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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, help us ever to see eternity beyond time. As our Senators labor, may they do so with an eternal perspective. Remind them that they are serving You as well as country, preparing themselves for the higher joy of service in the world to come.

In this season of hope, remind us of Your breakthrough into time to give us eternal life. Help us to seek and count life's blessings so that our lives may flow in ceaseless praise. Lord, thank You for Your promise to be with us always, to the end of the world and beyond.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROUNDS). The majority leader is recognized.

OMNIBUS AND TAX RELIEF LEGISLATION

Mr. MCCONNELL. Mr. President, the American people have two principal concerns: our Nation's security and the economy. The legislation we will soon consider will help address both. It would enact permanent tax relief for American families and small businesses. That will lead to more jobs, more opportunity, and more economic growth here in America.

NOTICE

If the 114th Congress, 1st Session, adjourns sine die on or before December 24, 2015, a final issue of the *Congressional Record* for the 114th Congress, 1st Session, will be published on Thursday, December 31, 2015, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2015, and will be delivered on Monday, January 4, 2016.

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Senators' statements should also be formatted according to the instructions at http://webster.senate.gov/secretary/Departments/Reporters__Debates/resources/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at https://housenet.house.gov/legislative/research-and-reference/transcripts-and-records/electronic-congressional-record-inserts. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

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By order of the Joint Committee on Printing.

GREGG HARPER, *Chairman.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Another way this legislation will support jobs and grow the economy is by permanently eliminating a relic from the 1970s. This 40-year energy ban has cost our economy jobs, and it strengthens oil exporters such as Iran and Russia. It is no secret that Russia views its energy resources as a foreign policy tool. It is no secret that Iran views its energy resources as a component of national power, nor is it a secret that President Obama recently granted the Iranian regime permission to export those resources. Many think it is time the American people were treated at least as fairly as Iran.

This critical energy reform would help strengthen America's jobs and America's safety, but it is only a small part of how the overall bill would support our national security. For instance, we know that preventing another crisis in military readiness will require significant investments over the medium term and over the long term. We know there is much to be done, but we also know this legislation represents a critical step forward. It would finally ensure our military has the funding it needs to train, equip, and confront the threats we face from terrorist groups like ISIL and countries like Iran.

We know that preventing another crisis in military readiness will require significant investments over the near, medium, and the long term. For instance, our air campaign over Syria and Iraq has our Navy, Marine Corps, and Air Force flying sorties that will further stress the readiness of the force, and those planes need to be maintained, repaired, and ultimately replaced. We know there is much to be done, but we also know this legislation represents a critical step forward. It would finally ensure our military has more of the funding it needs to train, equip, and confront the threats we face from terrorist groups like ISIL and countries like Iran.

We know this legislation would honor our veterans by funding the health care and benefits they rely on. We know it would enact critical reforms to help address the crises we have seen at the VA.

We know this legislation would, at a time of new and evolving terror threats, bring badly needed reform to the Visa Waiver Program. We know it would bolster the FBI's ability to confront terror within our borders.

We know this legislation would prevent—I repeat, prevent—the transfer of dangerous terrorists from Guantanamo's secure detention center into our communities.

We also know this legislation would enact an important cyber security information sharing measure. It is clear that countries such as Russia, China, and Iran are determined to continue launching cyber attacks against us. We know that the administration already succumbed to a devastating cyber attack just recently. It is time to provide the American people with some long-overdue protection.

The legislation before us would go a long way toward strengthening our national security in a dangerous world. Its provisions will help advance other important conservative priorities, too, like strengthening the First Amendment and helping protect families from a health care law that attacks the middle class.

This legislation would, in the wake of the Obama administration's conservative speech-suppression scandal, enact important reforms at the IRS and force it to root out waste. These reforms will help prevent another Lois Lerner, and they would help ensure that IRS employees who target Americans for their political beliefs are actually fired.

This legislation would strip out more pieces of a partisan law that hurts the middle class. One newspaper said the measure before us would ''take an ax'' to a ''key pillar'' of ObamaCare. It would prevent a taxpayer bailout of ObamaCare as well. The administration pushed hard to reverse that last provision but did not succeed.

The legislation before us would root out waste, fraud, and abuse. It would consolidate or terminate dozens—literally dozens—of programs. It would make long-overdue reforms to our Tax Code and contains pro-life and pro-Second Amendment protections as well.

So, in my view, here is the bottom line: This legislation is worth supporting. It doesn't mean this is the legislation I would have written on my own. It doesn't mean this is the legislation Speaker RYAN would have written on his own either. It is not perfect, and we certainly didn't get everything we wanted. But it made strides in it defending our Nation at a time of global unrest. It advances conservative priorities in several areas and enacts significant reform in several areas on everything from tax relief to energy policy to cyber security.

I plan to vote for it. I hope colleagues will choose to do the same.

Before I leave the floor, I wish to acknowledge the impressive work of the chairman of the Finance Committee, Senator ORRIN HATCH, on the tax side of this issue. Permanent reform was never going to be easy to come by, but this thoughtful legislator, Senator HATCH, never gave up, and he and his staff continued to work on this issue for a very long time. The result is a significant accomplishment for American families and the American economy, and I can't thank Senator HATCH enough.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

RELATIONSHIP OF THE MAJORITY AND DEMOCRATIC LEADERS

Mr. REID. Mr. President, before the Republican leader leaves the floor, I wish to say a few things.

In the years I have served in public office, I brush aside most press and don't let it bother me, but once in a while something comes along that does. There was an article in one of the Hill newspapers this day that really troubled me: ''Bad blood: Reid-McConnell relationship hits new low.''

I have a difficult job, and so does he. We both have done our respective jobs. We started out in leadership positions here doing different things, but where we first started working closely together was when we were both whips.

No one knows our personal relationship except him and me. There are things he does that disappoint me; there are things I do that disappoint him. Our caucuses have different views on a lot of things.

I just want the record to be spread that the Reid-McConnell relationship hasn't hit a new low. We have a personal relationship. Nobody knows how many times we visit with each other on the telephone and personally.

I will always remember him and his wonderful wife. Within the last few years my wife was involved in a terrible automobile accident. The first people to step up and ask if there was anything they could do were MITCH and his wife. Shortly thereafter, my wife had a bruising battle with breast cancer. There is no one who can comfort a wife more than another wife. On January 1 of this year, I blinded myself in an exercise accident, and MITCH MCCONNELL was there. His wife was there.

So I want the record to reflect—people might write all these things they want to write, but MITCH MCCONNELL and I are friends. People may think that is difficult with all the things we do here opposing each other, but that is the job we have.

I want the record—I repeat—to be totally reflective of the fact that I have admiration for MITCH MCCONNELL and the work that he has to do. Do I always agree with what he does? Of course not. I am sure the same applies to his feelings about me. But no one can judge what our personal relationship is except MCCONNELL and REID.

Mr. MCCONNELL. Will my friend yield for a comment?

Mr. REID. Yes.

Mr. MCCONNELL. I am always frustrated, as I think the Democratic leader is, with the tendency to personalize political differences. Obviously we have differences on issues, but I want to second what my friend the Democratic leader said: There is nothing wrong with our personal relationship, whether it is watching Nats baseball or a lot of other things that we have discussed both personally and otherwise for literally years.

I share the Senator's frustration, I would say to my friend, over an article like that. I think there is a tendency to think you can't have political arguments without developing personal animosity, and I don't have any toward my friend, and I know he doesn't have any toward me.

I really appreciate the opportunity that he has given for both of us to kind of clear the air about the perceptions that could have been drawn by reading such an article.

PUERTO RICO

Mr. REID. Mr. President, 18,000 Puerto Ricans served in the Armed Forces in World War I; 65,000 in the Second World War; 61,000 during the Korean war; 48,000 in the Vietnam war. Since 1917, more than 200,000 American citizens from Puerto Rico have served in the U.S. Armed Forces, serving in every conflict since World War I.

A previous leader of the Senate asked me to represent the Senate in a ceremony in Puerto Rico a number of years ago as they were dedicating the monument to fallen soldiers of Puerto Rico in conflicts involving the United States and other countries. I have never forgotten that. I have a warm spot in my heart for Puerto Rico, a wonderful part of our country and a territory of the United States with a beautiful rain forest. I have been there. I have fond memories. I have been there a few times, but I really like Puerto Rico.

Today, as they have helped us in these battles, Puerto Ricans who live in Puerto Rico need our help. Right now, the people of Puerto Rico are drowning in over $72 billion in debt. It is a sparsely populated territory with, I think, about 3.5 million people. They have more debt per capita than any U.S. State, of course. The territory is facing a severe economic and fiscal crisis, and it is becoming a humanitarian crisis.

Leader PELOSI and I fought to include meaningful provisions in an omnibus spending package to assist Puerto Rico, including empowering Puerto Rico to readjust a significant portion of its debt.

Unfortunately, Republicans refused to work with us to address Puerto Rico's massive debt in a meaningful way. Instead of seizing the last chance Congress has this year to do the right thing for Puerto Ricans, they turned their backs on 3.5 million citizens of the United States who are Puerto Ricans and live in Puerto Rico.

To be clear, helping Puerto Rico doesn't mean bailing the island out of its massive debt. They don't need that. They don't need a massive check from the taxpayers. This is about giving Puerto Rico and their leaders the same tools that every State has—the same tools that are currently available in every State. Puerto Rico is part of the United States, and the people of Puerto Rico are looking to Members of Congress to step in as partners. That is our job.

The territory is facing a massive $900 million payment in bond payments on January 1 to its bond holders. Puerto Rico's Governor said yesterday that the island will default in January or May. We can't wait.

Next year—likely the first half of 2016, the same period in which Puerto Rico is expected to default on its debt—Congress will present a Congressional Gold Medal in honor of the 65th Infantry Regiment, which suffered such massive casualties over time. This infantry regiment was a U.S. Army unit consisting mostly of Puerto Rican soldiers that distinguished itself for its remarkable service during the Korean war. It is shameful to think that Congress can at once recognize the extraordinary contributions of Puerto Ricans, who have made the ultimate sacrifice for their country, and then do nothing to protect Puerto Ricans when they turn to us for help in a time of crisis.

Inaction is not an option. Puerto Rico needs to do its part, and so must Congress. As Puerto Rico's Resident Commissioner has said: ''This is not just a Puerto Rican problem; this is an American problem, requiring an American solution.''

We can do something to help, and we must do something to help. We can work together to pass legislation that allows Puerto Rico to restructure a significant part of its debt without costing U.S. taxpayers a penny.

These bonds are not bonds of the U.S. Government. People have made investments. Like every other investment, sometimes they go bad. Theirs went bad as a result of the crash we had here 9 years ago or so on Wall Street.

The Obama administration and congressional Democrats want to do something to help. We have asked Republicans to join us in this effort, but so far they have only stood in the way. All we want is to simply say that a territory of the United States—and we will limit it, of course, to Puerto Rico—has the ability, like every other State, to file for bankruptcy protection.

Just last week, the senior Senator from New York asked for unanimous consent to adopt the Puerto Rico Chapter 9 Uniformity Act—a bill that would extend chapter 9 of the bankruptcy code to Puerto Rico and allow it to restructure its municipal debt in the same way other States can.

