The particular preventative mental health needs of units at different states of their operational readiness cycle.

(5) The need for additional personnel of the Department of Defense to implement the pilot program.

(6) The cost of implementing the pilot program throughout the reserve components of the Armed Forces.

(7) The benefits of an integrated operational support team for the Air National Guard and Army National Guard units.

(c) COMPARISON TO FULL-TIME MEMBERS OF RESERVE COMPONENTS.—As part of the feasibility study conducted under subsection (a), the Secretary shall assess the mental health risk of part-time members of the reserve components of the Armed Forces as compared to full-time members of the reserve components of the Armed Forces.

(d) USE OF EXISTING MODELS.—In conducting the feasibility study under subsection (a), the Secretary shall make use of existing models for preventative mental health care, to the extent practicable, such as the approach developed by the United States Air Force School of Aerospace Medicine.

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**SA 904.** Ms. BALDWIN (for herself and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. PREVENTION OF CERTAIN HEALTH CARE PROVIDERS FROM PROVIDING NON-DEPARTMENT HEALTH CARE SERVICES TO VETERANS.**

(a) IN GENERAL.—On and after the date that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall deny or revoke the eligibility of a health care provider to provide non-Department health care services to veterans if the Secretary determines that the health care provider—

(1) was removed from employment with the Department of Veterans Affairs due to conduct that violated a policy of the Department relating to the delivery of safe and appropriate health care;

(2) violated the requirements of a medical license of the health care provider;

(3) had a Department credential revoked and the grounds for such revocation impacts the ability of the health care provider to deliver safe and appropriate health care; or

(4) violated a law for which a term of imprisonment of more than one year may be imposed.

(b) PERMISSIVE ACTION.—On and after the date that is one year after the date of the enactment of this Act, the Secretary may deny, revoke, or suspend the eligibility of a health care provider to provide non-Department health care services if the Secretary has reasonable belief that such action is necessary to immediately protect the health, safety, or welfare of veterans and—

(1) the health care provider is under investigation by the medical licensing board of a State in which the health care provider is licensed or practices;

(2) the health care provider has entered into a settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider; or

(3) the Secretary otherwise determines that such action is appropriate under the circumstances.

(c) SUSPENSION.—The Secretary shall suspend the eligibility of a health care provider to provide non-Department health care services to veterans if the health care provider is suspended from serving as a health care provider of the Department.

(d) INITIAL REVIEW OF DEPARTMENT EMPLOYMENT.—Not later than one year after the date of the enactment of this Act, with respect to each health care provider providing non-Department health care services, the Secretary shall review the status of each such health care provider as an employee of the Department and the history of employment of each such health care provider with the Department to determine whether the health care provider is described in any of subsections (a) through (c).

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation by the Secretary of this section, including the following:

(1) The aggregate number of health care providers denied or suspended under this section from participation in providing non-Department health care services.

(2) An evaluation of any impact on access to health care for patients or staffing shortages in programs of the Department providing non-Department health care services.

(3) An explanation of the coordination of the Department with the medical licensing boards of States in implementing this section, the amount of involvement of such boards in such implementation, and efforts by the Department to address any concerns raised by such boards with respect to such implementation.

(4) Such recommendations as the Comptroller General considers appropriate regarding harmonizing eligibility criteria between health care providers of the Department and health care providers eligible to provide non-Department health care services.

(f) NON-DEPARTMENT HEALTH CARE SERVICES DEFINED.—In this section, the term ''non-Department health care services'' means services—

(1) provided under subchapter I of chapter 17 of title 38, United States Code, at non-Department facilities (as defined in section 1701 of such title);

(2) provided under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note);

(3) purchased through the Medical Community Care account of the Department; or

(4) purchased with amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014.

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**SA 905.** Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ____. SENSE OF CONGRESS ON USE OF TEST SITES FOR RESEARCH AND DEVELOPMENT ON COUNTERING UNMANNED AIRCRAFT SYSTEMS.**

It is the sense of Congress that—

(1) the armed unmanned aircraft systems deployed by adversaries for military purposes pose a threat to military installations, critical infrastructure, and members of the Armed Forces in conflict areas like Iraq and Syria;

(2) the unmanned aircraft systems test sites designated by the Federal Aviation Administration offer unique capabilities, expertise, and airspace for research and development related to unmanned aircraft systems; and

(3) the Armed Forces should, as appropriate and to the extent practicable, seek to leverage the test sites described in paragraph (2) for research and development on capabilities to counter the nefarious use of unmanned aircraft systems.

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**SA 906.** Mr. INHOFE (for himself, Mr. CORNYN, Mr. ROUNDS, Mr. ISAKSON, Mr. CASSIDY, Mr. STRANGE, Mr. ROBERTS, Mr. WICKER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 830.

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**SA 907.** Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE ____—PROTECT OUR MILITARY FAMILIES' 2ND AMENDMENT RIGHTS**

**SEC. _01. SHORT TITLE.**

This title may be cited as the ''Protect Our Military Families' 2nd Amendment Rights Act''.

**SEC. __02. RECEIPT OF FIREARM OR AMMUNITION BY SPOUSE OF MEMBER OF THE ARMED FORCES AT A DUTY STATION OF THE MEMBER OUTSIDE THE UNITED STATES.**

Section 925(a)(3) of title 18, United States Code, is amended—

(1) by inserting '', or to the spouse of such a member,'' before ''or to'';

(2) by striking ''members,'' and inserting ''members and spouses,'';

(3) by striking ''members or'' and inserting ''members, spouses, or''; and

(4) by striking ''member or'' and inserting ''member, spouse, or''.

**SEC. __03. RESIDENCY OF SPOUSES OF MEMBERS OF THE ARMED FORCES TO BE DETERMINED ON THE SAME BASIS AS THE RESIDENCY OF SUCH MEMBERS FOR PURPOSES OF FEDERAL FIREARMS LAWS.**

Section 921(b) of title 18, United States Code, is amended to read as follows:

''(b) For purposes of this chapter, a member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

''(1) the State in which the member or spouse maintains legal residence;

''(2) the State in which the permanent duty station of the member is located; and

''(3) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.''.

**SEC. __04. EFFECTIVE DATE.**

The amendments made by this title shall apply to conduct engaged in after the 6-month period that begins on the date of the enactment of this Act.

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**SA 908.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 3_____. MODIFICATION OF THE SECOND DIVISION MEMORIAL.**

(a) AUTHORIZATION.—The Second Indianhead Division Association, Inc., Scholarship and Memorials Foundation, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code, may place additional commemorative elements or engravings on the raised platform or stone work of the existing Second Division Memorial located in President's Park, between 17th Street Northwest and Constitution Avenue in the District of Columbia, to further honor the members of the Second Infantry Division who have given their lives in service to the United States.

(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act''), shall apply to the design and placement of the commemorative elements or engravings authorized under subsection (a).

(c) FUNDING.—Federal funds may not be used for modifications of the Second Division Memorial authorized under subsection (a).

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**SA 909.** Mr. DURBIN (for himself, Mr. MURPHY, Ms. WARREN, Mr. CARPER, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. ____. PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.**

(a) DEFINITION.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) meets the requirements of paragraph (2).'';

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

(3) by inserting after paragraph (1) the following:

''(2) REVENUE SOURCES.—

''(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).

''(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

''(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

''(i) use the cash basis of accounting;

''(ii) consider as revenue only those funds generated by the institution from—

''(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

''(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

''(aa) conducted on campus or at a facility under the control of the institution;

''(bb) performed under the supervision of a member of the institution's faculty; and

''(cc) required to be performed by all students in a specific educational program at the institution; and

''(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

''(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(I) grant funds provided by an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(II) institutional scholarships described in clause (v);

''(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans;

''(v) include a scholarship provided by the institution—

''(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

''(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(vi) exclude from revenues—

''(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

''(II) the amount of funds the institution received under subpart 4 of part A of title IV;

''(III) the amount of funds provided by the institution as matching funds for any Federal program;

''(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

''(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

''(D) REPORT TO CONGRESS.—Not later than July 1, 2018, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

''(i) the amount and percentage of such institution's revenues received from Federal funds; and

''(ii) the amount and percentage of such institution's revenues received from other sources.''.

(b) PROGRAM PARTICIPATION AGREEMENTS.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking ''subsection (h)'' and inserting ''subsection (g)'';

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking ''subsection (a)(27)'' in the matter preceding subparagraph (A) and inserting ''subsection (a)(26)''.

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking ''subsections (a)(27) and (h) of section 487'' and inserting ''subsections (a)(26) and (g) of section 487''; and

(B) in subsection (b)(1)(B)(i)(I), by striking ''section 487(e)'' and inserting ''section 487(d)'';

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking ''section 487(a)(25)'' each place the term appears and inserting ''section 487(a)(24)'';

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking ''section 487(f)'' and inserting ''section 487(e)''; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(k)(1)), by striking ''section 487(f)'' and inserting ''section 487(e)''.

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**SA 910.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ___. USE OF PRIVATE CONTRACTORS.**

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

(1) combat operations, actions, and combat-enabling support to operations such as close air support, are inherently government functions that cannot be appropriately carried out by private contractors; and

(2) the United States Government should respect the sovereignty of democratically elected governments over their territory.

(b) LIMITATIONS ON USE OF PRIVATE CONTRACTORS.—

(1) PROHIBITION ON USE IN COMBAT OPERATIONS.—No department or agency of the United States Government may employ a private contractor to conduct combat operations, or embed a private contractor with foreign military units to engage directly in combat operations.

(2) COMPLIANCE WITH INTERNATIONAL LAW IN OTHER ACTIVITIES.—Any department or agency of the United States Government that employs a private contractor to conduct activities not otherwise prohibited by paragraph (1) shall ensure that such contractor—

(A) acts in the conduct of such activities in accordance with principles, standards, and codes of conduct based on international law; and

(B) participates in oversight and accountability mechanisms to ensure that its actions in the conduct of such activities accord with such principles, standards, and codes of conduct.

(3) WAIVER.—The Secretary of Defense may waive the prohibition in paragraph (1) or a requirement in paragraph (2) with respect to a private contractor if the Secretary determines that the waiver is necessary for reasons of national security of the United States. The Secretary shall notify the appropriate committees of Congress in writing of any such waiver, and the reasons for such waiver, not later than 48 hours after making the determination on which such waiver is based.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

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**SA 911.** Mr. CARDIN (for himself, Mr. BENNET, Mr. MERKLEY, Mr. BLUMENTHAL, Ms. WARREN, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. HEINRICH, Mr. DURBIN, Mr. CASEY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle H—Commission to End Russian Interference in United States Elections**

**SEC. 1090. ESTABLISHMENT OF COMMISSION.**

There is established an independent commission, which shall be known as the ''Commission to End Russian Interference in United States Elections'' (referred to in this subtitle as the ''Commission'').

**SEC. 1091. FUNCTIONS.**

The Commission shall—

(1) comprehensively examine the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election;

(2) examine attempts by the Russian Government, persons or entities associated with the Russian Government, or other persons or entities within Russia to use cyber-enabled means to access, alter, or otherwise tamper with—

(A) United States electronic voting systems;

(B) United States voter roll information;

(C) the Democratic National Committee;

(D) the Democratic Congressional Campaign Committee;

(E) the Democratic Governors Association;

(F) the Republican National Committee;

(G) the Republican Congressional Campaign Committee;

(H) the Republican Governors Association;

(I) Donald J. Trump for President, Inc.; and

(J) Hillary for America (the Hillary Clinton Presidential campaign);

(3) examine efforts by the Russian Government, persons or entities associated with the Russian Government, or persons or entities within Russia to generate, put forward, disseminate, or promote propaganda relevant to any election for public office held in the United States during 2016;

(4) examine efforts by the Russian Government to collaborate with other governments, entities, or individuals to carry out activities described in paragraphs (2) and (3);

(5) examine attempts or activities by governments, persons associated with a government, entities, and individuals other than those described in paragraph (3) to use electronic means to influence, interfere with, or sow distrust in elections for public office held in the United States during 2016;

(6) ascertain, evaluate, and report on the evidence developed by all relevant government agencies, including the Department of State, the Office of the Director of National Intelligence, the Central Intelligence Agency, the National Security Agency, the Department of Homeland Security, the Federal Bureau of Investigation, the Department of Defense, and State election commissions, regarding the facts and circumstances surrounding Russia's interference with elections for public office held in the United States during 2016;

(7) review and build upon the findings of completed or ongoing efforts to the investigate such Russian interference, including investigations or inquires conducted by—

(A) the Administration of President Barack Obama;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Foreign Relations of the Senate;

(E) the Committee on the Judiciary of the Senate; and

(F) other executive branch, congressional, or independent entities;

(8) make a full accounting of—

(A) the circumstances surrounding official and unofficial attempts to interfere in the 2016 United States election, including through cyber operations and the promotion of propaganda or other disinformation;

(B) the level of preparedness of Federal, State, and local governments to defend against such interference; and

(C) the United States response to such interference; and

(9) submit a report to the President and Congress, in accordance with section 1098, on the findings, conclusions, and recommendations of the Commission on preventing the reoccurrence of such interference.

