

the Government of the Kingdom of Norway Concerning Peaceful Uses of Nuclear Energy, done at Washington June 11, 2016, may be brought into effect on or after the date of the enactment of this Act, as if all the requirements in such section for consideration of such agreement had been satisfied, subject to subsection (b).

(b) **APPLICABILITY OF ATOMIC ENERGY ACT OF 1954 AND OTHER PROVISIONS OF LAW.**—Upon entering into effect, the agreement referred to in subsection (a) shall be subject to the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and any other applicable United States law as if such agreement had come into effect in accordance with the requirements of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

### RESPONSE ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask that the Chair lay before the Senate the message from the House to accompany S. 546.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 546) entitled “An Act to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency’s National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.”, do pass with an amendment.

Mr. BOOZMAN. Mr. President, I move to concur in the House amendment; and I ask unanimous consent that the motion be agreed to, and the motion to reconsider be considered made and laid upon the table without intervening action or debate.

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

### PREVENTING ANIMAL CRUELTY AND TORTURE ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1831 and the Senate proceed to its immediate consideration.

Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1831) to revise section 48 of title 18, United States Code, and for other purposes.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Toomey substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 5169) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Animal Cruelty and Torture Act” or the “PACT Act”.

#### SEC. 2. REVISION OF SECTION 48.

(a) **IN GENERAL.**—Section 48 of title 18, United States Code, is amended to read as follows:

##### “§ 48. Animal crushing

“(a) **OFFENSES.**—

“(1) **CRUSHING.**—It shall be unlawful for any person to purposely engage in animal crushing in or affecting interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

“(2) **CREATION OF ANIMAL CRUSH VIDEOS.**—It shall be unlawful for any person to knowingly create an animal crush video, if—

“(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

“(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

“(3) **DISTRIBUTION OF ANIMAL CRUSH VIDEOS.**—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

“(b) **EXTRATERRITORIAL APPLICATION.**—This section applies to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

“(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

“(2) the animal crush video is transported into the United States or its territories or possessions.

“(c) **PENALTIES.**—Whoever violates this section shall be fined under this title, imprisoned for not more than 7 years, or both.

“(d) **EXCEPTIONS.**—

“(1) **IN GENERAL.**—This section does not apply with regard to any conduct, or a visual depiction of that conduct, that is—

“(A) a customary and normal veterinary, agricultural husbandry, or other animal management practice;

“(B) the slaughter of animals for food;

“(C) hunting, trapping, fishing, a sporting activity not otherwise prohibited by Federal law, predator control, or pest control;

“(D) medical or scientific research;

“(E) necessary to protect the life or property of a person; or

“(F) performed as part of euthanizing an animal.

“(2) **GOOD-FAITH DISTRIBUTION.**—This section does not apply to the good-faith distribution of an animal crush video to—

“(A) a law enforcement agency; or

“(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

“(3) **UNINTENTIONAL CONDUCT.**—This section does not apply to unintentional conduct that injures or kills an animal.

“(4) **CONSISTENCY WITH RFRA.**—This section shall be enforced in a manner that is consistent with section 3 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-1).

“(e) **NO PREEMPTION.**—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

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

“(1) the term ‘animal crushing’ means actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242);

“(2) the term ‘animal crush video’ means any photograph, motion-picture film, video or digital recording, or electronic image that—

“(A) depicts animal crushing; and

“(B) is obscene; and

“(3) the term ‘euthanizing an animal’ means the humane destruction of an animal accomplished by a method that—

“(A) produces rapid unconsciousness and subsequent death without evidence of pain or distress; or

“(B) uses anesthesia produced by an agent that causes painless loss of consciousness and subsequent death.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 3 of title 18, United States Code, is amended by striking the item relating to section 48 and inserting the following:

“48. Animal crushing.”.

The bill (S. 1831), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

### FEDERAL LAW ENFORCEMENT TRAINING CENTERS REFORM AND IMPROVEMENT ACT OF 2015

### FEDERAL LAW ENFORCEMENT TRAINING CENTERS REFORM AND IMPROVEMENT ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 3842 and S. 2781 and the Senate proceed to their immediate consideration en bloc.

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

The clerk will report the bills by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3842) to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

A bill (S. 2781) to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Perdue amendments be agreed to, and the bills, as amended, be considered read a third time.