But instead of giving Puerto Rico the same rights as Kentucky, Nevada, Illinois or Utah, the chairman of the Finance Committee, from Utah, blocked this critical legislation.

I understand there are important issues that must be discussed, such as the nature and scope of this authority, but to deny Puerto Rico any restructuring authority, as the Republicans have done, is negligent.

I hope that recent comments by Republican leaders, including Speaker RYAN, will translate into meaningful action.

Senate Democrats are ready to work across the aisle on a real solution for Puerto Rico, with the understanding that any viable plan moving forward will be a Federal process that allows Puerto Rico to adjust its debt.

To deny Puerto Rico any restructuring authority is not just bad for Puerto Rico, it is bad for the creditors as well.

So I say to my Republican colleagues: Let's work together to extend a helping hand to our fellow citizens in Puerto Rico. It should be in this bill that we are going to vote on tomorrow. Giving the people of Puerto Rico the tools necessary to resolve this fiscal crisis is the right thing to do. It is the moral thing to do.

Mr. President, would you announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The assistant Democratic leader.

SYRIAN REFUGEES

Mr. DURBIN. Mr. President, it is amazing some of the people we get to meet in our lives as Senators. There is a medical doctor in Chicago who I didn't know several years ago, but he and his wife have become dear friends in a short period of time. His name is Dr. Zaher Sahloul. He asked for an appointment in my office in Chicago a few years back, and I agreed to it. He came in to tell me a story and to show me some pictures. He is originally from Syria, and he is head of the Syrian-American Medical Society in the Chicagoland area. Because of the tragedy of the civil war in his home country of Syria, he has felt a special obligation to help.

What he has done on many occasions now was to get as close to the action as he could in Syria to provide medical assistance to the victims. Many times he risked his life to do it. And other doctors—some Syrian-American and some not—have joined him in that effort. He would bring me back photographs of what casualties of war look like in Syria. They were heartbreaking—pictures of children who had been maimed and seriously injured by the barrel bombs of President Assad in Syria and stories about parents killed in the bombings that continue day after weary day.

Dr. Sahloul would ask me: What can you do, Senator? Can't you help us? Can't you stop this?

Of course, that civil war in Syria, which has gone on for 4 years, is almost intractable, almost impossible to define. There are so many forces fighting one another that at any given moment, your ally today may be your enemy tomorrow.

I tried, since meeting Dr. Sahloul, to do some things: to come out for a safe

zone, a humanitarian zone in Syria, where medical treatment and food and a safe shelter could be found for families who are facing these attacks. We have had some limited—and I underline ''limited''—success in providing these safe zones, but it is a fact that the tragedy of Syria continues even to this minute. If anything, today it is worse because of the bombing by the Russians, which I am told has gone into areas that previously had been protected because of the citizen and civilian populations.

The result is obvious. Millions—literally millions of people in Syria over the last 4 years—have fled. They are running for their lives, and they are running from war, and they are running from terrorism.

Dr. Sahloul recently wrote an article about his trip to the United States. He arrived in 1989. He tells the story of coming to Chicago and feeling very much alone. He graduated from medical school in Damascus. He had a chance to practice medicine in Chicago, but he wasn't sure that he could ever really fit in.

He tells the story of his first Thanksgiving in Chicago in 1989, when a fellow doctor invited him to join her and her family for Thanksgiving dinner. It was a gracious gesture—a gesture of hospitality. Dr. Sahloul has not forgotten it to this day. This article, which I will ask to have printed in the RECORD at the conclusion of my comments, goes into some detail.

Dr. Sahloul really wrote this article not to just tell his story but to tell two other stories—the story of immigration, which is literally the story of America, and the story of Syrian refugees.

His most recent trip to the region was to the island of Lesbos, which is part of Greece. I went there a few weeks ago with several of my Senate colleagues. Thousands—hundreds of thousands of refugees—are flowing into Lesbos from Turkey. They have left Syria and Afghanistan, and they are working their way into Greece on their way, they hope, to refuge and shelter in Europe.

It is impossible to describe, if we have not seen it ourselves, what is going on here. But imagine for a moment that you were so frightened of the prospect of your child or your wife dying in war that you said: Tomorrow, pick up whatever you can carry. We are leaving. We cannot stay here.

And if you look at these refugees as they travel—mothers and fathers carrying babies, with toddlers and small children walking alongside of them—you realize how desperate they must be to leave everything behind and to head out on this journey of danger. One of the most dangerous parts of it is that trip across the Aegean Sea between Turkey and Greece. They have to pay smugglers 1,000 euros, which is over $1,000 for each adult, and 500 euros for each child. They put them in these plastic boats. Some of them are given lifejackets. The infants, too small for a lifejacket, are literally given plastic water wings that we give to our infant children to play in the wading pools near our homes. That is all they have. They cram them into these boats. They strap on a Chinese motor. They put just enough gasoline in that engine that they think will make it across—but not more—and try to find someone in the boat who will steer it. They point to their destination, and they leave. Sometimes these boats have 50 or 60 people in them when they are only supposed to have 20 to travel safely.

They are warned that as they come up to the shore in Lesbos, Greece, or other islands, they should immediately run into the rocks and scuttle the boat so that it sinks. Otherwise, they are told they will be turned around and pushed back to Turkey, and they may not have enough gas to make it. And that is what happens.

Dr. Sahloul tells the story of what happens when these boats are scuttled as they arrive in Greece. He tells of the drowning of little children who don't make it off the boat onto dry land but literally drown right there. We saw one of those photos just a few months ago of a tiny 3-year-old boy who drowned just as he was about to make it into Greece.

Dr. Sahloul tells that story so that some of us—all of us—will understand the desperation of these refugees.

It is now very popular among politicians to blame the Syrian refugees for terrorism in America. We have not accepted that many refugees in our country. The numbers are about 2,000. At this point, not a single person among those refugees has been arrested and charged with terrorism. Yet one would think that these Syrian refugees are the greatest threat there is to America.

I will include the article I referred to in the RECORD so that those who follow this debate and follow the proceedings on the floor can read firsthand and for themselves Dr. Sahloul's story and the story of these Syrian refugees. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Lobelog, Dec. 14, 2015]

TODAY'S SYRIAN REFUGEES ARE YESTERDAY'S IRISH

(By Zaher Sahloul)

Immigrants have built the United States—and that includes Syrians.

Four months after I arrived to Chicago in 1989, my colleague at the hospital, Dr. Nancy Nora, invited me to her family's Thanksgiving dinner. I was homesick in a new country after graduating from medical school in Damascus. Nancy Nora was an Irish American from a large Catholic family. Her father was a respected local physician.

Nancy told me that it was a tradition in her family to invite a newcomer to the city. After all, Thanksgiving, I learned, celebrated Native Americans welcoming European refugees who fled their homelands due to religious and political persecution. I came to Chicago from the ancient Syrian city of Homs to pursue advanced medical training. Syrians look to the U.S. as the best place to pursue this training. In fact, almost half of one percent of American doctors are of Syrian origin. There are also famous Syrian actors, playwrights, rappers, chess players, entrepreneurs, scientists, businessmen, and even Republican governors. Every Syrian American is proud that Steve Jobs is the son of a Syrian immigrant. Syrian immigrant Ernest Hamwi invented the ice cream cone during the St. Louis World Fair in 1904.

''Everyone who enjoys ice cream and an iPhone should feel indebted to Syrian immigrants,'' I remind my children. All three have been born in Chicago. The eldest, Adham, ran his first marathon this year—to raise awareness about domestic violence—and aspires to a career in politics. Mahdi is involved in his university's Students Organizing for Syria (SOS) chapter as well as the Black Lives Matter campaign. Marwa, a high school freshman, is a budding pianist and ran for her school's cross-country team. They all volunteer in local charity events and for Syria. My wife, Suzanne, the daughter of a Syrian civil engineer and Canadian mother with Irish-Scottish roots, founded the Syrian Community Network (SCN) to help support newly resettled Syrian refugee families in the Chicago area.

DARKNESS IN SYRIA

To many Syrians, America symbolizes the values that we lack at home: freedom, rule of law, and the respect for human rights. In Syria, my generation knew only one president, Hafez al-Assad, who ruled for 30 years with ''iron and fire,'' as they say in Arabic. He detained and tortured thousands of people who dared to speak out against his rule. He committed massacres, the worst of which in the city of Hama the same year I graduated from high school.

I still remember the atmosphere of fear in Syria. We dared not speak. We were told that the ''walls have ears.'' My family even prevented me from going to the mosque to pray. Many of my high school friends and relatives disappeared into the dark cells of the infamous Palmyra prison, the site of another infamous massacre by Assad's ruthless security men.

When Hafez died in 2000, his son Bashar, a classmate of mine from medical school, was appointed to the presidency by a token parliament. People expected change. After all, Syria had a well-educated middle class, a diverse economy, and a reasonably vibrant nonprofit sector. It also had a tradition of democracy, which had its ups and downs between 1920 and 1970. Bashar, inexperienced but equally ruthless, disappointed us all. When hundreds of thousands of young Syrians demonstrated peacefully in 2011, thinking naively that the Arab Spring had turned at last to Syria, Assad and his cronies responded with what they knew best: brutality and oppression. More than 250,000 people have been killed. Tens of thousands have disappeared into the prisons. Half of the population has been displaced. And barrel bombs, cluster bombs, and all kinds of weaponry have leveled entire cities and neighborhoods.

Besides meager humanitarian assistance and empty rhetoric, the international community has stood by mostly idle, watching darkness descend on Syria. It has become one of the worst humanitarian crises in our lifetime. In the ensuing chaos, extremist groups like the Islamic State (ISIS or IS) and Hezbollah filled the vacuum. But the snowballing refugee crisis only captured the world's attention when it reached the shores of Europe. With the drowning of the Syrian toddler Aylan Kurdi, who tried to flee with

his family to Greece from Turkey across the Aegean Sea, suddenly Syrian lives mattered.

WITH THE REFUGEES

I just returned from my last medical mission with my organization, the Syrian American Medical Society (SAMS), to the Greek island of Lesbos. Tens of thousands of Syrian refugees are making the desperate boat trip from Turkey to Lesbos and other Greek islands. The unfortunate ones are drowning, while the lucky ones must carry on through another 1,200 miles of borders, humiliation, and misery to reach whoever opens the door to them. Germany and Sweden have been the most hospitable, while others are building walls and barbed wire fences along their borders. The Syrian refugees I met were fleeing the recent Russian bombings and Assad's barrel bombs, while some are fleeing the brutality of the Islamic State. I saw several women, some with toddlers Aylan's age, who lost their husbands to the war. One woman was crying as she described a public execution by IS that she was forced to witness with her five-year-old son. He has had nightmares since then.

I heard from a Syrian volunteer doctor about a boat with a capacity of 30 people that was stuffed with more than 80 refugees. Each refugee had to pay the smugglers 1,000 to 2,000 euros. It was a cold night when the boat crashed onto the rocky shores and split in half. Children got stuck underneath the boat. Many simply drowned. The Syrian doctor, himself a victim of Assad's torture and now a refugee in France, described to me how he performed CPR on two small children. One was dead, and one died later. The U.S. presidential candidates and governors who slammed the door in the faces of helpless Syrian refugees should hear these stories. These refugees deserve our sympathy and hospitality.