**SEC. 1092. COMPOSITION.**

(a) APPOINTMENTS.—

(1) IN GENERAL.—The Commission shall be composed of eight members, of which—

(A) two shall be appointed by the majority leader of the Senate;

(B) two shall be appointed by the minority leader of the Senate;

(C) two shall be appointed by the Speaker of the House of Representatives; and

(D) two shall be appointed by the minority leader of the House of Representatives.

(2) DEADLINE FOR APPOINTMENT.—Each initial member of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT.—Each member of the Commission shall be appointed for the life of the Commission.

(b) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 4 members of the Commission may be members of the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—None of the members of the Commission may be a Member of Congress (including a Delegate or Resident Commissioner to Congress), an officer or employee of the Federal Government, or an officer or employee of any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, law enforcement, armed services, law, public administration, intelligence gathering, cybersecurity, election administration, and foreign affairs.

(c) INITIAL MEETING; SELECTION OF CHAIRPERSON.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement a schedule for completing the review and report required under section 1091(9).

(2) CHAIRPERSON; VICE-CHAIRPERSON.—At the initial meeting of the Commission, the

Commission shall select a Chairperson and a Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson may not be members of the same political party.

(d) QUORUM; VACANCIES.—

(1) QUORUM.—Six members of the Commission shall constitute a quorum.

(2) VACANCIES.—Any vacancy in the Commission shall not affect the power and duties of the Commission and shall be filled in accordance with subsection (a) not later than 90 days after the occurrence of such vacancy.

**SEC. 1093. POWERS OF THE COMMISSION.**

(a) IN GENERAL.—

(1) MEETINGS.—After its initial meeting under section 1092(c)(1), the Commission shall meet upon the call of the Chairperson or a majority of its members.

(2) HEARINGS AND EVIDENCE.—The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, including classified testimony, evidence, and information, and administer such oaths as may be necessary to carry out its functions under section 1091; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, including classified materials, as the Commission or such designated subcommittee or designated member may determine advisable to carry out such functions.

(3) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only by the agreement of the Chairperson and the Vice-Chairperson or by the affirmative vote of 5 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection—

(I) may be issued under the signature of the Chairperson or any member designated by a majority of the Commission; and

(II) may be served by any person designated by the Chairperson or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—If any witness fails to comply with any subpoena issued under this subsection or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—All Federal departments and agencies shall, in accordance with applicable procedures for the appropriate handling of classified information, provide reasonable access to documents, statistical data, and other such information that the Commission determines necessary to carry out its functions under section 1091.

(2) OBTAINING INFORMATION.—The Chairperson of the Commission shall submit a written request, as necessary, to the head of an agency described in paragraph (1) for access to documents, statistical data, and other information described in such paragraph that is under the control of such agency.

(3) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information described in paragraph (1) may only be received, handled, stored and disseminated by members of the Commission and its staff in accordance with all applicable statutes, regulations, and Executive orders.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall make office space available for the day-to-day activities of the Commission and for scheduled meetings of the Commission. Upon request, the Administrator shall provide, on a reimbursable basis, such administrative support as the Commission requests to fulfill its duties.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance required under paragraph (1), other Federal departments and agencies may provide to the Commission such services, funds, facilities, staff, and other support services as the heads of such entities determine advisable in accordance with applicable law.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(e) AUTHORITY TO CONTRACT.—

(1) IN GENERAL.—Subject to subtitle I of title 40, United States Code, and division C of subtitle I of title 41, United States Code (formerly collectively known as the ''Federal Property and Administrative Services Act of 1949''), the Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties under section 1091.

(2) TERMINATION.—Any contract, lease, or other legal agreement entered into by the Commission under this subsection may not extend beyond the date specified in section 1099.

**SEC. 1094. STAFF OF THE COMMISSION.**

(a) DIRECTOR.—The Commission shall have a Director, who shall be—

(1) appointed by a majority vote of the Commission; and

(2) paid at a rate not to exceed the rate of basic pay for level IV of the Executive Schedule, as set forth in section 5315 of title 5, United States Code.

(b) STAFF.—

(1) IN GENERAL.—With the approval of the Commission, the Director may appoint such personnel as the Director determines to be appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay for level IV of the Executive Schedule, as set forth in section 5315 of title 5, United States Code.

(2) ADDITIONAL STAFF.—The Commission may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule, as set forth in section 5316 of such title.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates not to exceed the rate of basic pay for level IV of the Executive Schedule.

(d) DETAILEES.—Upon the request of the Commission, any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, civil service status, and privileges of his or her regular employment without interruption.

**SEC. 1095. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 1098.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required under any applicable statute, regulation, or Executive order.

**SEC. 1096. COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION.—Members of the Commission—

(1) shall not be considered to be Federal employees for any purpose by reason of service on the Commission; and

(2) shall serve without pay.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

**SEC. 1097. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.**

The appropriate Federal agencies or departments shall cooperate with the Commission to expeditiously provide, to the extent possible, appropriate security clearances to Commission members and staff in accordance with existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

**SEC. 1098. REPORT.**

(a) IN GENERAL.—Not later than 18 months after the first meeting of the Commission, the Commission shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives. The report shall include—

(1) a detailed statement of the recommendations, findings, and conclusions of the Commission under section 1091; and

(2) summaries of the input and recommendations of the leaders and organizations with which the Commission consulted.

(b) PUBLIC AVAILABILITY.—The report required under subsection (a) shall be submitted in an unclassified form, which shall be made available to the public, but may include a classified annex.

**SEC. 1099. TERMINATION.**

The Commission shall terminate on the date that is 60 days after the date on which the Commission submits its report to Congress pursuant to section 1098.

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**SA 912.** Mr. BOOKER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, insert the following:

**SEC. _____. PROHIBITION ON FUNDS FOR THE PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY.**

None of the funds appropriated or otherwise made available under an Act of Congress enacted before, on, or after the date of enactment of this Act may be made available for the Presidential Advisory Commission on Election Integrity established under Executive Order 13799 (82 Fed. Reg. 22389) or for any similar commission established for the purpose of studying voter fraud.

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**SA 913.** Mr. VAN HOLLEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XV, add the following:

**SEC. _____. REPORT ON BUDGET REQUESTS FOR FUNDING FOR THE DEPARTMENT OF DEFENSE FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) FINDINGS.—Congress makes the following findings:

(1) In a January 18, 2017 report issued by the U.S. Government Accountability Office (GAO) on the Department of Defense's Overseas Contingency Operations, the GAO found that the criteria developed in 2010 by the Office of Management and Budget (OMB) in collaboration with the Department of Defense (DoD) for determining whether items belonged in the base budget or in OCO were outdated.

(2) The GAO also found that these outdated criteria did not address the full scope of activities included in DoD's fiscal year 2017 OCO budget request.

(3) According to the GAO, DoD officials agree that updated guidance is needed, but noted that OMB deferred the decision to update criteria until the new administration was in place in 2017

(4) The GAO also found that, without reevaluating and revising the criteria, decision makers may be hindered in their ability to set priorities and make funding trade-offs.

(5) In response to these findings, the GAO recommends that DOD, in collaboration with OMB, reevaluate and revise the criteria for determining what can be included in DOD's OCO budget requests; and that DOD develop a complete and reliable estimate of enduring OCO costs to report in future budget requests.

(b) REPORT.—At the same time as the submittal to Congress of the budget of the President for fiscal year 2019 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall, with the concurrence of the Director of the Office of Management and Budget, submit to the congressional defense committees a report setting forth the following:

(1) The criteria used by the Department of Defense to determine whether funds requested for the Department for a fiscal year for purposes of the budget of the President for the fiscal year (as so submitted) are to be requested as funds for the Department for programs, activities, and operations for the fiscal year for overseas contingency operations.

(2) A current estimate of the recurring annual costs of the Department for programs, activities, and operations for overseas contingency operations.

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**SA 914.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. REIMBURSEMENT OF THE UNITED STATES BY CERTAIN PERSONS FOR EXPENSES OF TRAVEL DURING WHICH SUCH PERSONS CONDUCT PRIVATE BUSINESS.**

(a) REIMBURSEMENT REQUIRED.—A covered person shall reimburse the United States for any expenses of travel provided the person at the expense of the Federal Government if the person conducts any private business during such travel or conducts any activity for personal financial gain during such travel.

(b) COVERED PERSONS.—For purposes of this section, a covered person is any person described by paragraph (1) or (2) of section 3056(a) of title 18, United States Code, regardless of whether the person was provided protection by the United States Secret Service during the travel concerned.

(c) EXPENSES REIMBURSEABLE.—The expenses of travel for which a covered person shall make reimbursement under subsection (a) are the actual costs with respect to the person during travel for the following:

(1) Travel.

(2) Protection by the United States Secret Service or another Federal entity.

(3) Lodging and accommodations.

(4) Meals.

(5) Incidental expenses.

(6) Any other expenses designated by the President in regulations prescribed for purposes of this section.

(d) PRIVATE BUSINESS.—For purposes of this section, private business shall consist of the discussion of, planning for, or carrying out of any commercial negotiation or commercial transaction on behalf of a covered person, or any entity in which a covered person holds a financial interest, which financially benefits a covered person or entity in which a covered person holds a financial interest.

(e) EXCEPTION.—Reimbursement for expenses of travel shall not be made by a covered person under subsection (a) for expenses borne by the person during the travel concerned.

(f) TREATMENT OF REIMBURSEMENTS.—Any reimbursements made pursuant to this section shall be deposited in the Treasury as miscellaneous receipts.

(g) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than the first day of each fiscal year quarter, each covered person shall submit to the offices and committees of Congress referred to in paragraph (3) a report on reimbursements required to be made by such person under subsection (a) during the preceding fiscal year quarter.

(2) ELEMENTS.—Each report of a person under this paragraph shall set forth, for the fiscal year quarter covered by such report, the following:

(A) The expenses of travel of the person for which reimbursement was required to be made under subsection (a).

(B) The amount of reimbursement made under subsection for such expenses.

(3) OFFICES AND COMMITTEES OF CONGRESS.—The offices and committees of Congress referred to in this paragraph are the following:

(A) The Office of Government Ethics.

(B) The Committee on Homeland Security and Governmental Reform and the Select Committee on Ethics of the Senate.

(C) The Committee on Oversight and Government Reform and the Committee on Ethics of the House of Representatives.

(h) PROHIBITION ON ACQUISITION OF CERTAIN GOODS AND SERVICES.—No department, agency, or other entity of the Federal Government may purchase, rent, or otherwise acquire goods or services, including hotel rooms, office space, or golf carts, from any entity that is owned or operated by the President or any member of the immediate family of the President.

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**SA 915.** Mr. KAINE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1606 and insert the following:

**SEC. 1606. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.**

(a) IN GENERAL.—In support of the policy outlined in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure and improve support activities for processing and launch of United States national security space missions from Federal ranges.

(b) ELEMENTS.—The program required by this section shall include—

(1) investments in infrastructure to improve operations at Federal ranges in the United States that launch national security space missions that may benefit all users, to enhance the overall capabilities of those Federal ranges, to improve safety, and to reduce the long-term cost of operations and maintenance;

(2) measures to normalize processes, systems, and products across the Federal ranges described in paragraph (1) to minimize the burden on launch providers; and

(3) improvements in transparency, flexibility, and responsiveness for launch scheduling.

(c) CONSULTATION.—In carrying out the program required by this section, the Secretary should consult with current and anticipated users of Federal ranges in the United States that launch national security space missions.

(d) COOPERATION.—In carrying out this section, the Secretary should consider partnerships authorized under section 2276 of title 10, United States Code.

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the plan for the implementation of the launch support and infrastructure modernization program at Federal ranges in the United States that launch national security space missions.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and Federal range operations;

(B) a description of plans to streamline and normalize processes, systems, and products at Federal ranges described in paragraph (1) to ensure consistency for range users; and

(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

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**SA 916.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REPORT ON THE UNITED SERVICES MILITARY APPRENTICESHIP PROGRAM.**

(a) REPORT REQUIRED.—No later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Labor shall jointly submit to the appropriate congressional committees a report on the United Services Military Apprenticeship Program's operations and feasibility.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) A description of the apprenticeship program, potential certification options, and occupational areas of study.

(2) A discussion of potential recommendations for enhancing the apprenticeship program and recruiting new service members to participate in the program.

(3) An analysis of the effect of the apprenticeship program on the job placement of members of the Armed Forces transitioning to civilian careers.

(4) An analysis of the effect of the apprenticeship program on job promotions within the Armed Forces.

(5) An assessment of the communication and outreach between the United Services Military Apprenticeship Program and private employers.

(6) An analysis of estimated completion rates and potential administrative barriers impeding completion of the program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

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**SA 917.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. ___. REPORT ON HURRICANE DAMAGE TO DEPARTMENT OF DEFENSE ASSETS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on damage to Department of Defense assets and installations from hurricanes during 2017.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) The results of a storm damage assessment.

(2) A description of affected military installations and assets.

(3) A request for funding to initiate the repair and replacement of damaged facilities and assets, including necessary upgrades to existing facilities to make them compliant with current hurricane standards, and to cover any unfunded requirements for military construction at affected military installations.

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**SA 918.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. EAST COAST HOMEPORT FOR NUCLEAR-POWERED AIRCRAFT CARRIERS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Mayport Naval Station, Florida, has served as a homeport for aircraft carriers.