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

The amendments (Nos. 5171 and 5170) were agreed to, as follows:

## AMENDMENT NO. 5171

(Purpose: To improve the bill)

On page 3, line 19, insert “delegated” after “carry out”.

On page 4, strike lines 5 through 12 and insert the following:

“(B) maximizes opportunities for small business participation;

On page 11, beginning on line 25, strike “and to compensate such employees for time spent traveling from their homes to work sites”.

## AMENDMENT NO. 5170

(Purpose: To improve the bill)

On page 3, line 15, insert “delegated” after “carry out”.

On page 4, strike lines 1 through 8 and insert the following:

“(B) maximizes opportunities for small business participation;

On page 11, beginning on line 20, strike “and to compensate such employees for time spent traveling from their homes to work sites”.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BOOZMAN. Mr. President, I know of no further debate on the measures.

The PRESIDING OFFICER. If there is no further debate, the bills having been read the third time, the question is, Shall the bills pass en bloc?

The bill (H.R. 3842), as amended, was passed.

The bill (S. 2781), as amended, was passed, as follows:

## S. 2781

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Law Enforcement Training Centers Reform and Improvement Act of 2016”.

**SEC. 2. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.**

(a) **ESTABLISHMENT.**—Section 884 of the Homeland Security Act of 2002 (6 U.S.C. 464) is amended to read as follows:

**“SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.**

“(a) **ESTABLISHMENT.**—The Secretary shall maintain in the Department the Federal Law Enforcement Training Centers (referred to in this section as ‘FLETC’), headed by a Director, who shall report to the Secretary.

“(b) **POSITION.**—The Director shall occupy a career-reserved position within the Senior Executive Service.

“(c) **FUNCTIONS OF THE DIRECTOR.**—The Director shall—

“(1) develop training goals and establish strategic and tactical organizational program plans and priorities;

“(2) provide direction and management for FLETC’s training facilities, programs, and support activities while ensuring that organizational program goals and priorities are executed in an effective and efficient manner;

“(3) develop homeland security and law enforcement training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, for Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies;

“(4) monitor progress toward strategic and tactical FLETC plans regarding training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, and facilities;

“(5) ensure the timely dissemination of homeland security information as necessary to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and the private sector to achieve the training goals for such entities, in accordance with paragraph (1);

“(6) carry out delegated acquisition responsibilities in a manner that—

“(A) fully complies with—

“(i) Federal law;

“(ii) the Federal Acquisition Regulation, including requirements regarding agency obligations to contract only with responsible prospective contractors; and

“(iii) Department acquisition management directives; and

“(B) maximizes opportunities for small business participation;

“(7) coordinate and share information with the heads of relevant components and offices on digital learning and training resources, as appropriate;

“(8) advise the Secretary on matters relating to executive level policy and program administration of Federal, State, local, tribal, territorial, and international law enforcement and security training activities and private sector security agency training activities, including training activities related to domestic preparedness and response to threats or acts of terrorism;

“(9) collaborate with the Secretary and relevant officials at other Federal departments and agencies, as appropriate, to improve international instructional development, training, and technical assistance provided by the Federal Government to foreign law enforcement; and

“(10) carry out such other functions as the Secretary determines are appropriate.

“(d) **TRAINING RESPONSIBILITIES.**—

“(1) **IN GENERAL.**—The Director is authorized to provide training to employees of Federal agencies who are engaged, directly or indirectly, in homeland security operations or Federal law enforcement activities, including such operations or activities related to domestic preparedness and response to threats or acts of terrorism. In carrying out such training, the Director shall—

“(A) evaluate best practices of law enforcement training methods and curriculum content to maintain state-of-the-art expertise in adult learning methodology;

“(B) provide expertise and technical assistance, including on domestic preparedness and response to threats or acts of terrorism, to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies; and

“(C) maintain a performance evaluation process for students.

“(2) **RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES.**—The Director shall consult with relevant law enforcement and security agencies in the development and delivery of FLETC’s training programs.

“(3) **TRAINING DELIVERY LOCATIONS.**—The training required under paragraph (1) may be conducted at FLETC facilities, at appropriate off-site locations, or by distributed learning.

“(4) **STRATEGIC PARTNERSHIPS.**—

“(A) **IN GENERAL.**—The Director may—

“(i) execute strategic partnerships with State and local law enforcement to provide such law enforcement with specific training, including maritime law enforcement training; and

“(ii) coordinate with the Under Secretary responsible for overseeing critical infrastruc-

ture protection, cybersecurity, and other related programs of the Department and with private sector stakeholders, including critical infrastructure owners and operators, to provide training pertinent to improving coordination, security, and resiliency of critical infrastructure.