Since 1975, Americans have welcomed over 3 million refugees from all over the world. Refugees have built new lives, homes, and communities in towns and cities in all 50 states. Since the war began, however, only 2,034 Syrian refugees have been resettled in the entire United States. This is a shameful number, considering that there are 4.2 million Syrian refugees. The House of Representatives has passed a bill that would impose additional security measures on refugees from Syria, making it nearly impossible to accept more refugees from Iraq and Syria. A similar bill is awaiting a Senate vote.

Nancy Nora's father, surrounded by his large extended family at the dinner table on that Thanksgiving many years ago, explained to me how Irish Americans were demonized when they first arrived to the United States as refugees. They were maligned by politicians and by the public, and were perceived as a threat. During dark times in our history, the United States has treated newly arriving Jews, Italians, Japanese, and Latinos as a threat.

As I was leaving the Nora household after that memorable evening, her family wished me good luck with my studies and my new life in America. Suddenly, the cold Chicago night felt very warm. I felt at home.

Mr. DURBIN. Mr. President, I have several colleagues on the floor who wish to enter into a colloquy, and I yield the floor for that purpose, and then I will wait until they are finished to reclaim my time.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT REQUEST—H.R. 4188

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4188, the Coast Guard reauthorization, which was received from the House; I further ask that the Thune substitute amendment be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Delaware.

Mr. COONS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Delaware.

Mr. COONS. Mr. President, if I might, let me briefly explain the basis for my objection. I have had the opportunity to discuss this matter with my colleague from the State of Alaska.

The cruise industry foreign-flags its vessels and thus pays no U.S. income tax, yet it has asked for protections in this bill from remedies sought by seamen for failing to pay wage and overtime, for remedies for maintenance and cure, one of the oldest, internationally recognized remedies for seafarers. These two remedies would keep the U.S. Merchant Marine competitive. U.S.-flagged vessels are required to hire U.S. seamen, and only by ensuring that workers on U.S. vessels and foreign-flagged vessels, which sail in and out of U.S. ports carrying U.S. passengers, have the same remedies can U.S. jobs be protected.

I have had the opportunity to discuss this issue with the Senator from Alaska, and it is my hope that we can work diligently together to address and clear issues of concern to myself and a number of my colleagues. But until we have that opportunity to review the text and to appropriately resolve concerns that arise from the Jones Act and the longstanding workers compensation-type benefit I described called maintenance and cure, my objection will continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to talk about the broader issue here. I appreciate the willingness of my colleague from Delaware to work on this important issue. The Coast Guard reauthorization bill passed out of the commerce committee unanimously in April.

We talk a lot about national security here on the Senate floor. We talk about our men and women in uniform and how they are protecting us. But I have always liked to mention the men and women in the Coast Guard. Prior to 9/11, you can make a very strong argument that the Coast Guard was probably the only uniformed service whose members were risking their lives for Americans day in and day out every single day. I think a lot of their heroism goes unnoticed. Trust me, in Alaska we see it daily.

The Coast Guard admirably performs a variety of missions on a daily basis throughout our great Nation with a team of fewer than 90,000 members comprised of Active-Duty, Reserve, civilian, and Volunteer forces and an annual budget of less than $10 billion, with, let's face it, a fleet of aging vessels and aircraft.

The ranking member of the commerce committee, Senator NELSON from Florida, and I talk a lot about how heroic these men and women are and how they deserve our attention, just like other members of the military.

Last year the Coast Guard executed more than 17,500 search and rescue missions—these are incredibly dangerous, by the way—in rough waters off the coast of Alaska and Florida and Delaware and saved over 3,400 lives. Think about that—3,400 lives in 1 year. In addition, last year the Coast Guard law enforcement crews interdicted over 140 metric tons of narcotics, detained over 300 smugglers, and interdicted more than 3,500 migrants.

What we are talking about here is bipartisan legislation that needs to be passed that will do one very important thing for our country and the Coast Guard: It is going to improve the mission readiness and performance of the Coast Guard. It demonstrates that the Congress of the United States is paying attention to these brave young men and women.

I am disappointed because we have worked hard to move this legislation since April. We have worked hard. We stripped out provisions that the other side had problems with. Section 605 is gone now, to move this forward. So we have been working hard. I thought we were going to pass this legislation this morning.

The provision my colleague from Delaware was talking about is section 606 of the Coast Guard Authorization Act, and it is simply looking to create consistency and reduce forum shopping in lawsuits involving mariners.

While I understand that some special interests—trial lawyers in particular—are not always interested in judicial consistency or efficiency because it is not in the interest of their bottom line, I wish to remind this body that the provision we are talking about passed overwhelmingly in the House of Representatives in a bipartisan manner—not once, not twice, but three times in the past 2 years. Three times. It is not a controversial provision.

Section 606 is about forum shopping for foreign mariners. In fact, section 606 is not even about Americans; it is about forum shopping for foreign mariners in foreign waters on foreign-flagged ships. That is the issue which is holding up the reauthorization of the Coast Guard bill for our brave men and women who serve in the Coast Guard. Why that provision should be holding us up is beyond me.

But I did have a good discussion with my colleague from Delaware. We are more than willing to continue to work with our colleagues to reach consensus.

But I certainly hope we can get there today and not let one small provision that is very focused on one special interest group hold up a bipartisan bill which everybody on the commerce committee voted for and which is going to do something very important: recognize the men and women in the Coast Guard who risk their lives—just like everybody else in the military—on a daily basis to protect Americans.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

TRIBUTE TO ARNE DUNCAN

Mr. DURBIN. Mr. President, this week in Washington, President Barack Obama's favorite pickup basketball pal from Chicago is leaving town. He is heading back home to Chicago. His name is Arne Duncan. He is Secretary of Education. He was one of the first choices of this President to serve in his Cabinet. He was an obvious choice.

Arne Duncan has given his life to teaching and education. It starts with his parents—his father, who was a professor at the University of Chicago, and his mother, who ran a mentoring and tutoring center in the Hyde Park area of Chicago. As a young boy in school, Arne used to come out of class and go to his mother's mentoring center to help other young kids learn to read and do their homework. It was built into him. His dedication to teaching, to schools, and to improving the lives of students across America has been well documented.

As Arne grew up, he grew tall. As he grew tall, he played basketball, and he was very good at it. He ended up going to Harvard University and playing on their varsity basketball team. He then went on to play in the professional ranks in Australia. It was there that he met his wife. They have two children together. She is waiting for him in Chicago, and he is anxious, I am sure, to return and live full time in that city with his family.

When he came back from his stint in basketball, he went back to mentoring kids in the Hyde Park section and other parts of Chicago. He was chosen to head up the Chicago public schools by former mayor Richard Daley. He was the right choice. Arne Duncan truly had the interest of those public school students at heart, and it showed. That is when I met him for the first time and came to know him. He was an extraordinary and dedicated person, trying to manage one of the most challenging school districts in America.

Two things come to mind immediately. They used to have weekends where people would volunteer to go work at schools. My wife and I volunteered several weekends, and we would always run into Arne and his wife and family, who were giving their Saturdays building playgrounds, painting the interiors of schools, doing the basic things but doing things that many people in his lofty status of superintendent might not have considered.

I used to visit—still do—a lot of Chicago's public schools, drawing my own impressions. I remember visiting a school once and coming out of it and saying to my staff: That school is out of control. It was so loud in the corridors—not between classes but during classes—I couldn't imagine students were learning. It didn't appear there was any supervision.

I called Arne and I said: You know, I have never called you about a school, but please take a look at this school. Something is wrong there. It doesn't feel right.

He said: I will do it.

He called me back 2 weeks later, and he said: You were right. That principal was an experiment to see if he could do it. He can't. We replaced him.

That is how Arne reacted. It wasn't a matter of sending it to a committee and waiting for months and evaluating at the end of the school year; he made the decision—he is decisive—because he knew it was in the best interest of the students.

Arne Duncan inherited a Department of Education that was in controversy when President Obama took the office of Presidency. It was in controversy because there was a Federal law—No Child Left Behind—promulgated by a previous Republican President, George W. Bush, and supported on a bipartisan basis by Congress, that was extremely controversial. Teachers were unhappy with it. Many administrators were unhappy with it. Governors were unhappy with it. There was too much testing, too many strict rules, and too much pronouncement of failure when it wasn't really warranted. That is what he inherited.

Over the years, Arne has made a significant impact when it comes to education in America. U.S. graduation rates are at an alltime high, with the biggest improvements from minorities and the poor. Under Arne's leadership, dropout rates are at an alltime low. Test scores are slightly up, with some of the biggest gains in States that embrace the administration's approach to reform.

We had a stimulus package, which the President supported when he was first elected, to try to help our country out of a recession, and Arne Duncan spoke up to the President and said that we ought to include in there some provisions to help school districts, provisions for money if they will compete for it. They instituted a program known as Race to the Top. They invited States, if they wished, to apply for these Federal funds. Over 20 States applied. They weren't required to. The $10 billion tied to reform was held out—it included $4.35 billion, I should say, for Race to the Top; $10 billion overall—it was held out to the States, and within a year 40 States not only competed but changed their laws to improve their prospects to win money from Race to the Top. Forty-five States embraced college and career-ready standards like common core.

It is interesting to note that one of the States that was successful was Tennessee, which is, of course, the home State of Senator LAMAR ALEXANDER, the chairman of our committee in the Senate that is drafting education legislation. Tennessee impressed Arne Duncan and the Department of Education and became one of the recipients, and Tennessee made some honest declarations about the state of education in their State when they made this application. It was a State that took seriously making dramatic change, and a relationship was struck between Arne Duncan and LAMAR ALEXANDER and many other Members of Congress.

Time has passed. During the last several years, there has been a change of thinking in Congress, in the country, and in the Department of Education about the course to follow.

A week or two ago in the White House, President Obama signed the new Elementary and Secondary Education Act, which was promulgated on a bipartisan basis and had the active support of not only Republican Senator LAMAR ALEXANDER but his Democratic counterpart, Senator PATTY MURRAY of the State of Washington. This bipartisan legislation received I think over 80 votes on the floor of the Senate. Arne Duncan was there at the signing. He had worked with the leadership to arrive at this new stage in the evolution of the relationship of the Federal Government to the States and to the local school districts.

I could go through a long list of things Arne Duncan worked on, including his concern about student debt, but I want to close by pointing to one that has a personal interest to me, and that is for-profit colleges and universities. I have given so many speeches on the floor about this industry—the most heavily subsidized private business in America today, for-profit colleges and universities. I have recounted the miserable statistics about this sector of the economy. With 10 percent of high school graduate students, they receive 20 percent of the Federal aid to education. They account for more than 40 percent of all student loan defaults.

I appealed to Arne Duncan and the Department of Education to do their best to make sure the worst for-profit colleges and universities were held accountable. Arne Duncan showed real leadership. It wasn't easy. He ran into political resistance on Capitol Hill from both political parties. And while I was probably pushing harder than I should have, he stepped forward and started demanding accountability. The net result was that one of the largest for-profit colleges and universities, Corinthian Schools, went out of business. It turns out they had been defrauding the Federal Government for years when it came to the results of job-seeking by their students.