(2) In 2009, the United States Navy submitted its decision to establish a second East Coast homeport for nuclear-powered aircraft carriers to strategically disperse the capital fleet.

(3) The decision to make Mayport Naval Station capable of homeporting a nuclear-powered aircraft carrier was endorsed by the 2010 Quadrennial Defense Review.

(b) DEVELOPMENT OF SECOND EAST COAST CVN HOMEPORT.—Not later than 180 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the Navy's plan for developing a second East Coast homeport for nuclear-powered aircraft carriers. The report shall include a schedule, by fiscal year, for funding the development of a second homeport for nuclear-powered aircraft carriers on the East Coast of the United States.

(c) AUTHORITY TO CARRY OUT CONSTRUCTION DESIGN.—Subject to subsection (b), the Secretary of the Navy may carry out construction design activities in connection with the military construction projects that the Secretary identifies as necessary for the improvement of the facilities located at Mayport Naval Station, Florida, so that such facilities may be used as the homeport of a nuclear powered aircraft carrier.

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**SA 919.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

**SEC. _____. REPORT ON TRAINING INFRASTRUCTURE FOR CYBER FORCES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Department of Defense training infrastructure for cyber forces. Such report shall include the following:

(1) Identification of the shortcomings in such training infrastructure.

(2) Potential commercial applications to address such shortcomings.

(3) Future projections of cyber force growth and urgent needs relating to such growth.

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**SA 920.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPORT ON OPERATIONAL CAPACITY AT THE JOINT STRIKE FIGHTER (JSF) INITIAL JOINT TRAINING SITE AT EGLIN AIR FORCE BASE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for reaching full operational capacity at the Joint Strike Fighter (JSF) Initial Joint Training Site at Eglin Air Force Base, Florida, to provide operational flexibility across the services and interoperability with international partners.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the Department of Defense's compliance with the 2005 Base Realignment and Closure (BRAC) decision to endorse the recommendation by the Secretary of Defense as enacted into law to establish Eglin Air Force Base, Florida, as an Initial Joint Training Site that teaches entry-level aviators and maintenance technicians how to safely operate and maintain the

new Joint Strike Fighter (JSF) (F–35) aircraft.

(2) An analysis of the impact effected by the Navy and Marine Corps drastically reducing their presence at Eglin Air Force Base on the intended outcome of this decision to allow the Interservice Training Review Organization process to establish a Department of Defense baseline program in a consolidated/joint school with curricula that permit services latitude to preserve service-unique culture and a faculty and staff that brings a ''Train as we fight: jointly'' national perspective to the learning process.

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**SA 921.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. AUTHORITY TO CARRY OUT SEA-BASED TESTING OF THE ELECTROMAGNETIC RAILGUN IN THE JOINT GULF RANGE COMPLEX.**

(a) AUTHORITY TO CARRY OUT TEST.—Subject to subsection (b), the Secretary of the Navy may carry out integration testing and test-firing of the electromagnetic railgun using an existing Navy surface vessel as the Secretary identifies as necessary for the advancement of naval weaponry.

(b) REQUIREMENT RELATING TO TESTING.—The Secretary may not carry out testing under subsection (a) until the Secretary—

(1) identifies a Large Surface Combatant deemed to be decommissioned within Fiscal Year 2018 to be used as a test platform; and

(2) completes a study on using the Joint Gulf Range Complex as a test environment.

(c) TEST AUTHORITY.—This section may not be construed or interpreted as an authorization for the Secretary to commence or proceed the decommissioning of a Large Surface Combatant or to utilize any test environment other than the Joint Gulf Range Complex.

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**SA 922.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. UNMANNED AIRCRAFT SYSTEMS THAT POSE A THREAT TO THE SAFETY OR SECURITY OF CERTAIN DEPARTMENT OF DEFENSE FACILITIES AND ASSETS.**

(a) AUTHORITY.—Notwithstanding any provision of title 18, United States Code, the Secretary of Defense may take, and may authorize the Armed Forces to take, such action described in subsection (b) as is necessary to mitigate the threat (as defined by the Secretary of Defense, in consultation with the Secretary of Transportation) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

(b) FORFEITURE.—The action described in this subsection is the forfeiture to the United States of any unmanned aircraft system or unmanned aircraft that is seized by the Secretary of Defense or the Armed Forces as described in subsection (a).

(c) REGULATIONS.—The Secretary of Defense and the Secretary of Transportation may prescribe regulations and shall issue guidance in the respective areas of each Secretary to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''covered facility or asset'' means any facility or asset that—

(A) is identified by the Secretary of Defense for purposes of this section;

(B) is located in the United States (including the territories and possessions of the United States); and

(C) relates to—

(i) the nuclear deterrence mission of the Department of Defense, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

(ii) the missile defense mission of the Department; or

(iii) the national security space mission of the Department.

(2) The terms ''unmanned aircraft system'' and ''unmanned aircraft'' have the meaning given such terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

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**SA 923.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

**SEC. _____. REPORT ON MILITARY ACTION OF SAUDI ARABIA AND ITS COALITIONS PARTNERS IN YEMEN.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on military action of Saudi Arabia and its coalitions partners in Yemen.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the following:

(1) The extent to which the Government of Saudi Arabia and its coalition partners in Yemen are abiding by their ''No Strike List and Restricted Target List''.

(2) Roles played by United States military personnel with respect to operations of such coalition partners in Yemen.

(3) Progress made by the Government of Saudi Arabia in improving its targeting capabilities.

(4) Progress made by such coalition partners to implement the recommendations of the Joint Incident Assessment Team and participation if any by the United States in the implementation of such recommendations.

(5) Progress made toward implementation of United Nations Security Council Resolution 2216 (2015) or any successor United Nations Security Council resolution relating to the conflict in Yemen.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) TERMINATION.—This section shall terminate on—

(1) the date that is 2 years after the date of the enactment of this Act, or

(2) the date on which the Secretary of Defense and Secretary of State jointly certify to the appropriate congressional committees that the conflict in Yemen has come to a conclusion;

whichever occurs earlier.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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**SA 924.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. REPORT ON USE BY THE GOVERNMENT OF IRAN OF COMMERCIAL AIRCRAFT AND RELATED SERVICES FOR ILLICIT ACTIVITIES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on use by the Government of Iran of commercial aircraft and related services for illicit activities.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include a description of the extent to which—

(1) the Government of Iran is using commercial aircraft, including aircraft of Iran Air, or related services to transport illicit cargo to or from Iran, including military goods, weapons, military personnel, military-related electronic parts and mechanical equipment, or rocket or missile components; and

(2) the commercial aviation sector of Iran, including Iran Air, is providing financial, material, or technological support to the Islamic Revolutionary Guard Corps, Iran's Ministry of Defense and Armed Forces Logistics, the Bashar al Assad Regime, Hezbollah, Hamas, Kata'ib Hezbollah, any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or any entity designated as a specially designated national and blocked person on the list maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) SUNSET.—This section shall cease to be effective on the date that is 30 days after the date on which the President certifies to Congress that the Government of Iran has ceased providing support for acts of international terrorism.

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**SA 925.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. TAIWAN TRAVEL POLICY.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Taiwan Relations Act (22 U.S.C. 3301 et seq.), enacted in 1979, has continued for 37 years to be the cornerstone of relations between the United States and Taiwan and has served as an anchor for peace and security in the Western Pacific area.

(2) The Taiwan Relations Act declares that peace and stability in the Western Pacific area are in the political, security, and economic interests of the United States and are matters of international concern.

(3) The United States considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific and of grave concern to the United States.

(4) Taiwan has succeeded in a momentous transition to democracy beginning in the late 1980s and has been a beacon of democratic practices in Asia, and Taiwan's democratic achievements inspire many countries and people in the region.

(5) Visits to a country by United States cabinet members and other high-ranking officials are an indicator of the breadth and depth of ties between the United States and that country.

(6) Since the enactment of the Taiwan Relations Act, relations between the United States and Taiwan have suffered from insufficient high-level communication due to the self-imposed restrictions that the United States maintains on high-level visits with Taiwan.

(b) SENSE OF CONGRESS; STATEMENT OF POLICY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should not place any restrictions on the travel of officials at any level of the United States Government to Taiwan to meet their Taiwanese counterparts or on the travel of high-level officials of Taiwan to enter the United States to meet with officials of the United States.

(2) STATEMENT OF POLICY.—It should be the policy of the United States—

(A) to allow officials at all levels of the United States Government, including cabinet-level national security officials, general officers, and other Executive Branch officials, to travel to Taiwan to meet their Taiwanese counterparts;

(B) to allow high-level officials of Taiwan to enter the United States, under conditions that demonstrate appropriate respect for the dignity of such officials, and to meet with officials of the United States, including officials from the Department of State and the Department of Defense and other cabinet agencies; and

(C) to encourage the Taipei Economic and Cultural Representative Office, and any other instrumentality established by Taiwan, to conduct business in the United States, including activities that involve participation by Members of Congress, officials of Federal, State, or local governments of the United States, or any high-level official of Taiwan.

(c) AUTHORITY.—Officials at all levels of the United States Government, including cabinet-level national security officials, general officers, and other Executive Branch officials, are hereby authorized to travel to Taiwan to meet their Taiwanese counterparts.

(d) SEMIANNUAL REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on travel by United States Executive Branch officials to Taiwan.

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**SA 926.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. McCain to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle ____—South China Sea and East China Sea Sanctions Act of 2017**

**SEC. ___01. SHORT TITLE.**

This subtitle may be cited as the ''South China Sea and East China Sea Sanctions Act of 2017''.

**SEC. ___02. FINDINGS.**

Congress makes the following findings:

(1) According to the Asia-Pacific Maritime Security Strategy issued by the Department of Defense in August 2015, ''Although the United States takes no position on competing sovereignty claims to land features in the region, all such claims must be based upon land (which in the case of islands means naturally formed areas of land that are above water at high tide), and all maritime claims must derive from such land in accordance with international law.''.

(2) According to the annual report of the Department of Defense to Congress on the military power of the People's Republic of China submitted in April 2016, ''Throughout 2015, China continued to assert sovereignty claims over features in the East and South China Seas. In the East China Sea, China continued to use maritime law enforcement ships and aircraft to patrol near the Senkaku (Diaoyu) Islands in order to challenge Japan's claim. In the South China Sea, China paused its land reclamation effort in the Spratly Islands in late 2015 after adding more than 3,200 acres of land to the seven features it occupies in the archipelago. Although these artificial islands do not provide China with any additional territorial or maritime rights within the South China Sea, China will be able to use them as persistent civil-military bases to enhance its long-term presence in the South China Sea significantly.''.

(3) On May 30, 2015, at the Shangri-la Dialogue of the International Institute for Strategic Studies, Secretary of Defense Ashton Carter stated that ''with its actions in the South China Sea, China is out of step with both the international rules and norms that underscore the Asia-Pacific's security architecture, and the regional consensus that favors diplomacy and opposes coercion''.

(4) On July 24, 2015, Admiral Harry Harris, Jr., noted at a forum in Colorado that each year more than $5,300,000,000,000 in global sea-based trade passes through the South China Sea.

(5) On June 4, 2016, at the Shangri-la Dialogue, Secretary of Defense Ashton Carter stated: ''[T]he United States will stand with regional partners to uphold core principles, like freedom of navigation and overflight and the peaceful resolution of disputes through legal means and in accordance with international law. As I affirmed here last year, and America's Freedom of Navigation Operations in the South China Sea have demonstrated, the United States will continue to fly, sail and operate wherever international law allows, so that everyone in the region can do the same.''.

(6) On July 12, 2016, the Permanent Court of Arbitration's Tribunal organized pursuant to the United Nations Convention on the Law of the Sea issued its unanimous award in the arbitration instituted by Republic of the Philippines against the People's Republic of China. The Tribunal noted that its award is final and binding under that Convention.

(7) Also according to the award, the Tribunal ''concluded that, to the extent China had historical rights to resources in the waters of the South China Sea, such rights were extinguished to the extent they were incompatible with the exclusive economic zones provided for in the Convention. The Tribunal concluded that there was no legal basis for China to claim historic rights to resources within the sea areas falling within the 'nine-dash line'.''.

(8) Also according to the award, the Tribunal ''held that the Spratly Islands cannot generate maritime zones collectively as a unit. Having found that none of the features claimed by China was capable of generating an exclusive economic zone, the Tribunal found that it could—without delimiting a boundary—declare that certain sea areas are within the exclusive economic zone of the Philippines, because those areas are not overlapped by any possible entitlement of China.''.

(9) Also according to the award, the Tribunal ''found that China had violated the Philippines' sovereign rights in its exclusive economic zone by (a) interfering with Philippine fishing and petroleum exploration, (b) constructing artificial islands and (c) failing to prevent Chinese fishermen from fishing in the zone. The Tribunal also held that fishermen from the Philippines (like those from China) had traditional fishing rights at Scarborough Shoal and that China had interfered with these rights in restricting access. The Tribunal further held that Chinese law enforcement vessels had unlawfully created a serious risk of collision when they physically obstructed Philippine vessels.''.