“(B) **PROVISION OF INFORMATION.**—The Director shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, upon request, information on activities undertaken in the previous year pursuant to subparagraph (A).

“(5) **FLETC DETAILS TO DHS.**—The Director may detail employees of FLETC to positions throughout the Department in furtherance of improving the effectiveness and quality of training provided by the Department and, as appropriate, the development of critical departmental programs and initiatives.

“(6) **DETAIL OF INSTRUCTORS TO FLETC.**—Partner organizations that wish to participate in FLETC training programs shall assign nonreimbursable detailed instructors to FLETC for designated time periods to support all training programs at FLETC, as appropriate. The Director shall determine the number of detailed instructors that is proportional to the number of training hours requested by each partner organization scheduled by FLETC for each fiscal year. If a partner organization is unable to provide a proportional number of detailed instructors, such partner organization shall reimburse FLETC for the salary equivalent for such detailed instructors, as appropriate.

“(7) **PARTNER ORGANIZATION EXPENSES REQUIREMENTS.**—

“(A) **IN GENERAL.**—Partner organizations shall be responsible for the following expenses:

“(i) Salaries, travel expenses, lodging expenses, and miscellaneous per diem allowances of their personnel attending training courses at FLETC.

“(ii) Salaries and travel expenses of instructors and support personnel involved in conducting advanced training at FLETC for partner organization personnel and the cost of expendable supplies and special equipment for such training, unless such supplies and equipment are common to FLETC-conducted training and have been included in FLETC’s budget for the applicable fiscal year.

“(B) **EXCESS BASIC AND ADVANCED FEDERAL TRAINING.**—All hours of advanced training and hours of basic training provided in excess of the training for which appropriations were made available shall be paid by the partner organizations and provided to FLETC on a reimbursable basis in accordance with section 4104 of title 5, United States Code.

“(8) **PROVISION OF NON-FEDERAL TRAINING.**—

“(A) **IN GENERAL.**—The Director is authorized to charge and retain fees that would pay for its actual costs of the training for the following:

“(i) State, local, tribal, and territorial law enforcement personnel.

“(ii) Foreign law enforcement officials, including provision of such training at the International Law Enforcement Academies wherever established.

“(iii) Private sector security officers, participants in the Federal Flight Deck Officer program under section 44921 of title 49, United States Code, and other appropriate private sector individuals.

“(B) **WAIVER.**—The Director may waive the requirement for reimbursement of any cost under this section and shall maintain records regarding the reasons for any requirements so waived.

“(9) REIMBURSEMENT.—The Director is authorized to reimburse travel or other expenses for non-Federal personnel who attend activities related to training sponsored by FLETC, at travel and per diem rates established by the General Services Administration.

“(10) STUDENT SUPPORT.—In furtherance of its training mission, the Director is authorized to provide the following support to students:

“(A) Athletic and related activities.

“(B) Short-term medical services.

“(C) Chaplain services.

“(11) AUTHORITY TO HIRE FEDERAL ANNUITANTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Director is authorized to appoint and maintain, as necessary, Federal annuitants who have expert knowledge and experience to meet the training responsibilities under this subsection.

“(B) NO REDUCTION IN RETIREMENT PAY.—A Federal annuitant employed pursuant to this paragraph shall not be subject to any reduction in pay for annuity allocable to the period of actual employment under the provisions of section 8344 or 8468 of title 5, United States Code, or similar provisions of any other retirement system for employees.

“(C) RE-EMPLOYED ANNUITANTS.—A Federal annuitant employed pursuant to this paragraph shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in subparagraph (B)) as may apply.

“(D) COUNTING.—Federal annuitants shall be counted on a full-time equivalent basis.

“(E) LIMITATION.—No appointment under this paragraph may be made which would result in the displacement of any employee.

“(12) TRAVEL FOR INTERMITTENT EMPLOYEES.—The Director is authorized to reimburse intermittent Federal employees traveling from outside a commuting distance (to be predetermined by the Director) for travel expenses.

“(e) ON-FLETC HOUSING.—Notwithstanding any other provision of law, individuals attending training at any FLETC facility shall, to the extent practicable and in accordance with FLETC policy, reside in on-FLETC or FLETC-provided housing.