Arne Duncan showed extraordinary public service and political leadership

in tackling this controversial part of the educational establishment of America. It is no surprise for those of us who know Arne Duncan and what he is made of. Back in the day, when his mother was running a mentoring center in Hyde Park, the local criminal gangs told her to close it down or they were going to firebomb it. Well, Arne and his mom showed up at the center the next day. They weren't frightened and they didn't run away. He has never run away from his commitment to young people. He has never run away from his commitment to public service. I don't know what the next chapter of Arne Duncan's life will be, but this chapter—his service as Secretary of Education for the United States of America—was an extraordinary display of commitment to the students, teachers, parents, administrators, and taxpayers of America.

I wish to join in, along with so many other people, by expressing my gratitude to Arne Duncan for his service to our Nation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

OMNIBUS AND TAX EXTENDERS LEGISLATION

Mr. MANCHIN. Mr. President, I rise to applaud my colleagues for being in the Christmas spirit. I have never seen so many gifts and presents given out in one bill.

Let's be clear, we aren't voting on just a $1.1 trillion spending bill called the omnibus, we are not voting on just that bill. That bill, by itself, could have been acceptable because it helps veterans, middle-class families, our Defense Department, our border security, and a host of other valuable Federal programs, but we aren't voting on just the omnibus bill. We are forced to vote on both the omnibus and the tax extender package that adds an additional unpaid-for $680 billion of gifts for special interest groups.

We are giving out $680 billion in irresponsible tax breaks, Christmas gifts to every special interest and corporation that asked for one. We gave Christmas presents to millionaire race car drivers and motorcycle riders, film, television, and theater producers, and even racehorse owners. Don't get me wrong. I like going to the movies, I like riding my motorcycle, and even going horseback riding from time to time, but I don't think many middle-class Americans will be happy to know we gave away billions of dollars in tax gifts to millionaires and billionaires at their expense. They should be especially upset that we did it by mortgaging the futures of their children and grandchildren. I have always said we are writing checks that our kids can't cash.

I think a lot of Americans would want to know how we got here. How did we get to the point where we force ourselves to vote on a 2,000-page, trillion-dollar spending bill at the end of the year just so we can all rush home for the holidays? How did we add a $700 billion tax extender package that gives the wealthiest among us the gifts they want? The truth is that we stopped following regular order. A lot of us only heard about regular order. We have never actually governed by it. I only know about regular order because before I joined the Senate and before he passed away, Senator Robert C. Byrd told me how this place used to work. We used to talk about how things would happen. He would be disappointed in all of us on both sides, Democrats and Republicans, that we have run the body he loved so much the way we have.

This is what regular order is supposed to look like. After receiving the President's budget—which we do, starting our new Congress—Congress is supposed to respond with our view of what the budget should look like. Then we work through 12 appropriations committees and their subcommittees to develop 12 separate appropriations bills. The entire body should then consider each individual bill and make sure they meet the demands of our constituents while staying within the means of our set budget. We need to do that 12 separate times so we can honestly tell the American public that we were responsible with their money and we can answer to that.

Instead, we are jammed at the last minute with a $1.1 trillion spending bill that is over 2,000 pages long and considers the priorities of those 12 committees all at one time, without talking about them and debating them individually. Not only that, as if that is not enough, this year we have a special treat of adding on a $700 billion tax gift Christmas tree package instead of actually doing the tax reform all of us talk about but never actually get around to. At some point, we are going to have to start setting our priorities based on our values, budgeting based on our priorities, and being responsible stewards of the taxpayers' money. It will happen sooner or later.

Instead of working throughout the year in a bipartisan way, we continue to govern by crisis, one after another. We kick the can down the road all year and then add in more than half a trillion dollars in gifts to our special interest friends.

Both parties are to blame. This is not just a bipartisan issue, both parties are at fault. The Christmas gift will add $2 trillion to our debt over the next two decades. My grandfather Papa Joe always taught me to base our priorities on our values and then budget based on our priorities.

Well, we have sure shown the American people what our values are with this bill. We pay a lot of lip service on this floor, on cable news, and on campaign trails about our priorities, but when it comes down to it and time to govern based on the priorities, all we get is lip service.

We had choices to make in this bill. We could have helped middle-class families or could have given tax breaks to multinational companies—notably the major banks—parking their money abroad. We could choose to make college debt free or we could choose to help the film, television, and theater producers deduct the cost of their movies, shows, and plays. We could choose to double our border security or we could allow racehorses to be depreciable. We could choose to give every American family $5,600 in tax relief or we could have chosen to give favorable tax treatment to racing complexes. We could have chosen to keep the promise that President Truman made to our patriotic coal miners in 1946 and protect their pension and health care guarantees or we could choose to give $680 billion in tax breaks to special interest groups, millionaires, and billionaires.

We chose poorly. We truly chose poorly. Democrats and Republicans both say we need to help our hard-working American families, but we have completely ignored the most hard-working people out there I know, our coal miners, and we should be ashamed of ourselves.

I know some of my colleagues don't like coal. They think they don't need it and want to get rid of it, but this isn't about coal. It is about the brave men and women who gave and who have gone into those mines every day for over a century to power our economy, produce the weapons to fight our wars, and provide the energy we all depend on today. It made us the greatest country on Earth, a superpower. Basically, with this God-given resource that we had, these brave men and women worked and worked hard, very patriotically, to make sure this country had the energy it needed to defend itself and to build the industrial might that we have to be the superpower of the world.

They were guaranteed affordable health care and dignity in retirement in return for the blood, sweat, and tears they shed for our country. That was a guarantee, a written guarantee, in 1946. They were guaranteed affordable health care and retirement. I want you to know that by not being able to have that in this bill—as laden as it is with all of these giveaways, freebies, picking who is getting what, and all the millionaires and billionaires—we went back on our promise. We decided to help race car owners, film producers, horseracing professionals, foreign entities, and a host of other special interest groups, but we didn't help our own miners. We did not help our own people.

Today we said that despite finding a fiscally responsible way to meet these

obligations, our priorities were not in valuing their service. I cannot stand on the floor and vote for a bill that tells middle-class Americans, students and veterans, doctors and nurses, mothers and fathers, and our seniors that these are our values. They simply are not who we are and what we are about. They are not the values that the good people of West Virginia, Wisconsin or all the other 50 States that we have in this great Union basically value, and they are not the values the ''greatest generation'' and our miners fought for.

I encourage all my colleagues to vote no and show the American people once and for all what our values should be and that our priorities are about them and not about special interest people and special people who don't need the help. They have already done very well in life. I would hope we would all think twice before voting on this absolutely irresponsible piece of legislation that adds another $700 billion of debt. It is uncalled for.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANCHIN. Mr. President, I ask unanimous consent to enter into a colloquy.

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

Mr. MANCHIN. Mr. President, I have two of my colleagues with me; the three of us were former Governors. My good friend Senator KING was the Governor of Maine, my good friend Senator MARK WARNER was the Governor of Virginia, and I was previously the Governor of West Virginia. So we maybe think a little differently about how things should work in a budget.

Unfortunately, we don't aim for the bipartisan success we had in 1997. In 1997, President Clinton, a Democrat, under his administration—at that time we had Governor Kasich, who was then a Congressman, a Republican, and they worked together to get a budget. And, I might say, it was the last time a balanced budget was negotiated. The government suffered budget deficits every year from 1970 through 1997, when a balanced budget was finally negotiated.

In 1998, the President, along with a Republican-controlled Congress—as we have today—recorded a surplus of $69 billion and continued to deliver surpluses. In 1999 it was $126 billion; in 2000 it was $236 billion; in 2001 it was $128 billion. The Congressional Budget Office in January of 2001 stated in their budget outlook that the Federal budget over the next decade continued to be bright and would build on a period of historic surpluses. Historic surpluses are what they predicted. That was in 2001.

However, just a year later, CBO—the same people—changed their tone, projecting that long-term pressures on increased spending and decreasing revenues due to tax cuts would set the country on a path toward deficits. CBO even went so far as to warn President Bush and Congress, stating: Taking action sooner rather than later to address long-term budgetary pressures can make a significant difference. In particular, policies that encourage economic growth, such as running budget surpluses to boost national savings and investment, enacting tax and regulatory policies that encourage work and saving, and focusing more government spending on investment rather than on current consumption can help by increasing the total amount of resources available for all uses.

But Washington ignored the warnings, and the budget deficits returned, along with the bipartisan blame that plagues the Nation's Capital today.

Since 2002, the Nation has routinely suffered from irresponsible budgets, resulting in a growing national debt. Between 2008 and 2012, the deficits totaled $5.6 trillion, and in 4 of the 5 years, they were larger relative to the size of the economy than they had been in any year since 1946. In 2014, our spending was $3.5 trillion and our revenues were only $3 trillion—a deficit of $485 billion. In 2015, CBO projects our spending will be $3.67 trillion and our revenues will be only $3.2 trillion—a deficit of $426 billion. Our deficit is projected to decrease slightly in 2016, with spending at $3.9 trillion and revenues at $3.5, for a deficit of only $414 billion. However, beginning in 2017, they begin to rise again. With spending at over $4 trillion and revenues at $3.6 trillion, we are still adding $416 billion and climbing.

The three of us have a hard time understanding that. Basically, we all had balanced budget amendments in our constitutions. Every Governor sits down at least once a week with the revenue, and the revenue people come in with all the tax people. Every Governor sits down, and they tell us where we are. They tell us where we are on projected revenues and if we can continue spending what we projected to spend or if we have to start cutting. As Governor, you have to start making those decisions on a weekly basis, sometimes on a daily basis. But that was our responsibility.

On our current trajectory, we will be returning to trillion-dollar levels by 2025, with spending of $6 trillion and revenues of only $5 trillion. Our Federal debt now exceeds $18.7 trillion, equivalent to roughly 100 percent of GDP, and CBO projects budget deficits will rise steadily. By 2040, our Federal debt will reach a percentage of GDP seen at only one previous time in the history of this great country, and that was the final year of World War II.

If we think back to World War II, our parents and grandparents were wondering: How do we survive? How does the world survive? We didn't worry about what we had spent and what revenue we had. We did whatever it took.

This is all self-inflicted. This is truly self-inflicted, and it is not one party spending more than the other party or one party being more irresponsible. It is all of us not doing our job—just doing what we are doing today, voting on a combined omnibus with an extender bill wrapped into one, and saying: There is a lot of good, and we need to do it. If you don't do it, you are going to shut down the government.

That is not the case. Somebody sooner or later has to say enough is enough. How can we go home and explain this to the people? I can't. We are leaving people behind and not doing the job we should be doing.

That is why I am so pleased to be here with my dear friends. Senator ANGUS KING from Maine—the job he did I think was exceptional. I yield to Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know my friend from West Virginia and I compliment the Senator from Maine.

Before these two great former Governors came to this body, there were many times I would stand up and rail on these issues. It is great to have other folks who balanced budgets and made hard choices in their careers. I welcome the opportunity to share a couple of my thoughts.

I will not repeat all of the comments Senator MANCHIN made. I concur with the vast majority of them. The data is overwhelming. I know the Presiding Officer has also taken on this issue. There are some good things, so let me start with some of the good.