(10) On July 12, 2016, the Ministry of Foreign Affairs of the People's Republic of China issued a statement that China ''declares that the [Tribunal] award is null and void and has no binding force. China neither accepts nor recognizes it. . . . China's territorial sovereignty and maritime rights and interests in the South China Sea shall under no circumstances be affected by those awards. China opposes and will never accept any claim or action based on those awards.''.

(11) On July 12, 2016, the Government of the People's Republic of China issued the fifth statement in the name of that Government since 1979 that—

(A) stated that the People's Republic of China has sovereignty over the 4 rocks and shoals in the South China Sea;

(B) claims internal waters, territorial seas, contiguous zones, one or more exclusive economic zones, and a continental shelf based on that sovereignty claim; and

(C) continues to claim historic rights in the South China Sea.

(12) On July 12, 2016, Assistant Secretary of State and Department of State Spokesperson John Kirby noted that the ''United States strongly supports the rule of law. We support efforts to resolve territorial and maritime disputes in the South China Sea peacefully, including through arbitration. . . . we urge all claimants to avoid provocative statements or actions. This decision can and should serve as a new opportunity to renew efforts to address maritime disputes peacefully.''.

(13) On July 13, 2016, the Vice Foreign Minister of the People's Republic of China, Liu Zhenmin, said that declaring an air defense identification zone in the South China Sea would depend on the threat China faces and stated that ''[i]f our security is threatened, we of course have the right to set it up''.

(14) On July 18, 2016, the People's Liberation Army Air Force of the People's Republic of China stated that it had conducted a ''combat air patrol'' over the South China Sea and that it would become ''regular practice'' in the future. A spokesperson stated that the People's Liberation Army Air Force ''will firmly defend national sovereignty, security and maritime interests, safeguard regional peace and stability, and cope with various threats and challenges''.

(15) On August 2, 2016, the Supreme People's Court of the People's Republic of China issued a judicial interpretation that people caught illegally fishing in Chinese waters could be jailed for up to one year.

(16) In the Agreement concerning the Ryukyu Islands and the Daito Islands with Related Arrangements, signed at Washington and Tokyo June 17, 1971 (23 UST 446), between the United States and Japan (commonly referred to as the ''Okinawa Reversion Treaty''), the United States agreed to apply the Treaty of Mutual Cooperation and Security, with Agreed Minute and Exchanges of Notes (11 UST 1632), signed at Washington January 19, 1961, between the United States and Japan, to the area covered by the Okinawa Reversion Treaty, including the Senkaku Islands.

(17) In April 2014, President Barack Obama stated, ''The policy of the United States is clear—the Senkaku Islands are administered by Japan and therefore fall within the scope of Article 5 of the U.S.-Japan Treaty of Mutual Cooperation and Security. And we oppose any unilateral attempts to undermine Japan's administration of these islands.''.

(18) In February 2017, President Donald Trump and Japanese Prime Minister Shinzo Abe issued a joint statement that ''affirmed that Article V of the U.S.-Japan Treaty of Mutual Cooperation and Security covers the Senkaku Islands''.

**SEC. ___03. DEFINITIONS.**

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) ALIEN.—The term ''alien'' has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) CHINESE PERSON.—The term ''Chinese person'' means—

(A) an individual who is a citizen or national of the People's Republic of China; or

(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(6) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) PERSON.—The term ''person'' means any individual or entity.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

**SEC. ___04. POLICY OF THE UNITED STATES WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

It is the policy of the United States—

(1) to support the principle that disputes between countries should be resolved peacefully consistent with international law;

(2) to reaffirm its unwavering commitment and support for allies and partners in the Asia-Pacific region, including longstanding United States policy—

(A) regarding Article V of the Mutual Defense Treaty, signed at Washington August 30, 1951 (3 UST 3947), between the United States and the Philippines; and

(B) that Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo March 8, 1954 (5 UST 661), between the United States and Japan, applies to the Senkaku Islands, which are administered by Japan; and

(3) to support the principle of freedom of navigation and overflight and to continue to use the sea and airspace wherever international law allows.

**SEC. ___05. SENSE OF CONGRESS WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

It is the sense of Congress that—

(1) the United States—

(A) opposes all claims in the maritime domains that impinges on the rights, freedoms, and lawful use of the seas that belong to all countries;

(B) opposes unilateral actions by the government of any country seeking to change the status quo in the South China Sea through the use of coercion, intimidation, or military force;

(C) opposes actions by the government of any country to interfere in any way in the free use of waters and airspace in the South China Sea or East China Sea;

(D) opposes actions by the government of any country to prevent any other country from exercising its sovereign rights to the resources of the exclusive economic zone and continental shelf by making claims that have no support in international law; and

(E) upholds the principle that territorial and maritime claims, including with respect to territorial waters or territorial seas, must be derived from land features and otherwise comport with international law;

(2) the People's Republic of China should not continue to pursue illegitimate claims and to militarize an area that is essential to global security;

(3) the United States should—

(A) continue and expand freedom of navigation operations and overflights;

(B) reconsider the traditional policy of not taking a position on individual claims; and

(C) respond to provocations by the People's Republic of China with commensurate actions that impose costs on any attempts to undermine security in the region;

(4) the Senkaku Islands are covered by Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo March 8, 1954 (5 UST 661), between the United States and Japan; and

(5) the United States should firmly oppose any unilateral actions by the People's Republic of China that seek to undermine Japan's control of the Senkaku Islands.

**SEC. ___06. SANCTIONS WITH RESPECT TO CHINESE PERSONS RESPONSIBLE FOR CHINA'S ACTIVITIES IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

(a) INITIAL IMPOSITION OF SANCTIONS.—On and after the date that is 60 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to—

(1) any Chinese person that contributes to construction or development projects, including land reclamation, island-making, lighthouse construction, building of base stations for mobile communications services, building of electricity and fuel supply facilities, or civil infrastructure projects, in areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations;

(2) any Chinese person that is responsible for or complicit in, or has engaged in, directly or indirectly, actions or policies that threaten the peace, security, or stability of areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations or areas of the East China Sea administered by Japan or the Republic of Korea, including through the use of vessels and aircraft to impose the sovereignty of the People's Republic of China in those areas;

(3) any Chinese person that engages, or attempts to engage, in an activity or transaction that materially contributes to, or poses a risk of materially contributing to, an activity described in paragraph (1) or (2); and

(4) any person that—

(A) is owned or controlled by a person described in paragraph (1), (2), or (3);

(B) is acting for or on behalf of such a person; or

(C) provides, or attempts to provide—

(i) financial, material, technological, or other support to a person described in paragraph (1), (2), or (3); or

(ii) goods or services in support of an activity described in paragraph (1), (2), or (3).

(b) SANCTIONS DESCRIBED.—

(1) BLOCKING OF PROPERTY.—The President shall block, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all

property and interests in property of any person subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCLUSION FROM UNITED STATES.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any person subject to subsection (a) that is an alien.

(3) CURRENT VISA REVOKED.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to any person subject to subsection (a) that is an alien, regardless of when issued. The revocation shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) EXCEPTIONS; PENALTIES.—

(1) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of subsection (b)(1).

(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraphs (2) and (3) of subsection (b) shall not apply if admission to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) ADDITIONAL IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 60 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for a person subject to subsection (a) if the Director of National Intelligence determines that the Government of the People's Republic of China has—

(A) declared an air defense identification zone over any part of the South China Sea;

(B) initiated reclamation work at another disputed location in the South China Sea, such as at Scarborough Shoal;

(C) seized control of Second Thomas Shoal;

(D) deployed surface-to-air missiles to any of the artificial islands the People's Republic of China has built in the Spratly Island chain, including Fiery Cross, Mischief, or Subi Reefs;

(E) established territorial baselines around the Spratly Island chain;

(F) increased harassment of Philippine vessels; or

(G) increased provocative actions against the Japanese Coast Guard or Maritime Self-Defense Force or United States forces in the East China Sea.

(2) REPORT.—

(A) IN GENERAL.—The determination of the Director of National Intelligence referred to in paragraph (1) shall be submitted in a report to the President and the appropriate congressional committees.

(B) FORM OF REPORT.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

**SEC. ___07. DETERMINATIONS AND REPORT ON CHINESE COMPANIES ACTIVE IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.**

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that identifies each Chinese person the Secretary determines is engaged in the activities described in section ___06(a).

(b) CONSIDERATION.—In preparing the report required under subsection (a), the Secretary of State shall make specific findings with respect to whether each of the following persons is involved in the activities described in section ___06(a):

(1) CCCC Tianjin Dredging Co., Ltd.

(2) CCCC Dredging (Group) Company, Ltd.

(3) China Communications Construction Company (CCCC), Ltd.

(4) China Petroleum Corporation (Sinopec Group).

(5) China Mobile.

(6) China Telecom.

(7) China Southern Power Grid.

(8) CNFC Guangzhou Harbor Engineering Company.

(9) Zhanjiang South Project Construction Bureau.

(10) Hubei Jiangtian Construction Group.

(11) China Harbour Engineering Company (CHEC).

(12) Guangdong Navigation Group (GNG) Ocean Shipping.

(13) Shanghai Leading Energy Shipping.

(14) China National Offshore Oil Corporation (CNOOC).

(15) China Oilfield Services Limited (COSL).

(16) China Precision Machinery Import/Export Corporation (CPMIEC).

(17) China Aerospace Science and Industry Corporation (CASIC).

(18) Aviation Industry Corporation of China (AVIC).

(19) Shenyang Aircraft Corporation.

(20) Shaanxi Aircraft Corporation.

(21) China Ocean Shipping (Group) Company (COSCO).

(22) China Southern Airlines.

(23) Zhan Chaoying.

(24) Sany Group.

(25) Chinese persons affiliated with any of the entities specified in paragraphs (1) through (24).

(c) SUBMISSION AND FORM.—

(1) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act and every 180 days thereafter until the date that is 3 years after the date of the enactment of this Act.

(2) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.

**SEC. ___08. PROHIBITION AGAINST DOCUMENTS PORTRAYING THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.**

The Government Publishing Office may not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea contested by one or more members of the Association of Southeast Asian Nations or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea is part of the territory or airspace of the People's Republic of China.

**SEC. ___09. PROHIBITION ON FACILITATING CERTAIN INVESTMENTS IN THE SOUTH CHINA SEA OR THE EAST CHINA SEA.**

(a) IN GENERAL.—No United States person may take any action to approve, facilitate, finance, or guarantee any investment, provide insurance, or underwriting in the South China Sea or the East China Sea that involves any person with respect to which sanctions are imposed under section ___06(a).

(b) ENFORCEMENT.—The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of such rules and regulations, as may be necessary to carry out the purposes of this section.

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) EXCEPTION.—Subsection (a) shall not apply with respect to humanitarian assistance, disaster assistance, or emergency food assistance.

**SEC. ___10. DEPARTMENT OF JUSTICE AFFIRMATION OF NON-RECOGNITION OF ANNEXATION.**

In any matter before any United States court, upon request of the court or any party to the matter, the Attorney General shall affirm the United States policy of not recognizing the de jure or de facto sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

**SEC. ___11. NON-RECOGNITION OF CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.**

(a) UNITED STATES ARMED FORCES.—The Secretary of Defense may not take any action, including any movement of aircraft or vessels that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(b) UNITED STATES FLAGGED VESSELS.—No vessel that is issued a certificate of documentation under chapter 121 of title 46, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(c) UNITED STATES AIRCRAFT.—No aircraft operated by an air carrier that holds an air carrier certificate issued under chapter 411 of title 49, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of

Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

**SEC. ___12. PROHIBITION ON CERTAIN ASSISTANCE TO COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.**

(a) PROHIBITION.—Except as provided by subsection (c) or (d), no amounts may be obligated or expended to provide foreign assistance to the government of any country identified in a report required by subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the appropriate congressional committees a report identifying each country that the Secretary determines recognizes, after the date of the enactment of this Act, the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by paragraph (1) on a publicly available website of the Department of State.

(c) EXCEPTION.—This section shall not apply with respect to Taiwan, humanitarian assistance, disaster assistance, emergency food assistance, or the Peace Corps.

(d) WAIVER.—The President may waive the application of subsection (a) with respect to the government of a country if the President determines that the waiver is in the national interests of the United States.

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**SA 927.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. ___. REPORT ON AVAILABILITY OF POSTSECONDARY CREDIT FOR SKILLS ACQUIRED DURING MILITARY SERVICE.**

Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of Veterans Affairs, Education, and Labor, shall submit to Congress a report on the transfer of skills into equivalent postsecondary credits or technical certifications for members of the armed forces leaving the military. Such report shall describe each the following:

(1) Each skill that may be acquired during military service that is eligible for transfer into an equivalent postsecondary credit or technical certification.

(2) The academic level of the equivalent postsecondary credit or technical certification for each such skill.

(3) Each academic institution that awards an equivalent postsecondary credit or technical certification for such skills, including—

(A) each such academic institution's status as a public or private institution, and as a non-profit or for-profit institution; and

(B) the number of veterans that applied to such academic institution who were able to receive equivalent postsecondary credits or technical certifications in the preceding fiscal year, and the academic level of the credits or certifications.

(4) The number of members of the armed forces who left the military in the preceding fiscal year, and the number of such members who met with an academic or technical training advisor as part of the member's participation in the Transition Assistance Program of the Department of Defense.