“(f) ADDITIONAL FISCAL AUTHORITIES.—In order to further the goals and objectives of FLETC, the Director is authorized to—

“(1) expend funds for public awareness and to enhance community support of law enforcement training, including the advertisement of available law enforcement training programs;

“(2) accept and use gifts of property, both real and personal, and to accept gifts of services, for purposes that promote the functions of the Director pursuant to subsection (c) and the training responsibilities of the Director under subsection (d);

“(3) accept reimbursement from other Federal agencies for the construction or renovation of training and support facilities and the use of equipment and technology on government-owned property;

“(4) obligate funds in anticipation of reimbursements from agencies receiving training at FLETC, except that total obligations at the end of a fiscal year may not exceed total budgetary resources available at the end of such fiscal year;

“(5) in accordance with the purchasing authority provided under section 505 of the Department of Homeland Security Appropriations Act, 2004 (Public Law 108-90; 6 U.S.C. 453a)—

“(A) purchase employee and student uniforms; and

“(B) purchase and lease passenger motor vehicles, including vehicles for police-type use;

“(6) provide room and board for student interns; and

“(7) expend funds each fiscal year to honor and memorialize FLETC graduates who have died in the line of duty.

“(g) DEFINITIONS.—In this section:

“(1) BASIC TRAINING.—The term ‘basic training’ means the entry-level training required to instill in new Federal law enforcement personnel fundamental knowledge of criminal laws, law enforcement and investigative techniques, laws and rules of evidence, rules of criminal procedure, constitutional rights, search and seizure, and related issues.

“(2) DETAILED INSTRUCTORS.—The term ‘detailed instructors’ means personnel who are assigned to the Federal Law Enforcement Training Centers for a period of time to serve as instructors for the purpose of conducting basic and advanced training.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Federal Law Enforcement Training Centers.

“(4) DISTRIBUTED LEARNING.—The term ‘distributed learning’ means education in which students take academic courses by accessing information and communicating with the instructor, from various locations, on an individual basis, over a computer network or via other technologies.

“(5) EMPLOYEE.—The term ‘employee’ has the meaning given such term in section 2105 of title 5, United States Code.

“(6) FEDERAL AGENCY.—The term ‘Federal agency’ means—

“(A) an Executive Department as defined in section 101 of title 5, United States Code;

“(B) an independent establishment as defined in section 104 of title 5, United States Code;

“(C) a Government corporation as defined in section 9101 of title 31, United States Code;

“(D) the Government Printing Office;

“(E) the United States Capitol Police;

“(F) the United States Supreme Court Police; and

“(G) Government agencies with law enforcement related duties.

“(7) LAW ENFORCEMENT PERSONNEL.—The term ‘law enforcement personnel’ means an individual, including criminal investigators (commonly known as ‘agents’) and uniformed police (commonly known as ‘officers’), who has statutory authority to search, seize, make arrests, or to carry firearms.

“(8) LOCAL.—The term ‘local’ means—

“(A) of or pertaining to any county, parish, municipality, city, town, township, rural community, unincorporated town or village, local public authority, educational institution, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, any agency or instrumentality of a local government, or any other political subdivision of a State; and

“(B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.

“(9) PARTNER ORGANIZATION.—The term ‘partner organization’ means any Federal agency participating in FLETC’s training programs under a formal memorandum of understanding.

“(10) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern

Mariana Islands, and any possession of the United States.

“(11) STUDENT INTERN.—The term ‘student intern’ means any eligible baccalaureate or graduate degree student participating in FLETC’s College Intern Program.

“(h) PROHIBITION ON NEW FUNDING.—No funds are authorized to carry out this section. This section shall be carried out using amounts otherwise appropriated or made available for such purpose.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by amending the item relating to section 884 to read as follows:

“Sec. 884. Federal Law Enforcement Training Centers.”

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

#### GAO MANDATES REVISION ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 639, H.R. 5687.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 5687) to eliminate or modify certain mandates of the Government Accountability Office.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 5687) was ordered to a third reading, was read the third time, and passed.

#### MARINE DEBRIS ACT AMENDMENTS OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 691, S. 3086.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3086) to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Marine Debris Act Amendments of 2016”.*

##### SEC. 2. NOAA MARINE DEBRIS PROGRAM.

*Subsection (b) of section 3 of the Marine Debris Act (33 U.S.C. 1952(b)) is amended—*