As someone who feared that at some point this tax extender package might exceed $800 billion or get close to $900 billion, I think it is an interesting place when folks are celebrating the fact that it is only $680 billion of unpaid-fors. In many ways, there is a lot to commend in the policy choices made by both sides. On the Democratic side, making permanent the earned-income tax credit is, frankly, a policy that was initiated by a Republican President and called the best anti-poverty program around. Expanding and making that permanent is a step in the right direction. The child tax credit is a policy raised by both sides, and making that permanent and expanding it makes an enormous amount of sense.

I know, as well, that from a business standpoint, one of the challenges businesses face in an ever more competitive world is lack of predictability. So for certain areas, such as the R&D tax credit and 179 expensing, it is appropriate and timely that we make those provisions permanent.

I know there may be differences, particularly even on my side. The bonus depreciation provisions are nice to have, but I am not sure I know any business that makes that decision on capital investment based upon bonus depreciation, and the fact that it is

winding down over 5 years is a great step in the right direction.

I have some concerns about some of the international tax provisions, not because of the merits of the system but as someone who believes strongly that to keep America competitive, we need international tax reform. If we take things off the table now, the ability to bring those back to get the kind of comprehensive tax reform we need in the long haul makes those challenges more difficult.

Let me again build on Senator MANCHIN's comments. I want to be respectful of my colleagues' time and make this brief. As Senator MANCHIN said, anybody in this body that tries to say this is all the Republicans' fault or it is all the Democrats' fault doesn't know their history. There are no clean hands.

As Senator MANCHIN mentioned, the good news is we are actually at a relatively low rate of annual deficit. The challenge is that, because of unthoughtful behavior by those of us in this Chamber and many that preceded us, now the aggregate debt our Nation faces is $18.5 trillion, and it will go up.

I talked to a group of high school students this morning and said: The biggest challenge you are going to inherit is this massive amount of debt. If we are not careful, within a few years the Federal Government of the United States will be a social insurance party and an army and nothing else.

Yesterday Senator CANTWELL spoke to this. I know the Federal Reserve appropriately started to inch up interest rates. With this aggregate debt—by the way, we just added $680 billion more to this debt over the next 10 years through these unpaid-for tax extenders—interest rates go up one percentage point. At 100 basis points, that is more than $140 billion. We can have $140, $150, $180, depending on how they collect it. But let's take the conservative, $140 billion a year of additional spending off the top before we spend on any other priority. That is more than this government spends on the Department of Homeland Security and on the Department of Education combined.

So at some point we do have to say ''no mas.'' At some point—and I hope it will be starting next year—we will step back and look at this holistically. Even though there are good policies in this extender package, the overall aggregate is a challenge.

Two last points. We worked on a transportation bill in this body. While I supported the policy goals when it was here on the stand-alone, I voted against it because the pay-fors were a hodgepodge that basically had nothing to do with transportation. It is remarkable to me as a businessman—not as a Senator, but as a business guy. You look at your balance sheet on your expenditure side and your revenue side. They are both spending. Purely from a government standpoint, you are spending on the Tax Code or you are spending programmatically. When we spend on investments like transportation, we have to pay for them. When we spend in the Tax Code, suddenly there is a free pass that these items never have to be paid for. Yet going forward, when we look at our budget next year, we will have less ability because the revenues have been decreased over a 10-year period of $680 billion. I know my colleagues will speak to these issues.

I want to make a final point. I am not sure of my colleagues' stand on this, but it is of grave concern to me. I supported the Affordable Care Act. I think there are good things in it; I think there are problems that need to be fixed. But one of the components of the Affordable Care Act that even its greatest critics point out is that it actually was paid for. Some of those pay-fors, we are paying for. They were policy choices; one in particular was the so-called Cadillac tax. The remarkable thing about the Cadillac tax was that was the one point of agreement—whether you are an economist on the left or the right—that not only would it generate revenues for the so-called ACA, but it would also be one of the most powerful reform packages to hold the overall cost of health care down. Perhaps due to an election year rush and because the pressure is on both sides, Congress is taking its proverbial punt. Rather than fixing the Cadillac tax or rather than fixing the medical device tax, we are delaying the implementation of both of these revenue sources.

I will make a wager now with any Senator in this body that while the promise of this delay is only for 2 years, 2 years from now there will be another reason to delay additionally. In doing so, what we do is undermine the financial legs as well as some of the policy legs of the ACA, and in a State such as mine where we have not expanded Medicaid, we provide fodder to those who want to delay the expansion of Medicaid because they are afraid that the Federal Government will not honor its commitments. By delaying the implementation of these pay-fors, unfortunately, I think we strengthen their argument.

I thank both of my colleagues. They are both dear friends—the Senator from West Virginia and the Senator from Maine. We have sometimes been lonely voices in our caucuses on these issues.

With that, I want to turn this over to my friend, the Senator from Maine—who, like the Senator from West Virginia, has balanced budgets, has made tough choices—to speak on the issue of the tax extenders and the omnibus, Mr. KING.

Mr. KING. Madam President, I believe the Senator from Wisconsin wants to make a comment before I do.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Wisconsin.

Mr. JOHNSON. Madam President, I was sitting in the chair and I was listening to——

Mr. MCCAIN. What is going on here?

Mr. KING. A quick colloquy.

The PRESIDING OFFICER. There was consent granted for a colloquy.

Mr. JOHNSON. Very briefly, I was sitting in the chair and I was listening to the Senators from West Virginia and Virginia, and I am sure the Senator from Maine will also be talking about an area of agreement. The Senator from West Virginia talked about our mortgaging our children's future. That is the truth.

I want to commend the Senators for highlighting this mortgaging of our children's future and the facts. I know a couple of Senators supported my amendment to the budget process, laying out the information. The only thing I want to chime in on is to lay out the truth of how severe this mortgaging of our children's future is. One of the things I did in the budget process was to lay out a 30-year deficit projection by CBO, putting it in dollar format.

The fact of the matter is, according to CBO, over the next 30 years the projection deficit is $103 trillion—about $10 trillion over the next decade, $28 trillion in the second decade, and $65 trillion in the third decade. We got that in the budget process to lay it out over 30 years. In the budget process, we also asked CBO to put this in as a 1-page income statement, to lay out where that $103 trillion comes from. We have this 1-page income statement that lays out revenue and deficit. The first two lines are Social Security and Medicare. Over the next 30 years, there will be $14 trillion more in benefits paid out than is brought in by the payroll tax into Social Security. It is a $34 trillion deficit in Medicare. The remainder of that $103 trillion deficit is interest on the debt.

I want to commend the Democratic colleagues here who are so concerned about the mortgage of our children's future and these added deficits from this tax extender package. It is a real concern. We have been trying to find the areas of agreement that unify us. This is certainly one of those things. We have to stop this process.

I appreciate the Senator yielding time.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, I rise to join my colleagues, including the Senator from Wisconsin, to discuss what we are going to be voting on tomorrow.

First, I should say I have no major problem with the budget deal, with the omnibus. The process isn't exactly what it should have been. We didn't consider our 12 appropriations bills on the floor. However, the appropriations process did go through the committee process, and it was a result of bicameral and bipartisan negotiations.

My problem is with the tax extenders part of the package. First, it is a double standard. For all of this year—and we struggled in the Armed Services Committee and through the appropriations process—everything that had to

be increased in spending for whatever purpose had to be paid for. That was the standard. Everything has to be paid for. We had to find offsets. Then all of a sudden, we are considering a $680 billion hole in the deficit that doesn't have to be paid for. It is like we are all concerned about the debt, except when we aren't. Frankly, as someone who has been here for a fairly short time, I find this puzzling. The rule ought to apply both ways, because tax expenditures, by the way, are what they are. Republican and Democratic economists concede that the deductions, loopholes, and changes in the Tax Code are called tax expenditures. That is what they are, because otherwise they would be revenues to the government.

These are real dollars, and this is what has happened since the Tax Reform Act of 1986, when tax expenditures represented about 5 percent of GDP. Here we are today, and then the package we are talking about. We are going up into this area. This is almost 8 percent of GDP. This is a huge outlay that is like new mandatory spending. It happens automatically. It doesn't have to be reviewed every year. There is no assessment of whether these expenditures are effective or not, and some of them obviously are.

I have no problem with many of the items that are in here—mortgage interest deduction, health care interest deduction. But some of them deserve consideration, just as our budgets deserve consideration. This is on automatic pilot. This is a kind of new mandatory spending. The other piece is that we are deepening the debt hole. This is the percent of GDP of spending, and these are revenues. This is the deficit. This is the debt. That is what is killing us in the long run.

There is a tremendous interest rate risk here—as the Senator from Virginia pointed out. We are now at historically low interest levels. In living memory, I don't know a time when interest rates have been as low as they are. For every point that interest rates go up with an $18 trillion debt, the cost to the Treasury is $180 billion. The math isn't that complicated. If interest rates go up to 5 percent, just interest payments on this $18 trillion debt will be $900 billion a year. So 90 percent of our current total discretionary budget would go to interest payments. It would swamp the defense budget. It would swamp the discretionary budget. Yet we are tiptoeing along the edge of this precipice.

If interest rates go up with an $18 trillion debt, we are in real financial trouble. The second problem with this huge debt is it gives us no room for slack. It gives us no room for an emergency, for a recession, for hostilities, for a major terrorist attack and its effect on our economy. We have no cushion because we have used the cushion up. We continue to use it up, even when the economy improves. This $18 trillion some day is going to have to be paid back.

Finally, these aren't really tax cuts. Tax cuts are when you lower taxes and lower expenditures or raise other taxes so it is revenue neutral. If you cut taxes in a time of deficit, which means you have to simply borrow the difference of what the revenues would have been, that is not a tax cut. That is a tax shift.

We are simply shifting the taxes from ourselves to our children. This bill should be called the ''tax your grandchildren act'' because we are cutting our own taxes, but we are borrowing the money that otherwise would be collected and our kids are going to have to pay it back at some point with interest.

That is unethical. That isn't right. If 5-year-olds knew what was going on and could vote, we would be dead ducks, because that is who is bearing the burden of these policies.

What do we have to do to solve this? In some ways, it is simple and in other ways it is hard. Conceptually it is simple. We have to bring expenditures and revenues into balance. That means looking at the whole course of Federal revenues and also Federal investments, and we also have to make investments to make our economy grow.

The best solution to this deficit problem is a growing economy. But ultimately for me, this is an issue of ethical stewardship. Tom Brokaw wrote the famous book ''The Greatest Generation.'' They fought World War II, sacrificed, built the Interstate Highway System, and built the economy that we are running on today—the greatest generation.

I shudder to think what would be the case if Tom Brokaw wrote a book about our generation, which is borrowing and is not keeping our infrastructure up, is not adequately providing for the common defense, and is shifting the cost from us to our children. That is not stewardship; that is intergenerational theft. That is what we are engaged in here.

We are going to have one vote tomorrow. I intend to vote for the bill because I believe in the budget section, but I am very uncomfortable with the tax extender section. I don't have policy problems with many of those tax extenders. I do have a fundamental problem if they are not paid for. I don't think it is honest for us to go home and say that we cut your taxes when our grandchildren are going to have to pay those bills with interest.