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**SA 928.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPORT ON IRANIAN ACTIVITIES IN IRAQ AND SYRIA.**

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 5 years, the President shall submit to the appropriate congressional committees a report on Iranian activities in Iraq and Syria.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) a description of Iran's support for—

(A) Iraqi militias or political parties, including weapons, financing, and other forms of material support; and

(B) the regime of Bashar al-Assad in Syria; and

(2) a list of referrals to the relevant United Nations Security Council sanctions committees by the United States Permanent Representative to the United Nations.

(c) FORM.—The President may submit the report required by subsection (a) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

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**SA 929.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN FOREIGN PERSONS THREATENING PEACE OR STABILITY IN IRAQ AND SYRIA.**

(a) SANCTIONS REQUIRED.—The President shall impose the sanctions described in subsection (b)(1) with respect to any foreign person that—

(1) is responsible for or complicit in, or to have engaged in, directly or indirectly—

(A) actions that threaten the peace, security, or stability of Iraq or Syria;

(B) actions or policies that undermine efforts to promote economic reconstruction and political reform in Iraq; or

(C) the obstruction of the delivery or distribution of, or access to, humanitarian assistance to the people of Iraq or Syria;

(2) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any activity described in subparagraph (A), (B), or (C) of paragraph (1); or

(3) is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, a foreign person that has carried out any activity described in subparagraph (A), (B), or (C) of paragraph (1) or paragraph (2).

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The President shall block, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of a person subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) EXCLUSION FROM THE UNITED STATES.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any person subject to subsection (a) that is an alien.

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien subject to subsection (a), regardless of when issued.

(II) EFFECT OF REVOCATION.—A revocation under subclause (I) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of the imposition of sanctions under this section.

(3) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A) or any regulation, license, or order issued to carry out that paragraph shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(c) WAIVER.—

(1) IN GENERAL.—The President may, on a case-by-case basis and for periods not to exceed 180 days, waive the application of sanctions under this section with respect to a foreign person, and may renew the waiver for additional periods of not more than 180 days, if the President determines and reports to the appropriate congressional committees at least 15 days before the waiver or renewal of the waiver is to take effect that the waiver is vital to the national security interests of the United States.

(2) FORM OF REPORT.—A report submitted under paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(3) SUNSET.—The provisions of this subsection and any waivers issued pursuant to this subsection shall terminate on the date that is 3 years after the date of the enactment of this Act.

(d) IMPLEMENTATION AUTHORITY.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The President shall, not later than 90 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this section.

(2) NOTIFICATION TO CONGRESS.—Not less than 10 days before the promulgation of regulations under paragraph (1), the President shall notify and provide to the appropriate congressional committees the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

(f) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States person;

(B) a corporation, partnership, or other nongovernmental entity that is not a United States person; or

(C) any representative, agent or instrumentality of, or an individual working on behalf of a foreign government.

(4) GOVERNMENT OF IRAQ.—The term ''Government of Iraq'' has the meaning given that term in section 576.310 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) GOVERNMENT OF SYRIA.—The term ''Government of Syria'' has the meaning given that term in section 542.305 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(6) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) PERSON.—The term ''person'' means an individual or entity.

(8) PROPERTY; PROPERTY INTEREST.—The terms ''property'' and ''property interest'' have the meanings given those terms in section 576.312 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(9) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 576.319 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(g) SUNSET.—This section shall cease to be effective beginning on January 1, 2022.

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**SA 930.** Mr. MCCAIN (for Mr. RUBIO) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Subtitle ____—Combating BDS Act of 2017**

**SEC. ____01. SHORT TITLE.**

This subtitle may be cited as the ''Combating BDS Act of 2017''.

**SEC. ____02. NONPREEMPTION OF MEASURES BY STATE AND LOCAL GOVERNMENTS TO DIVEST FROM ENTITIES THAT ENGAGE IN CERTAIN BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITIES TARGETING ISRAEL.**

(a) STATE AND LOCAL MEASURES.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (b) to divest the assets of the State or local government from, prohibit investment of the assets of the State or local government in, or restrict contracting by the State or local government for goods and services with—

(1) an entity that the State or local government determines, using credible information available to the public, knowingly engages in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel;

(2) a successor entity or subunit of an entity described in paragraph (1); or

(3) an entity that owns or controls, is owned or controlled by, or is under common ownership or control with, an entity described in paragraph (1).

(b) REQUIREMENTS.—A State or local government that seeks to adopt or enforce a measure under subsection (a) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each entity to which a measure under subsection (a) is to be applied.

(2) TIMING.—The measure shall apply to an entity not earlier than the date that is 90 days after the date on which written notice is provided to the entity under paragraph (1).

(3) OPPORTUNITY FOR COMMENT.—The State or local government shall provide an opportunity to comment in writing to each entity to which a measure is to be applied. If the entity demonstrates to the State or local government that the entity has not engaged in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel, the measure shall not apply to the entity.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (a) with respect to an entity unless the State or local government has made every effort to avoid erroneously targeting the entity and has verified that the entity engages in a commerce-related or investment-related boycott, divestment, or sanctions activity targeting Israel.

(c) NOTICE TO DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after adopting a measure described in subsection (a), the State or local government that adopted the measure shall submit written notice to the Attorney General describing the measure.

(2) EXISTING MEASURES.—With respect to measures described in subsection (a) adopted before the date of the enactment of this Act, the State or local government that adopted the measure shall submit written notice to the Attorney General describing the measure not later than 30 days after the date of the enactment of this Act.

(d) NONPREEMPTION.—A measure of a State or local government that is consistent with subsection (a) is not preempted by any Federal law.

(e) EFFECTIVE DATE.—This section applies to any measure adopted by a State or local government before, on, or after the date of the enactment of this Act.

(f) PRIOR ENACTED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, and except as provided in paragraph (2), a State or local government may enforce a measure described in subsection (a) adopted by the State or local government before the date of the enactment of this Act without regard to the requirements of subsection (b).

(2) APPLICATION OF NOTICE AND OPPORTUNITY FOR COMMENT.—A measure described in paragraph (1) shall be subject to the requirements of subsection (b) on and after the date that is 2 years after the date of the enactment of this Act.

(g) RULES OF CONSTRUCTION.—

(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to abridge the authority of a State to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction or the business of insurance pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the ''McCarran-Ferguson Act'').

(2) POLICY OF THE UNITED STATES.—Nothing in this section shall be construed to alter the established policy of the United States concerning final status issues associated with the Arab-Israeli conflict, including border delineation, that can only be resolved through direct negotiations between the parties.

(3) SCOPE OF NONPREEMPTION.—Nothing in this section shall be construed as establishing a basis for preempting or implying preemption of State measures relating to boycott, divestment, or sanctions activity targeting Israel that are outside the scope of subsection (a).

(h) DEFINITIONS.—In this section:

(1) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' means

any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) BOYCOTT, DIVESTMENT, OR SANCTIONS ACTIVITY TARGETING ISRAEL.—The term ''boycott, divestment, or sanctions activity targeting Israel'' means any activity that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business in Israel or in Israeli-controlled territories for purposes of coercing political action by, or imposing policy positions on, the Government of Israel.

(3) ENTITY.—The term ''entity'' includes—

(A) any corporation, company, business association, partnership, or trust; and

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))).

(4) INVESTMENT.—The term ''investment'' includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State and any agency or instrumentality thereof; and

(C) any other governmental instrumentality of a State or locality.

**SEC. ___03. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.**

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended—

(1) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) engage in any boycott, divestment, or sanctions activity targeting Israel described in section ___02 of the Combating BDS Act of 2017.''.

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**SA 931.** Mrs. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. SENSE OF CONGRESS ON THE ISLAMIC STATE OF IRAQ AND THE LEVANT.**

It is the sense of the Congress that—

(1) the Islamic State of Iraq and the Levant (ISIS) poses an acute threat to the people, government, and territorial integrity of Iraq, including the Iraqi Sunni, Shia, and Kurdish communities and religious and ethnic minorities in Iraq, and to the security and stability of the Middle East and beyond;

(2) the defeat of the Islamic State of Iraq and the Levant is critical to maintaining a unified Iraq in which all faiths, sects, and ethnicities are afforded equal protection and full integration into the Government and society of Iraq; and

(3) the United States should, in coordination with coalition partners, continue necessary support to the security forces of or associated with the Government of Iraq that have a national security mission in their fight against the Islamic State of Iraq and the Levant.

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**SA 932.** Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1088. ESTABLISHMENT OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.**

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

**''§ 7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures**

''(a) ESTABLISHMENT.—(1) The Secretary shall establish within the Department a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures to carry out the responsibilities specified in subsection (d).

''(2) The Secretary shall establish the center of excellence under paragraph (1) through the use of—

''(A) the directives and policies of the Department in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018;

''(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and

''(C) guidance issued by the Secretary of Defense under section 313 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1074 note).

''(b) SELECTION OF SITE.—In selecting the site for the center of excellence established under subsection (a), the Secretary shall consider entities that—

''(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to burn pits and other environmental exposures;

''(2) have a track record of publishing information relating to post-deployment health exposures among veterans who served in the Armed Forces in support of Operation Iraqi Freedom and Operation Enduring Freedom;

''(3) have access to animal models and in vitro models of dust immunology and lung injury consistent with the injuries of members of the Armed Forces who served in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

''(4) have expertise in allergy, immunology, and pulmonary diseases.

''(c) COLLABORATION.—The Secretary shall ensure that the center of excellence collaborates, to the maximum extent practicable, with the Secretary of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

''(d) RESPONSIBILITIES.—The center of excellence shall have the following responsibilities:

''(1) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(2) To provide guidance for the health systems of the Department and the Department of Defense in determining the personnel required to provide quality health care for members of the Armed Forces and veterans with health conditions relating to exposure to burn pits and other environmental exposures.

''(3) To establish, implement, and oversee a comprehensive program to train health professionals of the Department and the Department of Defense in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(4) To facilitate advancements in the study of the short-term and long-term effects of exposure to burn pits and other environmental exposures.

''(5) To disseminate within medical facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

''(6) To conduct basic science and translational research on health conditions relating to exposure to burn pits and other environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive interventions and new treatments.

''(7) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

''(e) USE OF BURN PITS REGISTRY DATA.—In carrying out its responsibilities under subsection (d), the center of excellence shall have access to and make use of the data accumulated by the burn pits registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

''(f) DEFINITIONS.—In this section:

''(1) The term 'burn pit' means an area of land located in Afghanistan or Iraq that—

''(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

''(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

''(2) The term 'other environmental exposures' means exposure to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of

such title is amended by inserting after the item relating to section 7330B the following new item:

''7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.''.

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**SA 933.** Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2702 and insert the following:

**Subtitle B—Defense Force and Infrastructure Review and Recommendations**

**SEC. 2711. SHORT TITLE; PURPOSE.**

(a) SHORT TITLE.—This subtitle may be cited as the ''Defense Force and Infrastructure Review Act of 2017''.

(b) PURPOSE.—The purpose of this subtitle is to provide a fair and transparent process that will result in the credible analysis of infrastructure requirements and recommendations for military infrastructure.

**SEC. 2712. PROCEDURE FOR MAKING RECOMMENDATIONS FOR INFRASTRUCTURE CLOSURES AND REALIGNMENTS.**

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2019, the Secretary shall submit to Congress the following:

(A)(i) Subject to clause (ii), a force-structure plan for the Armed Forces based on the most recent National Military Strategy, an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

(ii) The force structure described in the force-structure plan under clause (i) shall contain, at a minimum, a Navy of 355 ships, an Air Force of 1500 combat coded aircraft, an Army of 60 brigade combat teams, and a Marine Corps of three Marine expeditionary forces, together with all enabling and supporting elements.

(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(2) Using the most recent National Military Strategy and the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity within the United States and the target of the Secretary for the reduction of such excess capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(3) In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(4) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than September 15, 2018. For purposes of selecting military installations for closure or realignment under this subtitle, no revision of the force-structure plan or infrastructure inventory is authorized after September 15, 2018.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—(1) On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) if such need exists, a certification that the additional round of closures and realignments would result in substantial annual net savings for the Department of Defense following the completion of such closures and realignments.

(2) If the Secretary does not include the certifications referred to in paragraph (1) as part of the submission of the force-structure plan and infrastructure inventory prepared under subsection (a), the President may not commence a round for the selection of military installations for closure and realignment under this subtitle in the year following submission of the force-structure plan and infrastructure inventory.

(c) COMPTROLLER GENERAL EVALUATION.—(1) If the certification is provided under subsection (b), the Comptroller General of the United States shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria specified in subsection (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) The need for the closure or realignment of additional military installations.

(2) The Comptroller General shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in paragraph (2) and other criteria specified in paragraph (3).

(2) The military value criteria specified in this paragraph are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(E) The strategic impact of the location of an installation on operational plans, contingency plans, and missions of the combatant commands.

(3)(A) The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations in the United States under this subtitle are as follows:

(i) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

(ii) The economic impact on existing communities in the vicinity of military installations.

(iii) The extent with which a closure or realignment contributes to the reduction of excess infrastructure and infrastructure capacity to meet the targeted reduction established by the Secretary as required by subsection (a)(2)(B).