That is the point that I think needs to be made about this, not that we are going to be able to stop this train that is going to be coming through here in the next 24 hours, but that we really need to talk next year about serious tax reform, about trying to balance revenues and expenditures and putting this country on a financial path, on a fiscal path that is sustainable and responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, my colleague and dear friend from Virginia, Senator WARNER, has worked extensively on trying to reform our Tax Code. We had something called the Simpson-Bowles Commission, which I think he took the lead on and was very much instrumental. What does this do to give you the chance to basically fix the problems we have with the Tax Code?

Mr. WARNER. It decreases our revenue line going forward. It does take some of the things, particularly in international tax reform, off the table. There are arguments that some of these being made permanent may make it easier. I will give you an example. The R&D tax credit is something that most of us on both sides of the aisle support. Here is the kind of only-in-Washington math that takes place. We are making permanent the R&D tax credit and not paying for it. Yet, if next year we decided to cut back on the R&D tax credit, that would be viewed as additional revenue to the bottom line, even though the cost of it has never been built in. Again, people who maybe are watching might say: I don't understand that accounting.

Let me assure you: If you questioning that accounting, then welcome to Washington, DC, and Federal Government accounting and budget lines.

I think this will make it more challenging. There are some benefits, as I said earlier—predictability to our business community. I would echo what the Senator from Maine has said. At the end of the day, we are simply transferring the obligations from our responsibility to that of our kids and grandkids. Long term, that is not going to give them the same kind of country that we all inherited.

Mr. MANCHIN. As we finish up on the colloquy here, the House is going to vote twice. They are going to vote on the extenders bill and the omnibus bill. For the second time, we are going to roll them into one in the Senate. We will not have the opportunity to vote twice. The omnibus bill is something that I could have supported. The extenders bill is absolutely something I cannot support, for the future of our country and our children. It is a shame that we don't have a separate vote.

With that, I thank the Senator from Maine and the Senator from Virginia for this colloquy.

With that, we yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to address the Senate in morning business and take as much time as I may consume.

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

PRESIDENTIAL STRATEGY TO DEFEAT ISIL

Mr. MCCAIN. Madam President, 70 years ago, a group of American leaders forged the rules-based international

order out of the ashes of World War II. Those who were there recall that they were ''present at the creation.'' We may well look back at 2015 and realize we were present at the unravelling. We were present at the unravelling.

At the beginning of this year, President Obama was still committed to degrading and ultimately destroying ISIL. He had warned: If left unchecked, ISIL could pose a growing threat beyond the Middle East, including to the United States. In 2015, that is exactly what happened in Paris and San Bernardino, and it will not be the last. I promise my colleagues that under this administration, with the present policy and lack of strategy, there will be other attacks on the United States of America. I deeply regret having to say that, but I owe it to my constituents and Americans whom I know and respect to tell them the truth.

More than 1 year into the campaign against ISIL, it is impossible to assert that ISIL is losing and that we are winning. And if you are not winning in this kind of warfare, you are losing. Stalemate is not success.

We asked the witnesses before the Senate Armed Services Committee the following question: Is ISIS contained? It is not. ISIS is not contained, contrary to the statements—bizarrely—made by the President of the United States literally hours before the attack on San Bernardino.

This year our Senate Armed Services Committee held several hearings specifically focused on the threat of ISIL, including three hearings specifically with Secretary of Defense Ash Carter. We heard about nine lines of effort. We heard about three ''arrrghs.'' We never heard a plausible theory of success, nor a strategy to achieve success. What do I mean by that? There is no time line on when Mosul, the second largest city in Iraq, will be taken. There is no strategy to take Raqqa. Raqqa is the base of the caliphate. Raqqa is the place where the attacks are being planned and orchestrated. We have news reports that they are developing chemical weapons in Raqqa. This is the first time that a terrorist organization has had a base, a caliphate, from which to operate. What has happened? They are expanding globally.

By the way, they have lost some of their territory on the margin. Hopefully, one of these days, Ramadi will fall to our forces, even though there have only been a few hundred ISIL there for the last few weeks.

The fact is that ISIL has expanded its control in Syria; it continues to dominate Sunni Arab areas in both Iraq and Syria; it maintains control of key cities such as Mosul, Fallujah, and Ramadi; and efforts to retake these territories have stalled, at least to some degree.

Meanwhile, ISIL is expanding globally. On Tuesday, GEN John Campbell, commander of U.S. and NATO forces in Afghanistan, told the Associated Press that ISIL is seeking to establish a regional base in eastern Afghanistan as it attracts more followers and foreign fighters.

Madam President, I ask unanimous consent that an article detailing the AP interview titled ''U.S. general says the number of Afghan IS loyalists growing,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Associated Press, Dec. 15, 2015]

U.S. GENERAL SAYS THE NUMBER OF AFGHAN IS LOYALISTS GROWING

(By Lynne O'Donnell)

KABUL, AFGHANISTAN.—Supporters of the Islamic State group in Afghanistan are attempting to establish a regional base in the eastern city of Jalalabad, the commander of U.S. and NATO forces in Afghanistan, General John Campbell, said on Tuesday.

In an interview with The Associated Press, Campbell said that ''foreign fighters'' from Syria and Iraq had joined Afghans who had declared loyalty to the group in the eastern province of Nangarhar, bordering Pakistan.

He said there were also ''indications'' that the IS supporters in Nangarhar were trying to consolidate links with the group's leadership in Syria and Iraq.

The Islamic State group controls about a third of Iraq and Syria. Fighters loyal to the group in Afghanistan include disaffected Afghan and Pakistani Taliban who have fought fierce battles with the Taliban in recent months.

Afghan officials have said that IS supporters control a number of border districts in Nangarhar and have a presence in some other southern provinces, including Zabul and Ghazni.

Until now, however, it was unclear whether loyalists in Afghanistan had institutional links to the group's leadership.

Many of those who had declared allegiance to IS were ''disenfranchised Taliban'' from both sides of the border, Campbell said. But, he added, ''they've been reaching out. I'm sure there are folks who have come from Syria and Iraq—I couldn't tell you how many but there are indications of some foreign fighters coming in there.

''But they don't have the capability right now to attack Europe, or attack the homeland, the United States. But that's what they want to do, they've said that's what they want to do,'' he said.

During the summer months, Taliban and IS loyalists fought fierce battles in the far eastern districts of Nangarhar, with residents reporting a range of atrocities, including arbitrary imprisonment, forced marriages for young women, and beheadings.

The IS loyalists have said they want to absorb Afghanistan into a larger province of its ''caliphate'' called Khorasan. Campbell said the group wants to establish a base in Nangarhar's provincial capital, Jalalabad ''as the base of the Khorasan province'' and ''work their way up into Kunar'' province immediately north.

The first credible reports of an IS presence in Afghanistan emerged earlier this year in northern Helmand, though recruiters believed to have had links to the leadership in Syria were killed by U.S. drone strikes in February.

The presence in Nangarhar became clear in the summer, when IS loyalists launched battles against the Taliban in the border regions. For months, the Afghan forces—occupied with fighting elsewhere—had let the two groups fight each other, Campbell said. ''If the Taliban and ISIL want to kill each other, let them do it,'' he said, using an alternative acronym for the Islamic State group.

He said that control of the four districts—Achin, Nazyan, Bati Kot and Spin Gar—had seesawed between the two groups.

The revelation in July that the Taliban's founder and leader, Mullah Mohammad Omar had been dead for more than two years has led to deep fissures in the leadership, and infighting between rival Taliban factions that Campbell said had left hundreds dead.

Campbell, who took control of U.S. and NATO forces in Afghanistan in mid–2014, said splits among the Taliban, who have been trying to overthrow the Afghan government since their regime was driven from power in 2001 by the U.S. invasion, could make the fight even harder in 2016.

''The prize really is Kandahar, that's their strategic goal,'' he said, referring to the southern province from where the Taliban emerged after Afghanistan's vicious civil war ended in 1996.

Neighboring Helmand province, where most of the world's opium is produced, is currently the scene of fierce battles for control of strategically important districts, including Marjah.

Taliban fighters took control of the northern city of Kunduz in September, for just three days before the Afghan military, backed by U.S. forces, pushed them out.

Campbell said he did not believe the Taliban had planned to hold or govern Kunduz, but the psychological impact of the city's fall had been enormous. Jalalabad, he said, ''is not going to fall.''

Afghan forces, ''challenged in many areas, understand the impact of Kunduz,'' he said. ''I think they will make the right adjustments so that it (Jalalabad) doesn't become another Kunduz.''

Mr. MCCAIN. It says: ''Supporters of the Islamic State group in Afghanistan are attempting to establish a regional base in the eastern city of Jalalabad, the commander of U.S. and NATO forces in Afghanistan, General John Campbell, said on Tuesday.''

The Wall Street Journal reports that ISIL has expanded in Libya and established a new base close to Europe, where it can generate oil revenues and plot terror attacks.

Madam President, I ask unanimous consent that the Wall Street Journal article entitled ''Islamic State Tightens Grip on Libyan Stronghold of Sirte''—the hometown, by the way of Muammar Qadhafi—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 29, 2015]

ISLAMIC STATE TIGHTENS GRIP ON LIBYAN STRONGHOLD OF SIRTE

(By Tamer El-Ghobashy and Hassan Morajea)

MISRATA, LIBYA.—Even as foreign powers step up pressure against Islamic State in Syria and Iraq, the militant group has expanded in Libya and established a new base close to Europe where it can generate oil revenue and plot terror attacks.

Since announcing its presence in February in Sirte, the city on Libya's Mediterranean coast has become the first that the militant group governs outside of Syria and Iraq. Its presence there has grown over the past year from 200 eager fighters to a roughly 5,000–strong contingent which includes administrators and financiers, according to estimates by Libyan intelligence officials, residents and activists in the area.

The group has exploited the deep divisions in Libya, which has two rival governments, to create this new stronghold of violent religious extremism just across the Mediterranean Sea from Italy. Along the way, they scored a string of victories—defeating one of the strongest fighting forces in the country and swiftly crushing a local popular revolt.

Libya's neighbors have become increasingly alarmed.

Tunisia closed its border with Libya for 15 days on Wednesday, the day after Islamic State claimed responsibility for a suicide bombing on a bus in the capital Tunis that killed 12 presidential guards.

Tunisia is also building a security wall along a third of that border to stem the flow of extremists between the countries. Two previous attacks in Tunisia this year that killed dozens of tourists were carried out by gunmen the government said were trained by Islamic State in Libya, which has recruited hundreds of Tunisians to its ranks.

This burgeoning operation in Libya shows how Islamic State is able to grow and adapt even as it is targeted by Russian, French and U.S.-led airstrikes in Syria as well as Kurdish and Iraqi ground assaults in Iraq.

On Thursday, nearly two weeks after Islamic State's attacks on Paris, French President François Hollande and Italian Prime Minister Matteo Renzi met in the French capital where both said Europe must turn its attention to the militants' rise in Libya. Mr. Renzi said Libya risks becoming the ''next emergency'' if it is not given priority.

In Libya, Islamic State has fended off challenges from government-aligned militias and called for recruits who have the technical know-how to put nearby oil facilities into operation. Libyan officials said they are worried it is only a matter of time before the radical fighters attempt to take over more oil fields and refineries near Sirte to boost their revenues—money that could fund attacks in the Middle East and Europe.