(iv) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(v) The cost of mitigating the impact of any increases of such forces, missions, and personnel at receiving locations to maintain the level of service that exists prior to the closure or realignment.

(vi) The environmental impact, including the impact of costs related to potential environmental restoration, vulnerability adaptation, mitigation, waste management, and environmental compliance activities.

(B) When determining the costs associated with a closure or realignment under subparagraph (A)(i), the Secretary shall consider costs associated with military construction, information technology, environmental remediation, relocation of personnel, termination of public-private contracts, guarantees, and other factors contributing to the cost of a closure or realignment as determined by the Secretary.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (d)(2) in the making of recommendations for the closure or realignment of military installations.

(f) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—Selection criteria relating to cost savings or return on investment from the proposed closure or realignment of military installations under this subtitle shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

(g) RELATION TO OTHER MATERIALS.—The final selection criteria specified in subsection (d) shall be the only criteria to be

used, along with the force-structure plan and infrastructure inventory referred to in subsection (a), in making recommendations for the closure or realignment of military installations in the United States under this subtitle.

(h) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—(1)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than May 15, 2019, publish in the Federal Register—

(i) with respect to each military installation in the United States, unclassified assessment data of the current condition of facilities and infrastructure and an environmental baseline of known contamination and remediation activities at each such installation that will be used by the Secretary to develop closure and realignment recommendations; and

(ii) standard rules to be used by the Secretary to calculate annual recurring savings for manpower, base operating costs, utility costs, base closure guarantees, service-sharing agreements, and other installation support activities that the Secretary will use in the determination of the savings derived from closure and realignment of military installations.

(B) The Secretary shall provide a public comment period of 60 days to allow for a review of the data published under subparagraph (A) and an opportunity for the Secretary to correct the assessments to ensure accurate and reliable information is used for final closure and realignment recommendations.

(C) If the Secretary does not publish the data or standard rules under subparagraph (A) by May 15, 2019, the President shall not commence a round for the selection of military installations for closure and realignment under this subtitle.

(2)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than October 15, 2019, publish in the Federal Register and transmit to the congressional defense committees a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

(B) The closures and realignments included in the list published by the Secretary under subparagraph (A) may not have an estimated cost to implement that exceeds $5,000,000,000 as certified by the Director of Cost Analysis and Program Evaluation of the Department of Defense.

(C) At the same time as the transmittal of the list under subparagraph (A), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification that—

(i) the recommendations included in such list will yield net savings to the Department of Defense within seven years of completing the closures and realignments included in such recommendations; and

(ii) no individual recommendation for closure or realignment is included in such list unless the closure or realignment demonstrates net savings to the Department within 10 years.

(D) Not later than seven days after the transmittal of the list of recommendations for closure and realignment under subparagraph (A), the Secretary shall submit to the congressional defense committees—

(i) a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation based on the final selection criteria under subsection (d); and

(ii) for each such recommendation, a master plan that contains a list of each facility action (including construction, development, conversion, or extension, and any acquisition of land necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility) required to carry out the closure or realignment, including the scope of work, cost, and timing of each construction activity as documented in military construction project data justifications.

(E) With respect to each recommendation for closure or realignment of a military installation under subparagraph (A), the construction scope and cost data contained in the master plan under subparagraph (D)(ii) for such installation shall be deemed to be the authorization by law to carry out the construction activity as required under chapter 169 of title 10, United States Code.

(3)(A) In considering military installations for closure or realignment, the Secretary shall consider all military installations in the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning—

(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment.

(D) In making recommendations for closure or realignment of a military installation under subparagraph (A), the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

(E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

(F) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (D) that is received with respect to a military installation covered by such recommendations. The statement shall set forth the reasons for the result.

(G) For each closure recommendation, and based on an assessment of the extent of economic impact to local communities supporting the military installation to be closed, the Secretary shall determine and propose an amount to be provided to the local redevelopment agency within a year of the final decision to close the installation to be used to accelerate local redevelopment activities.

(4)(A) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Comptroller General of the United States.

(B) The Comptroller General shall analyze the information made available to the Comptroller General under subparagraph (A) for each recommendation (including information provided by local communities) and submit any recommendations of the Comptroller General to Congress for consideration.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that person's knowledge and belief.

(B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations that the Secretary of Defense shall prescribe, regulations that the Secretary of each military department shall prescribe for personnel within that military department, or regulations that the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any information provided to the Secretary of Defense by a person described in paragraph (5)(B), regardless of the method of transmission, shall be made available for the public record and submitted in written form to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Secretary.

(7) No military installation may be recommended for inactive status under this subsection unless the Secretary certifies that its use for future mobilization is essential to meet operational plans.

(8) The Secretary shall analyze and, to the extent the Secretary considers appropriate, recommend the realignment and closure of military installations outside the United States.

(9) Not later than October 31, 2019, the Secretary shall submit to the President a report containing a list of the military installations that the Secretary recommends for closure or realignment under this subsection, including recommendations regarding military installations outside the United States under paragraph (8).

(i) REVIEW BY THE PRESIDENT.—(1) The President shall, by not later than November 15, 2019, transmit to Congress a report containing the President's approval or disapproval of the recommendations of the Secretary under subsection (h).

(2) If the President approves all of the recommendations of the Secretary, the President shall transmit a copy of such recommendations to Congress, together with a certification of such approval.

(3) If the President disapproves of the recommendations of the Secretary, in whole or in part, the President shall transmit to Congress the reasons for that disapproval. The Secretary shall then transmit to the President, by not later than December 1, 2019, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Secretary

transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to Congress, together with a certification of such approval.

(5) If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) by December 2, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

**SEC. 2713. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.**

(a) IN GENERAL.—The Secretary shall—

(1) close all military installations recommended for closure in the report transmitted to Congress by the President pursuant to section 2712(i) and approved under subsection (b);

(2) realign all military installations recommended for realignment in such report and approved under such subsection;

(3) carry out the privatization in place of a military installation recommended for closure or realignment in such report and approved under such subsection only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations in such report and is determined by the Secretary to be the most cost-effective method of implementation of the recommendation;

(4) carry out the construction activities contained in the master plan for the military installation as required under section 2712(h)(2)(D)(ii);

(5) initiate all such closures and realignments not later than two years after the date on which the President transmits the report to Congress pursuant to section 2712(i) containing the recommendations for such closures or realignments; and

(6) complete all such closures and realignments not later than the end of the five-year period beginning on the date on which the President transmits the report pursuant to section 2712(i) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL APPROVAL.—The Secretary may not carry out a closure or realignment recommended in the report transmitted by the President pursuant to section 2712(i) unless a joint resolution is enacted approving that closure or realignment.

**SEC. 2714. IMPLEMENTATION AND ANALYSIS.**

(a) USE IN MAKING ASSESSMENTS AND RECOMMENDATIONS.—In making assessments and recommendations under section 2712, the Secretary shall analyze the requirements and authorities under this section and consider all of the actions to be taken under this section with respect to closing or realigning a military installation under this subtitle.

(b) IMPLEMENTATION.—(1) In closing or realigning any military installation under this subtitle, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B)(i) provide—

(I) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(II) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account;

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

(2) In carrying out any closure or realignment under this subtitle, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(c) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this subtitle—

(A) the authority of the Administrator to utilize excess property under subchapter II of chapter 5 of title 40, United States Code;

(B) the authority of the Administrator to dispose of surplus property under subchapter III of chapter 5 of title 40, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code; and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with all regulations governing the utilization of excess property and the disposal of surplus property under subtitle I of title 40, United States Code.

(B) The Secretary may, with the concurrence of the Administrator of General Services—

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.

(C) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this subtitle, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subtitle, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) If a military installation to be closed, realigned, or placed in an inactive status under this subtitle includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 180 days after the date of approval of the closure or realignment of a military installation under this subtitle, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities specified in clause (ii) with respect to an installation referred to in that clause until the earlier of—

(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

(III) two years after the date of approval of the closure or realignment of the installation; or

(IV) 90 days before the date of the closure or realignment of the installation.

(ii) The activities specified in this clause are activities relating to the closure or realignment of an installation to be closed or realigned under this subtitle as follows:

(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed or realigned under this subtitle to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation. In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of

personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation.

(E) This paragraph shall not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property—

(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

(v)(I) meets known requirements of an authorized program of another Federal agency for which expenditures for similar property would be necessary; and

(II) is the subject of a written request by the head of the agency.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.

(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this subtitle to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, a portion of the profits obtained over time from the development of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvements.

(xii) Planning for or the marketing of the development and reuse of the installation.

(xiii) Adaptation for and mitigation of natural disasters.

(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this subtitle (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another Federal agency. Subparagraph (B) shall apply to a transfer under this subparagraph.

(ii) A lease under clause (i) shall be for a term not to exceed 50 years, but may provide for options for renewal or extension of the term by the agency concerned.

(iii) A lease under clause (i) may not require rental payments by the United States.

(iv) A lease under clause (i) shall include a provision specifying that if the agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another Federal agency using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

(G) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under paragraph (1) regarding whether another Federal agency has identified a use for any portion of a military installation to be closed or realigned under this subtitle, or will accept transfer of any portion of such installation, are made not later than 180 days after the date of approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this subtitle shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another Federal agency has identified a use, or of which another Federal agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the

chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of such final determinations) information on any building or property that is identified under subclause (II); and

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—

(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as practicable after the date of approval of closure or realignment of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 90 days and not later than 180 days after the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 90 days and not later than 180 days after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(iii) If a redevelopment authority does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 270 days after the date specified by the redevelopment authority for the installation under subparagraph (D).

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Except as provided in subparagraph (E)(iii), not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

(iii) The Secretary of Housing and Urban Development may engage in negotiations

and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

(iv)(I) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(v) If the Secretary of Housing and Urban Development determines as a result of a review under clause (iv) that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

(I) an explanation of that determination; and

(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall submit a revised plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

(ii)(I) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless.

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iii) Not later than 30 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(VI) It is the sense of Congress that the Secretary of Defense and the redevelopment authority should work with State and local agencies to the maximum extent practicable to collaborate on environmental assessments to reduce redundancy of effort and to accelerate redevelopment actions.

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under

this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure or realignment of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

(O) For purposes of this paragraph, the term ''communities in the vicinity of the installation'', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.

(P) For purposes of this paragraph, the term ''other interested parties'', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.

(7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this subtitle, or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this subtitle, if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.

(d) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President and, except as provided in paragraph (2), the Department of Defense in carrying out this subtitle.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation that has been recommended for closure or realignment;

(ii) the need for transferring functions to any military installation that has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(e) WAIVER.—The Secretary of Defense may close or realign military installations under this subtitle without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

(f) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (c)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection. The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this subtitle that are available for purposes other than to assist the homeless.

(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

(5) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330, except in the case of releases or threatened releases not disclosed pursuant to paragraph (4) of this subsection.

**SEC. 2715. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2017.**

(a) IN GENERAL.—(1) If a joint resolution is enacted under section 2713(b), there shall be established on the books of the Treasury an account to be known as the ''Department of Defense Base Closure Account 2017'' (in this section referred to as the ''Account''). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this subtitle.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds that remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the report transmitted under subsection (c)(2).

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2714 with respect to military installations approved for closure or realignment under this subtitle.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2714(a) at a military installation in support of a master plan for the military installation as required under section 2712(h)(2)(D)(ii), such construction project shall be conducted in accordance with the sections of chapter 169 of title 10,

United States Code, applicable to such construction project.

(3)(A) In the case of construction projects carried out using funds in the Account that exceed the applicable minor construction threshold under section 2805 of title 10, United States Code, the Secretary may carry out such a project that has not been authorized by law if the Secretary determines that—

(i) the project is necessary for the Department to execute a closure or realignment action under this subtitle; and

(ii) the requirement for the project is so urgent that deferral of the project for authorization by law would pose a significant delay in proceeding with a realignment or closure action under this subtitle or is inconsistent with national security or the protection of health, safety, or environmental quality.

(B)(i) When a decision is made to carry out a construction project under subparagraph (A), the Secretary shall submit to the congressional defense committees in writing a report on that decision. Each such report shall include—

(I) a justification for the project and a current estimate of the cost of the project; and

(II) a justification for carrying out the project under this subtitle.

(ii) The Secretary may carry out a construction project under subparagraph (A) only after the end of the seven-day period beginning on the earlier of—

(I) the date on which the report under clause (i) relating to such project is received by the congressional defense committees; or

(II) the date on which a copy of such report is provided to such committees in an electronic medium pursuant to section 480 of title 10, United States Code.

(4) The maximum amount that the Secretary may obligate in any fiscal year under this section is $100,000,000.

(5) A project carried out using funds under this section shall be carried out within the total amount of funds appropriated for the Account that have not been obligated.

(c) REPORTS.—(1)(A) Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this subtitle using funds in the Account, the Secretary shall transmit a report to the congressional defense committees of—

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

(ii) the amount and nature of other expenditures made pursuant to section 2714(a) during such fiscal year;

(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2714(a) during the first fiscal year commencing after the submission of the report.