Sirte is a gateway to several major oil fields and refineries farther east on the same coast and Islamic State has targeted those installations in the past year.

''They have made their intentions clear,'' said Ismail Shoukry, head of military intelligence for the region that includes Sirte. ''They want to take their fight to Rome.''

Islamic State is benefiting from a conflict that has further weakened government control in Libya. For nearly a year, the U.S. and European powers have pointed to the Islamic State threat to press the rival governments to come to a power-sharing agreement. Despite a United Nations-brokered draft agreement for peace announced in October, neither side has taken steps to implement it.

A new U.N. envoy, Martin Kobler, was appointed this month to break the stalemate, part of efforts to find a political solution to counter the extremists' expansion.

''We don't have a real state. We have a fragmented government,'' said Fathi Ali Bashaagha, a politician from the city of Misrata who participated in the U.N.-led negotiations. ''Every day we delay on a political deal, it is a golden opportunity for Islamic State to grow.''

Since early 2014, two rival factions have ruled Libya, effectively dividing the country. In the east, an internationally recognized government based in the town of Tobruk has won the backing of regional powers Egypt and the United Arab Emirates. In the west, an Islamist-leaning government based in Tripoli has relied on Misrata fighting forces for political legitimacy.

Islamic State militants have successfully taken on and defeated myriad Libyan armed factions, including the powerful militias from Misrata which were the driving force behind the revolt that unseated longtime dictator Moammar Gadhafi in 2011. Misrata, 150 miles west of Sirte, has recently come under sporadic Islamic State attacks.

Members of Misrata's militias, who are loosely under the control of the western government in Tripoli, say they lack the support to mount an offensive against Islamic State. Earlier this month, the Tripoli government forced the Misrata militias into a humiliating prisoner swap with Islamic State.

''There will be no meaningful action without a political agreement,'' said Abdullah al-Najjar, a field commander with the Brigade 166, an elite Misrata militia that engaged in a protracted fight with Islamic State on the outskirts of Sirte earlier this year. ''You have to know you're going to war with a government that is going to back you.''

This month, the U.S. launched an airstrike against Islamic State in Libya, its first against the group outside of Syria and Iraq. Officials said they believe the strike killed one of the top deputies of Islamic State leader Abu Bakr al-Baghdadi. The deputy, Abu Nabil al-Anbari, had been sent to Libya last year to establish the group's presence there.

In recent weeks, a flood of foreign recruits and their families have arrived in Sirte—another indication the group is becoming increasingly comfortable in its North African base, according to residents and activists from Sirte and Libyan military officials.

Islamic State has called on recruits to travel to Libya instead of trying to enter Syria, while commanders have repatriated Libyan fighters from Syria and Iraq, Libyan intelligence officials said.

''Sirte will be no less than Raqqa,'' is a mantra often repeated by Islamic State leaders in the Libyan city during sermons and radio broadcasts, several residents and an activist from the city said. Raqqa is the group's self-declared capital in Syria.

Like its mother organization in Syria, Islamic State has appointed foreign ''emirs'' in Sirte to administer its brutal brand of social control. Music, smoking and cellphone networks have been banned while women are only allowed to walk the streets in full cover. Morality police patrol in vehicles marked with Islamic State's logo and courts administering Islamic law, or Shariah, as well as prisons have been set up.

With a population of about 700,000, Sirte was long known for being Gadhafi's hometown and a stronghold of his supporters.

Soon after Libya's uprising ended more than four decades of Gadhafi's rule, he was killed in Sirte by fighters from Misrata.

Earlier this month, Islamic State reopened schools in the city, segregating students by gender and strictly enforcing an Islamic State approved curriculum. On Fridays, the traditional day of communal prayer, the group organizes public lectures and residents are often herded into public squares to witness executions and lashings of those who run afoul of the strict rules.

The seeds of Islamic State's growth in Libya were planted after Gadhafi's ouster. In the almost exclusively Sunni Muslim Libya, the Sunni extremist group exploited tribal and political rifts that lingered after the strongman's death, particularly around Sirte.

Islamic State lured extremists from other groups under the Islamic State umbrella.

By June, Brigade 166, one of western Libya's strongest armed brigades, abandoned a months long battle with the militants on Sirte's outskirts. In August, Islamic State cemented their grip on the city, bringing the last holdout district under their control, officials and residents said.

Islamic State crushed an armed uprising in August in three days. It was sparked by local residents angered over the group's killing of a young cleric who opposed the radicals. Militants publicly crucified several people who participated in the revolt and confiscated homes.

The brutality moved the internationally recognized government in eastern Libya to plead for military intervention by Arab nations and a lifting of a U.N. arms embargo on Libya in effect since 2011. But the support never came.

Unlike in Syria, the group has struggled to provide basic services. Gas stations are dry and residents are expected to smuggle in their own fuel—as long as it is not confiscated by Islamic State.

Hospitals have been abandoned after Islamic State ordered male and female staffers be segregated. The ill must travel miles to other cities for treatment, a trip that is often accompanied by difficult questioning and searches at Islamic State checkpoints.

''No services, just punishment,'' said Omar, a 33–year-old civil engineer who fled Sirte after taking part in the failed uprising against Islamic State. ''Sirte has gone dark.''

Despite the challenges, Islamic State has big plans for Sirte. A recent edition of their propaganda magazine, Dabiq, featured an interview with Abu Mughirah al-Qahtani, who was described as ''the delegated leader'' for Islamic State in Libya. He vowed to use Libya's geographic position—and its oil reserves—to disrupt Europe's security and economy.

About 85% of Libya's crude oil production in 2014 went to Europe, with Italy being the largest recipient. About half its natural gas production is exported to Italy.

''The control of Islamic State over this region will lead to economic breakdowns,'' the leader of the Libyan operation said, ''especially for Italy and the rest of the European states.''

Mr. MCCAIN. It states: ''Even as foreign powers step up pressure against Islamic State in Syria and Iraq, the militant group has expanded in Libya and established a new base close to Europe where it can generate oil revenue and plot terror attacks.''

Libya is an oil-rich country—a very oil-rich country. If you let ISIS get control of Libya, my friends, they will have unlimited sources of revenue.

The Wall Street Journal: ''Its presence there has grown over the past year from 200 eager fighters to a roughly 5,000-strong contingent which includes administrators and financiers, according to estimates by Libyan intelligence officials, residents and activists in the area.''

By the way, during these debates, I will comment a little bit on it—that those who are against any intervention cite Libya as the case for not going in. Facts are a stubborn thing. The fact is, Muammer Qadhafi was at the gates of Benghazi and was going to slaughter thousands of people. We brought about his downfall and walked away. If we had walked away from Japan and Germany after World War II, it would have collapsed. If we had walked away from Korea, where we still have 38,000 troops, it would have collapsed. If we had walked away from Bosnia, it would have collapsed.

I am telling you, my colleagues, we walked away. This President and this administration did not do the things necessary after the fall of Qadhafi to

build a democracy, and the people of Libya wanted it, and I can tell you that for sure because I was there. One of the great tragedies of the 21st century is our failure to act in a way to help the Libyan people transition from all of those years of being under a brutal leader.

By the way, he was also responsible for the deaths of Americans in a bar in Berlin and an airliner being shot down. Yet we should have left him in power? Sure we should have.

ISIL is operating in Lebanon, Yemen, and Egypt, and other radical Islamic groups, such as Boko Haram in Nigeria and al-Shabaab in Somolia, have pledged allegiance to ISIL. This appearance of success only enhances ISIL's ability to radicalize, recruit, and grow.

There has been some progress. I was recently in Iraq, and the operation to retake Sinjar was important. Iraqi forces, as I mentioned, have closed in on Ramadi for weeks. They haven't finished the job. Our counterterrorism operations are taking a lot of ISIL fighters off the battlefield in Iraq and Syria. All of this represents tactical progress, and it is a testament to our civilian and military leaders, who are outstanding, as well as thousands of U.S. troops helping to take the fight to ISIL every day. I would like to point out that significant challenges remain.

As a direct result of President Obama's decision to withdraw all U.S. forces from Iraq and squander hard-won American influence, the Iraqi Government is weak and beholden to Iran. I tell my colleagues, have no doubt what the dominant influence in Iraq is today: It is the Iranians. There was no more vivid example of this than when it was reported that Iraqi Prime Minister al-Abadi turned down Secretary of Defense Ash Carter's offer of new military assistance, including the use of Apache helicopters and Special Operations forces to help recapture Ramadi.

Madam President, I ask unanimous consent that an article titled ''Iraq Declines Offer of U.S. Helicopters for Fight Against ISIS, Pentagon Chief Says'' from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 16, 2015]

IRAQ DECLINES OFFER OF U.S. HELICOPTERS FOR FIGHT AGAINST ISIS, PENTAGON CHIEF SAYS

(By Michael R. Gordon)

BAGHDAD.—Prime Minister Haider al-Abadi of Iraq declined to take up the Pentagon on its recent offer to speed up the fight against Islamic State fighters in Ramadi with the help of American attack helicopters, officials said on Wednesday.

''The prime minister did not make any specific requests in connection with helicopters,'' Defense Secretary Ashton B. Carter told reporters after he met with the Iraqi leader here.

Mr. Carter made it clear that Mr. Abadi had not ruled out the use of the Apache helicopters in future operations, which are expected to be especially challenging as Iraqi forces look toward the battle for Mosul, Iraq's second-largest city, which was captured in June 2014 by the Islamic State, also known as ISIS or ISIL.

Mr. Carter also insisted that neither Lt. Gen. Sean B. MacFarland, the American military commander who is leading the campaign against the Islamic State in Iraq and Syria, nor the Iraqi prime minister believed that the Apaches were needed ''right now'' to win back Ramadi, the capital of Iraq's Anbar Province, which is the site of protracted fighting between Islamic State militants and Iraqi ground troops.

But Mr. Carter told Congress just a week ago that the United States had offered to have American-piloted Apaches fight with Iraqi forces as the Iraqi Army sought to complete its capture of the city. The United States, he noted, has also offered to deploy American advisers with Iraqi brigades on the battlefield instead of restricting them to bases inside Iraq, another proposal the Iraqis have yet to accept.

''The United States is prepared to assist the Iraqi Army with additional unique capabilities to help them finish the job, including attack helicopters and accompanying advisers, if circumstances dictate and if requested by Prime Minister Abadi,'' Mr. Carter told the Senate Armed Services Committee.

The meeting between the American defense secretary and the Iraqi prime minister underscored two factors shaping the American-led campaign against the Islamic State in Iraq: the Obama administration's reluctance to significantly expand the role of American troops in Iraq, and the reluctance of Iraq's Shiite-dominated government to accept highly visible forms of American military support in the face of pressure from hard-line Shiite politicians and the Iranians.

It also raised questions about the Obama administration's plans to intensify its campaign against the Islamic State militants. In recent weeks, the Pentagon has spoken of the ''accelerants'' it is planning to introduce to hasten the demise of the Islamic State. The Iraqi government, however, has yet to embrace two of the important ''accelerants''—the Apaches and the deployment of American advisers in the field.