(B) The report for a fiscal year shall include the following:

(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from any proposals for projects and funding levels for the Account for such fiscal year, including an explanation of—

(I) any failure to carry out military construction projects that were so proposed; and

(II) any expenditures for military construction projects that were not so proposed.

(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations approved for closure or realignment under this subtitle.

(2) Not later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all of the funds deposited into and expended from the Account or otherwise expended under this subtitle with respect to such installations; and

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this subtitle, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for nonappropriated fund instrumentalities.

(4) In this subsection:

(A) The term ''commissary store funds'' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term ''nonappropriated funds'' means funds received from a nonappropriated fund instrumentality.

(C) The term ''nonappropriated fund instrumentality'' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2714(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Act of Congress authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2805 of title 10, United States Code.

(3) The limitation on cost or scope variation specified in paragraph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project to be carried out using funds in the Account is required for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determination, the Secretary shall notify the congressional defense committees of the variation in cost or scope not later than 21 days before the date on which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the reasons for the variation in the notification.

**SEC. 2716. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.**

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act, and ending on April 15, 2020, this subtitle shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this subtitle, during the period specified in subsection (a)—

(1) to identify, through any transmittal to Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this subtitle affects the authority of the Secretary to carry out closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency described in subsection (d) of such section.

**SEC. 2717. DEFINITIONS.**

In this subtitle:

(1) The term ''Account'' means the Department of Defense Base Closure Account established by section 2715(a)(1).

(2) The term ''congressional defense committees'' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility

used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

(4) The term ''realignment'' includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(5) The term ''Secretary'' means the Secretary of Defense.

(6) The term ''United States'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(7) The term ''date of approval'', with respect to a closure or realignment of an installation, means the date on which Congress approves under section 2713(b) a recommendation of closure or realignment, as the case may be, of such installation.

(8) The term ''redevelopment authority'', in the case of an installation to be closed or realigned under this subtitle, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.

(9) The term ''redevelopment plan'' in the case of an installation to be closed or realigned under this subtitle, means a plan that—

(A) is agreed to by the local redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure or realignment of the installation.

(10) The term ''representative of the homeless'' has the meaning given such term in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

**SEC. 2718. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER PROVISIONS OF LAW.**

(a) DEFINITION OF ''BASE CLOSURE LAW'' IN TITLE 10.—Section 101(a)(17) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The Defense Force and Infrastructure Review Act of 2017.''.

(b) DEFINITION OF ''BASE CLOSURE LAW'' IN OTHER LAWS.—

(1) Section 131(b) of Public Law 107–249 (10 U.S.C. 221 note) is amended by striking ''means'' and all that follows and inserting ''has the meaning given the term 'base closure law' in section 101(a)(17) of title 10, United States Code.''.

(2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

(3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

**SEC. 2719. CONFORMING AMENDMENTS.**

(a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''on or after January 1, 2005,'' and inserting ''from January 1, 2005 through December 31, 2005,''; and

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

''(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2715 of the Defense Force and Infrastructure Review Act of 2017.''.

(b) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking ''the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)'' and inserting ''a base closure law, as that term is defined in section 101(a)(17) of title 10,''.

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**SA 934.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SHORT-TERM CONTINUATION OF FUNDING FOR THE UNITED STATES MERCHANT MARINE ACADEMY.**

(a) IN GENERAL.—Section 51301 of title 46, United States Code, is amended by adding at the end the following:

''(d) CONTINUING FUNDING.—Out of any funds in the general fund of the Treasury not otherwise appropriated, there are hereby appropriated such sums as may be necessary to continue the operations of the United States Merchant Marine Academy for any period, not to exceed 2 weeks in any fiscal year, during which interim or full-year appropriations are not in effect for the United States Merchant Marine Academy.''.

(b) SUNSET.—The amendment made by subsection (a) shall remain in effect until the date that is 2 years after the date of the enactment of this Act.

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**SA 935.** Mr. MCCONNELL (for Ms. WARREN (for herself and Mr. HELLER)) proposed an amendment to the bill S. 327, to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes; as follows:

On page 2, line 14, insert '', other than a broker or dealer that is an investment adviser to the fund or an affiliated person of the investment adviser to the fund'' before the dash.

On page 8, strike line 6 and insert the following:

(e) EXCEPTION.—The safe harbor under subsection (a) shall not apply to the publication or distribution by a broker or a dealer of a covered investment fund research report, the subject of which is a business development company or a registered closed-end investment company, during the time period described in section 230.139(a)(1)(i)(A)(1) of title 17, Code of Federal Regulations, except where expressly permitted by the rules and regulations of the Securities and Exchange Commission under the Federal securities laws.

(f) DEFINITIONS.—For purposes of this Act:

(1) The term ''affiliated person'' has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

On page 8, line 15, strike ''(1)'' and insert ''(2)''.

On page 9, line 20, strike ''(2)'' and insert ''(3)''.

On page 10, line 2, insert '', or any research report published or distributed by any broker or dealer that is an investment adviser (or an affiliated person of an investment adviser) for the covered investment fund'' before the period at the end.

On page 10, line 3, strike ''(3)'' and insert ''(4)''.

On page 10, after line 4, add the following:

(5) The term ''investment adviser'' has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

On page 10, line 5, strike ''(4)'' and insert ''(6)''.

On page 10, line 10, strike ''(5)'' and insert ''(7)''.

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**SA 936.** Mr. MCCONNELL (for Mr. CORNYN) proposed an amendment to the bill S. 1311, to provide assistance in abolishing human trafficking in the United States; as follows:

On page 41, in the matter preceding line 1, strike the items relating to sections 22 through 26 and insert the following:

Sec. 22. Understanding the effects of severe forms of trafficking in persons.
Sec. 23. Combating trafficking in persons.
Sec. 24. Grant accountability.
Sec. 25. HERO Act improvements.

On page 41, between lines 15 and 16, insert the following:

(2) in subsection (e)(1), in the matter preceding subparagraph (A), by striking ''2019'' and inserting ''2023'';

On page 41, line 16, strike ''(2)'' and insert ''(3)''.

On page 41, line 20, strike ''(3) in'' and insert ''(4) in''.

On page 63, strike lines 1 through 16 and insert the following:

**SEC. 22. UNDERSTANDING THE EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.**

On page 65, strike line 1 and insert the following:

**SEC. 23. COMBATING TRAFFICKING IN PERSONS.**

On page 66, strike line 13 and insert the following:

**SEC. 24. GRANT ACCOUNTABILITY.**

On page 72, strike lines 21 through 24 and insert the following:

**SEC. 25. HERO ACT IMPROVEMENTS.**

(a) IN GENERAL.—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''Homeland Security Investigations,'' after ''Customs Enforcement,''; and

(B) by striking paragraph (2) and inserting the following:

''(2) PURPOSE.—The Center shall provide investigative assistance, training, and equipment to support domestic and international investigations of cyber-related crimes by the Department.'';

(2) in subsection (b)—

On page 73, strike lines 7 through 10 and insert the following:

(i) in subparagraph (B)—

On page 73, line 17, strike ''(iii)'' and insert ''(ii)''.

On page 73, line 19, strike ''(iv)'' and insert ''(iii)''.

On page 73, line 21, strike ''(2) in'' and insert ''(3) in''.

On page 74, line 1, strike ''(DF/DOMEX)''.

On page 74, line 13, strike ''and''.

On page 74, strike line 16 and all that follows through page 79, line 15, and insert the following:

''(e) HERO CHILD-RESCUE CORPS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is established within the Center a Human Exploitation Rescue Operation Child-Rescue Corps Program (referred to in this section as the 'HERO Child-Rescue Corps Program'), which shall be a Department-wide program, in collaboration with the Department of Defense and the National Association to Protect Children.

''(B) PRIVATE SECTOR COLLABORATION.—As part of the HERO Child-Rescue Corps Program, the National Association to Protect Children shall provide logistical support for program participants.

''(2) PURPOSE.—The purpose of the HERO Child-Rescue Corps Program shall be to recruit, train, equip, and employ members of the Armed Forces on active duty and wounded, ill, and injured veterans to combat and prevent child exploitation, including in investigative, intelligence, analyst, inspection, and forensic positions or any other positions determined appropriate by the employing agency.

''(3) FUNCTIONS.—The HERO Child-Rescue Program shall—

''(A) provide, recruit, train, and equip participants of the Program in the areas of digital forensics, investigation, analysis, intelligence, and victim identification, as determined by the Center and the needs of the Department; and

''(B) ensure that during the internship period, participants of the Program are assigned to investigate and analyze—

''(i) child exploitation;

''(ii) child pornography;

''(iii) unidentified child victims;

''(iv) human trafficking;

''(v) traveling child sex offenders; and

''(vi) forced child labor, including the sexual exploitation of minors.

''(f) PAID INTERNSHIP AND HIRING PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a paid internship and hiring program for the purpose of placing participants of the HERO Child-Rescue Corps Program (in this subsection referred to as 'participants') into paid internship positions, for the subsequent appointment of the participants to permanent positions, as described in the guidelines promulgated under paragraph (3).

''(2) INTERNSHIP POSITIONS.—Under the paid internship and hiring program required to be established under paragraph (1), the Secretary shall assign or detail participants to positions within United States Immigration and Customs Enforcement or any other Federal agency in accordance with the guidelines promulgated under paragraph (3).

''(3) PLACEMENT.—

''(A) IN GENERAL.—The Secretary shall promulgate guidelines for assigning or detailing participants to positions within United States Immigration and Customs Enforcement and other Federal agencies, which shall include requirements for internship duties and agreements regarding the subsequent appointment of the participants to permanent positions.

''(B) PREFERENCE.—The Secretary shall give a preference to Homeland Security Investigations in assignments or details under the guidelines promulgated under subparagraph (A).

''(4) TERM OF INTERNSHIP.—An appointment to an internship position under this subsection shall be for a term not to exceed 12 months.

''(5) RATE AND TERM OF PAY.—After completion of initial group training and upon beginning work at an assigned office, a participant appointed to an internship position under this subsection who is not receiving monthly basic pay as a member of the Armed Forces on active duty shall receive compensation at a rate that is—

''(A) not less than the minimum rate of basic pay payable for a position at level GS–5 of the General Schedule; and

''(B) not more than the maximum rate of basic pay payable for a position at level GS–7 of the General Schedule.

''(6) ELIGIBILITY.—In establishing the paid internship and hiring program required under paragraph (1), the Secretary shall ensure that the eligibility requirements for participation in the internship program are the same as the eligibility requirements for participation in the HERO Child-Rescue Corps Program.

''(7) HERO CORPS HIRING.—The Secretary shall establish within Homeland Security Investigations positions, which shall be in addition to any positions in existence on the date of enactment of this subsection, for the hiring and permanent employment of graduates of the paid internship program required to be established under paragraph (1).''; and

(3) in subsection (g), as so redesignated—

(A) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(B) by adding at the end the following:

''(2) ALLOCATION.—Of the amount made available pursuant to paragraph (1) in each of fiscal years 2018 through 2022, not more than $10,000,000 shall be used to carry out subsection (e) and not less than $2,000,000 shall be used to carry out subsection (f).''.

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**SA 937.** Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 1312, to prioritize the fight against human trafficking in the United States; as follows:

Beginning on page 69, strike line 23 and all that follows through page 70, line 6.

On page 70, line 7, strike ''(e)'' and insert ''(d)''.

On page 73, strike line 22 and insert the following:

requests for funding under clause (i).

''(iii) Before amounts are distributed from the Fund to a department or agency for the purpose described in clause (i), the Director shall evaluate whether the activities proposed to be carried out by such department or agency would duplicate services that are provided by another department or agency of the Federal Government (including the Department of Justice) using amounts from the Fund, and impose measures to avoid such duplication to the greatest extent possible.''.

On page 79, strike lines 18 through 23 and insert the following:

(A) emphasizes a multidisciplinary, collaborative effort by law enforcement officers who provide a broad range of investigation and prosecution options in response to perpetrators, and victim service providers, who offer services and resources for victims;

On page 87, line 17, strike ''comprehensive''.

On page 88, line 1, strike ''comprehensive''.

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**SA 938.** Mrs. ERNST (for herself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. _____. AH-64 APACHE HELICOPTER PROGRAM.**

(a) BASING DECISIONS.—The Secretary of Defense shall halt any decisions or actions taken pursuant to the Army Restructuring Initiative (ARI) or recommendations of the 2016 National Commission on the Future of the Army (NCFA) relating to the basing and force structure of AH–64 Apache helicopters.

(b) ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report with findings of the updated and current analysis related to the AH–64 Apache helicopter program, with respect to regular, Reserve, and National Guard forces, which shall be incorporated in the modernization strategy for the total Army required in section 1062, and shall take into particular account—

(1) current and projected readiness data for relevant units in the total Army;

(2) current and anticipated pilot attrition, retention, and training in the total Army, with consideration for contractual training obligations for coalition partner nations;

(3) current trends and policy, without constraints from the Budget Control Act of 2011 (Public Law 112–25), the Army Aviation Restructuring Initiative, and the National Commission on the Future of the Army (NCFA); and

(4) the total number of Attack Reconnaissance Battalions and Heavy Armed Reconnaissance Squadrons needed in the total Army.

(c) RESUMPTION OF TRAINING.—In order to increase AH–64 Apache training capacity, the Secretary of Defense shall resume AH–64 Army National Guard training at an additional location which has demonstrated recent historical capability to meet AH–64 pilot training requirements and increase capacity of AH–64 pilots across the Army, Army National Guard, and coalition partner nations.

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**SA 939.** Mr. REED (for himself, Mr. MCCAIN, Mr. CARDIN, Mr. BROWN, Mr. WHITEHOUSE, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. _____. STRATEGY ON COUNTERING THE THREAT OF MALIGN INFLUENCE BY THE RUSSIAN FEDERATION.**

(a) FINDINGS.—The Congress makes the following findings:

(1) On October 7, 2016, the Department of Homeland Security and the Office of the Director National Intelligence issued a joint statement warning that ''[t]he U.S. Intelligence Community (USIC) is confident that the Russian Government directed the recent compromises of e-mails from U.S. persons and institutions, including from U.S. political organizations. The recent disclosures of alleged hacked e-mails on sites like DCLeaks.com and WikiLeaks and by the Guccifer 2.0 online persona are consistent with the methods and motivations of Russian-directed efforts. These thefts and disclosures are intended to interfere with the U.S.

election process. Such activity is not new to Moscow—the Russians have used similar tactics and techniques across Europe and Eurasia, for example, to influence public opinion there. We believe, based on the scope and sensitivity of these efforts, that only Russia's senior-most officials could have authorized these activities''.

(2) On January 6, 2017, a unanimous report from the United States intelligence community, including the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, and the Office of the Director of National Intelligence, assessed that Russia President Putin ''ordered an influence campaign in 2016 aimed at the U.S. presidential election'' and that ''Russia's goals were to undermine public faith in the U.S. democratic process''.

(3) The Russian Federation has conducted similar influence campaigns in European countries designed to undermine the North Atlantic Treaty Organization (NATO), the European Union (EU), and other democratic institutions of free societies, and violated the sovereignty and territorial integrity of European countries such as Ukraine and Georgia through the use of force.

(4) Aggressive operations by the Russian Federation and its proxies to influence, interfere with and undermine the core institutions and processes of democratic and free societies, including elections and independent media, pose a threat to the national security of the United States, to the transatlantic relationships, and to the multilateral institutions underpinning the global order, including the North Atlantic Treaty Organization and the European Union.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States to employ a whole-of-government approach, utilizing all tools of national power, to effectively counter the threat of malign influence by the Russian Federation while remaining true to the core values and principles of the United States.

(c) STRATEGY REQUIRED.—

(1) STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a comprehensive strategy to counter the threat of malign influence by the Russian Federation.

(2) SCOPE OF STRATEGY.—The strategy required by paragraph (1) shall include actions as follows:

(A) To identify and defend against the threat of malign influence by the Russian Federation, including—

(i) the use of misinformation, disinformation, and propaganda in social and traditional media;

(ii) corrupt or illicit financing of political parties, think tanks, media organizations, and academic institutions; and

(iii) the use of coercive economic tools, including sanctions, market access, and differential pricing, especially in the energy sector.

(B) To deter, and respond when necessary, to malicious cyber activities by the Russian Federation, including through the use of offensive cyber capabilities consistent with the policy specified in section 1621.

(C) To promote the core values and principles of the United States, enhance the transatlantic relationship, strengthen good governance and democracy among our European allies and partners, and further integration into multilateral institutions underpinning the global order, including the North Atlantic Treaty Organization and the European Union.

(3) ELEMENTS.—The strategy required by paragraph (1) shall include the following elements:

(A) THREAT ASSESSMENT.—An assessment of the nature and extent of the threat of malign influence by the Russian Federation to the national security of the United States and our allies and partners, including the following:

(i) An identification of the countries and institutions that are most vulnerable to malign influence by the Russian Federation.

(ii) A description of the active measures and other techniques that the Government of the Russian Federation uses in the conduct of influence activities.

(iii) A description of the key decision-makers, organizational structures, proxies and agents of the Government of the Russian Federation in its conduct of influence activities against the United States and its allies and partners.

(B) SECURITY MEASURES.—Actions to counter the use of force, coercion, and other hybrid warfare operations of the military, intelligence, and other security forces of the Russian Federation, including the following:

(i) Actions to build the military presence and capabilities of military and security forces of the United States and European allies and partners to deter and respond to aggression by the Russian Federation.

(ii) Actions to improve indications and warnings, and capabilities to identify and attribute responsibility for the use of force, coercion, or other hybrid warfare operations by the Russian Federation.

(iii) Actions to support North Atlantic Treaty Organization allies and non-North Atlantic Treaty Organization partners in maintaining their sovereignty and territorial integrity.

(C) INFORMATION OPERATIONS.—Actions to counter information operations of the Russian Federation, including the following:

(i) Actions to identify and attribute malign disinformation, active measures, propaganda, and deception and denial activities of the Russian Federation in the United States and Europe, through traditional and social media.

(ii) The establishment of interagency mechanisms for the coordination and implementation of the strategy with respect to disinformation, active measures, propaganda, and deception and denial activities of the Russian Federation.

(iii) Actions to strengthen the effectiveness of and fully resource the Global Engagement Center to carry out its purpose specified in section 1287(a)(2) of National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) to lead, synchronize, and coordinate efforts of the Federal Government to recognize, understand, expose, and counter propaganda and disinformation efforts by the Russian Federation, other foreign governments, and non-State actors.

(iv) Programs to strengthen investigative journalism and media independence abroad in countries most vulnerable to malign Russian influence.

(v) Actions to build resilience to disinformation, active measures, propaganda, and deception and denial activities of the Russian Federation in the United States and other countries vulnerable to malign Russian influence.

(vi) Efforts to work with traditional and social media providers to counter the threat of malign influence by the Russian Federation.

(D) CYBER MEASURES.—Actions to counter the threat of malign influence by the Russian Federation in cyberspace, including the following:

(i) Actions to implement the policy of the United States on cyberspace, cybersecurity, and cyber warfare specified in section 1621.

(ii) Programs to educate citizens, information technology experts, and private sector organizations in the United States and abroad to enhance their resilience to malign influence by the Russian Federation in cyberspace.

(E) POLITICAL AND DIPLOMATIC MEASURES.—Actions to counter malign political influence by the Russian Federation in the United States and among our European allies and partners, including the following:

(i) Programs and activities to enhance the resilience of United States democratic institutions and infrastructure at the national and subnational levels.

(ii) Programs, working through the Department of State and the United States Agency for International Development, to promote good governance and enhance democratic institutions abroad, particularly in countries deemed most vulnerable to malign influence by the Russian Federation.

(iii) Actions within the United Nations, the Organization for Security and Cooperation in Europe, and other multi-lateral organizations to counter malign influence by the Russian Federation.

(iv) Actions to identify organizations or networks of individuals affiliated with or collaborating with the Government of the Russian Federation or proxies of the Russian Federation in the United States or our European allies and partners.

(F) FINANCIAL MEASURES.—Actions to counter corrupt and illicit financial networks of the Russian Federation in the United States and abroad, including the following

(i) Actions to promote the transparency of corrupt and illicit financial transactions of the Russian Federation, and other anti-corruption measures.

(ii) Actions to maintain and enhance the focus within the Department of the Treasury on tracing corrupt and illicit financial flows linked to the Russian Federation that interact with the United States financial system and exposing beneficial ownership and opaque Russia-related business transactions of significant importance.

(iii) Actions to build the capacity of financial intelligence units of allies and partners.

(iv) Actions to enhance financial intelligence cooperation between the United States and the European Union.

(G) ENERGY SECURITY MEASURES.—Actions to promote the energy security of our European allies and partners, and to reduce their dependence on energy imports from the Russian Federation that the Russian Federation uses as a weapon to coerce, intimidate, and influence those countries, including the following:

(i) Actions to develop plans, working with the governments of our European allies and partners to enhance energy market liberalization, effective regulation and oversight, energy reliability, and energy efficiency.

(ii) Actions to work with the European Union to promote the growth of liquefied natural gas trade and expansion of the gas transport infrastructure in Europe.

(iii) Actions to promote a dialogue within the North Atlantic Treaty Organization on a coherent, strategic approach to energy security for North Atlantic Treaty Organization members and partner nations.

(H) PROMOTION OF VALUES.—Actions to promote United States values and principles to provide a strong, credible alternative to malign influence by the Russian Federation, including the following:

(i) Actions to promote our alliance structure, the importance for United States national security of transatlantic security, and the continued integration of countries within multilateral institutions within Europe.

(ii) Public diplomacy and outreach to the people of the Russian Federation.

(d) CONSISTENCY WITH PRIOR LEGISLATION.—The strategy developed pursuant to subsection (c) shall be consistent with the following:

(1) The Countering America's Adversaries Through Sanctions Act (Public law 115–44).

(2) The Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921 et seq.).

(3) The Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8901 et seq.).

(4) The Sergei Magnitsky Rule of Law Accountability Act of 2012 (22 U.S.C. 5811 note).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In the section the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, the Committee on the Judiciary, the Committee on Banking, Housing and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on the Judiciary, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

## PRIVILEGES OF THE FLOOR

Mrs. ERNST. Mr. President, I ask unanimous consent that Ken Hockycko, a fellow in my office, be granted floor privileges for the remainder of the year.

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

## SIGNING AUTHORITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the junior Senator from Montana be authorized to sign duly enrolled bills or joint resolutions on Monday, September 11, 2017.

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

## AMENDING SECTION 1113 OF THE SOCIAL SECURITY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3732.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3732) to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2017 and 2018 payments for temporary assistance to United States citizens returned from foreign countries.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 3732) was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## CONDEMNING THE VIOLENCE AND DOMESTIC TERRORIST ATTACK THAT TOOK PLACE DURING EVENTS BETWEEN AUGUST 11 AND AUGUST 12, 2017, IN CHARLOTTESVILLE, VIRGINIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 212, S.J. Res. 49.

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

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 49) condemning the violence and domestic terrorist attack that took place during events between August 11 and August 12, 2017, in Charlottesville, Virginia, recognizing the first responders who lost their lives while monitoring the events, offering deepest condolences to the families and friends of those individuals who were killed and deepest sympathies and support to those individuals who were injured by the violence, expressing support for the Charlottesville community, rejecting White nationalists, White supremacists, the Ku Klux Klan, neo-Nazis, and other hate groups, and urging the President and the President's Cabinet to use all available resources to address the threats posed by those groups.

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

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, and the motions to consider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The joint resolution (S.J. Res. 49) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 49

Whereas, on the night of Friday, August 11, 2017, a day before a White nationalist demonstration was scheduled to occur in Charlottesville, Virginia, hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville;

Whereas, on Saturday, August 12, 2017, ahead of the scheduled start time of the planned march, protestors and counter-demonstrators gathered at Emancipation Park in Charlottesville;

Whereas the extremist demonstration turned violent, culminating in the death of peaceful counter-demonstrator Heather Heyer and injuries to 19 other individuals after a neo-Nazi sympathizer allegedly drove a vehicle into a crowd, an act that resulted in a charge of second degree murder, 3 counts of malicious wounding, and 1 count of hit and run;

Whereas 2 Virginia State Police officers, Lieutenant H. Jay Cullen and Trooper Pilot Berke M.M. Bates, died in a helicopter crash as they patrolled the events occurring below them;

Whereas the Charlottesville community is engaged in a healing process following this horrific and violent display of bigotry; and

Whereas White nationalists, White supremacists, the Ku Klux Klan, neo-Nazis, and other hate groups reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress—

(1) condemns the racist violence and domestic terrorist attack that took place between August 11 and August 12, 2017, in Charlottesville, Virginia;

(2) recognizes—

(A) Heather Heyer, who was killed, and 19 other individuals who were injured in the reported domestic terrorist attack; and

(B) several other individuals who were injured in separate attacks while standing up to hate and intolerance;

(3) recognizes the public service and heroism of Virginia State Police officers Lieutenant H. Jay Cullen and Trooper Pilot Berke M.M. Bates, who lost their lives while responding to the events from the air;

(4) offers—

(A) condolences to the families and friends of Heather Heyer, Lieutenant H. Jay Cullen, and Trooper Pilot Berke M.M. Bates; and

(B) sympathy and support to those individuals who are recovering from injuries sustained during the attacks;

(5) expresses support for the Charlottesville community as the community heals following this demonstration of violent bigotry;

(6) rejects White nationalism, White supremacy, and neo-Nazism as hateful expressions of intolerance that are contradictory to the values that define the people of the United States; and

(7) urges—

(A) the President and his administration to—

(i) speak out against hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and White supremacy; and

(ii) use all resources available to the President and the President's Cabinet to address the growing prevalence of those hate groups in the United States; and

(B) the Attorney General to work with—

(i) the Secretary of Homeland Security to investigate thoroughly all acts of violence, intimidation, and domestic terrorism by White supremacists, White nationalists, neo-Nazis, the Ku Klux Klan, and associated groups in order to determine if any criminal laws have been violated and to prevent those groups from fomenting and facilitating additional violence; and

(ii) the heads of other Federal agencies to improve the reporting of hate crimes and to emphasize the importance of the collection, and the reporting to the Federal Bureau of Investigation, of hate crime data by State and local agencies.