Mr. Carter disclosed the Apache offer to American lawmakers after it had been conveyed privately to Mr. Abadi. Iraqi officials said the public nature of Mr. Carter's statements, which appear intended to reassure Congress that the Obama administration was stepping up its efforts against the Islamic State, put the prime minister, who has already been weakened by a series of bruising struggles with his political rivals, in a difficult spot.

''This is a very complex environment,'' General MacFarland said, somewhat philosophically. ''It is kind of hard to inflict support on somebody.''

According to United States officials, the Pentagon's offer to support Iraqi forces with American Apaches was more qualified than it first appeared. Military commanders would have the authority to use the attack helicopters if Mr. Abadi agreed to their use and the risks of using them were judged to be acceptable.

The deployment of Apaches in riskier situations would require further White House review, even if Mr. Abadi approved, United States officials added.

American officials also said it would take weeks to deploy the advisers who would accompany Iraqi brigades on the battlefield even if Mr. Abadi were to agree to their presence.

One important measure has been accepted in principle by Mr. Abadi: a new American special operations task force, which is to number fewer than 100. Seeking to reassure the prime minister, Mr. Carter said the task force's operations would require the approval of the Iraqi authorities. He suggested that some of its missions would take place near the Iraqi border with Syria, where they would receive less attention than those carried out near the Iraqi capital.

''Everything we do, of course, is subject to the approval of the sovereign Iraqi government,'' Mr. Carter said at the start of his meeting with Mr. Abadi, which also included Khaled al-Obeidi, Iraq's defense minister, and Lt. Gen. Taleb Shegati al-Kenani, who heads Iraq's counterterrorism service.

''Our progress in Ramadi is a huge progress and added to it the progress in Baiji,'' Mr. Abadi said in English, referring to a town that is the site of a strategic oil refinery in northern Iraq.

American military officials have painted a generally positive picture of the Iraqi military's push to take Ramadi, but Iraqi troops were involved in pitched fighting on Tuesday as Islamic fighters counterattacked.

The city, which is believed to be occupied by several hundred militants, has been surrounded by about 10,000 Iraqi troops. Tens of thousands of civilians are believed to be trapped in the town, and Islamic fighters have shot at some who have tried to flee, according to American officials.

In their Tuesday counterattack, Islamic State militants took a bridge northwest of the city that spans the Euphrates, which the Iraqi Army had previously occupied. At the same time, militants sent several car bombs and a small group of fighters to attack the Anbar Operations Center, the Iraqi command that is overseeing the Ramadi campaign from north of the city.

Both attacks were beaten back as American airstrikes enabled the Iraqi military to retake the bridge. Two Iraqi soldiers were killed as were several dozen Islamic State fighters, American officials said. By the end of Tuesday, both sides were back where they had started. It was unclear when Iraqi troops might break through the Islamic State's belts of improvised explosive devices and other defenses and push into the heart of the city.

Mr. MCCAIN. I met with Prime Minister al-Abadi in Iraq. He is a good man. He knows he needs this help, but because of the dominating influence of Iran and Shia militias in Iraq, he turned it down anyway.

General McFarland, one of the greatest generals I have met—he is up there in the category of David Petraeus—is leading the fight against ISIL. He reacted with a very interesting comment. He said: ''This is a very complex environment. It is kind of hard to inflict support on somebody.'' What General McFarland is saying is that because of the Iranian dominant influence, the Iraqis, as a body, are reluctant to accept the help they need to retake the second largest city in Iraq. The second largest city in Iraq, Mosul, is under ISIS control, and he knows full well that Apache helicopters and Special Operations forces could help him do that. But who is telling him not to? The Iranians.

When I was there, we met with the Prime Minister of Iraq, Mr. al-Abadi, and he said: If you Americans come and you lose one pilot or one plane, you will leave. That was the opinion of the Prime Minister of Iraq, and one of the

reasons—along with the Iranian influence—is because there is no trust or confidence of the United States in Iraq or in the region.

It comes as no surprise that the training of Iraqi security forces has been slow. The building of support for the Sunni tribal forces has been even slower. ISIL captured Mosul in June of 2014, and at the end of 2015, ISIL still controls the second largest city in Iraq. How do you think the families of those brave Americans who have sacrificed themselves and those individuals who are still at Walter Reed feel after the sacrifices they made and the victories they won? Now, of course, we see all of that is gone—just a glimmering—thanks to the President of the United States withdrawing all of our troops in the mistaken belief that if you pull out of wars, wars end. They don't end. It is hard to talk to the Gold Star Mothers.

Meanwhile, the Financial Times reports that ISIL is still making $1.5 million a day in oil sales. Worse, Reuters reports that ISIL has made more than $500 million trading oil, with significant volumes sold to—guess who. Guess who ISIL is selling oil to. The government of Syrian President Bashar al-Assad. It is hard to make some of this stuff up, and it gets a little complicated.

We are now making nice—and I will talk a little bit more about it later—with Bashar al-Assad and their stewards, the Russians and the Iranians. Meanwhile, Bashar al-Assad is buying oil from—at least $1.5 million a day—from ISIL.

Even as an Oval Office speech and a Pentagon photo op failed to reassure the American people, this administration has doubled down on its indecisive approach to ISIL, using limited means and indirect ways to achieve aspirational ends on a nonexistent timeline. The administration now admits we are at war with ISIL—wonderful—but proceeds at every turn to minimize any American role in fighting and winning that war. America has never waged anything we have called to war and then so profoundly limited our role in the hope that some other force will emerge to win it for us. The administration says we cannot ''Americanize'' the conflict.

I also want to point out that the President has a unique and really dishonest approach to those of us who have said for a long time that we have to have more involvement and predicted what would happen. Unfortunately, we have been wrong by saying, yes, the ''popoffs''—as he called us in a speech from the Philippines—want to send hundreds of thousands of troops. That is a total falsehood. I will repeat again what we have been asking for for years, and that is another 5,000 or so Americans on the ground in Iraq and a multinational force led by the Sunni Arab countries with European participation—I would hope that people like the French would join in a—about 10,000 of 100,000-person force to go to Raqqa and take them out. As long as Raqqa exists, they will be able to export this evil throughout the world, including to the United States of America. There is no plan by this administration to retake Raqqa. There is no strategy, and that is, indeed, shameful.

The war against ISIL was Americanized when ISIL inspired terrorists who murdered 14 Americans on our own soil in San Bernardino. This attack should be a wake-up call and we need a strategy, as I mentioned. In Syria, there is no plausible strategy to achieve this goal on anywhere near an acceptable time line. We were briefed that it would be a year before they retake Mosul. There is no time limit on how they could even approach regaining Raqqa. There is no ground force that is both willing and able to retake Raqqa, nor is there a realistic prospect of one emerging anytime soon. The Syrian Kurds could take Raqqa but won't, and the Syrian Sunni Arabs want to but can't, partly due to our failure to support them.

Meanwhile, the administration has continued its inaction and indifference and has allowed Bashar al-Assad to slaughter a quarter of a million people. Have no doubt who is responsible for these millions of refugees; his name is Bashar al-Assad, the godfather of ISIS. He is the one who has barrel-bombed thousands and thousands of his people. Bashar al-Assad used poison gas and crossed the redline, we might recall. It is Bashar al-Assad who continues the butcher of his own people.

I will get to what Secretary Kerry has had to say in a minute.

The administration continues its policy of inaction and indifference. It has allowed Vladimir Putin to intervene militarily and protect this murderous regime.

My friends, the last time the Russians had influence in the region was when Anwar Sadat threw them out in 1973. Now they are back. Now they are major players in the Middle East. This is the headline from the Associated Press yesterday: ''Russian Airstrikes Restore Syrian Military Balance of Power.'' The airstrikes of the Russians have taken out significant capabilities of the moderate resistance—not ISIS but the moderates whom we had trained and equipped and we refused to protect.

I quote from the Associated Press story, ''Russian Air Strikes Restore Syrian Military Balance of Power.''

> Weeks of Russian airstrikes in Syria appear to have restored enough momentum to the government side to convince President Bashar Assad's foes and the world community that even if he doesn't win the war he cannot quickly be removed by force. That realization combined with the growing sense that the world's No. 1 priority is the destruction of the Islamic State group, has led many to acknowledge that however unpalatable his conduct of the war, Assad will have to be tolerated for at least sometime further.

Let's get this straight. Assad will be tolerated to continue to barrel bomb and slaughter innocent people. ''However unpalatable his conduct of the war. . . . '' This kind of Orwellian understatement not only obscures the truth, but it cripples the conscience. My friends, it cripples the conscience.

Bashar Assad's conduct of the war, the barrel bombs, chemical weapons, slaughtering women and children, not only killed one-quarter of a million people, it is what gave rise to ISIL to start with, and it is what fuels them still.

Secretary Kerry seems not to understand that fact. While in Moscow searching for ''common ground'' with Russia on Syria and Ukraine, Secretary Kerry said—and I am not making this up; I am telling my colleagues, I am not making this up—''Russia has been a significant contributor to the progress'' the world has made on Syria.

Was Russia making progress when it bombed U.S.-backed Syrian forces fighting the Assad regime or was that when it took a brief pause from bombing Syrian moderates to indiscriminately drop dumb bombs in ISIL's territory in eastern Syria, killing untold numbers of civilians? Is that the Russian ''significant'' contributions?

Secretary Kerry then said: ''The United States and our partners are not seeking so-called regime change.'' The focus now is ''not on our differences about what can or cannot be done immediately about Assad''—i.e., Dear Mr. Assad, here is a blank check. Here is your card. Do whatever you want to. Do whatever you want to. Continue your barrel bombing, continue your torture, and continue the war crimes that you have committed. You have only killed 250,000 of your own people. Drive some more into exile and murder more.

At the beginning of this year, this administration still believed that Assad must go, but now, as one official said, ''the meaning of 'Assad has to go' has evolved.''

I repeat, the administration official said ''the meaning of 'Assad has to go' has evolved.'' This kind of Orwellian double-speak has become all too common in the administration and is exactly why our allies and partners around the world are losing confidence in American leadership.

A very seminal event happened the day before yesterday, my friends, that will be the best indicator of what I am saying. Thirty-four Muslim nations formed an alliance to fight terrorism; i.e., ISIL, and the United States of America didn't even know about it. They didn't even tell the United States of America that they were forming their own organization with their own strategy, their own tactics, to fight against ISIS? My friends, that is an incredible statement about the total loss of American influence and prestige in the region.

I have had more than one leader in the Middle East tell me: ''Sometimes we think that it is better to be America's enemy than its friend.''

So why has the meaning of ''Assad has to go'' evolved? Because this administration was overpowered, outplayed, and outmatched. This administration consoled themselves with the mantra of ''there is no military solution'' rather than facing the reality that there is a clear military dimension to a political solution in Syria. That is what Russia and Iran have demonstrated. They have changed the military faction on the ground and created the terms for a political settlement much more favorable to their interests. I believe as a result the conflict will grind on, ISIS will grow stronger, and the refugees will keep coming.

Unfortunately, America's troubles in 2015 were not contained in Iraq and Syria. Despite conditions on the ground, President Obama elected to withdraw roughly half of the U.S. forces from Afghanistan by the end of next year.

Do you know the President of the United States, even when he announces a buildup, announces a withdrawal. So he sends the message to any potential enemy or any enemy we are engaged with: We are going to build up now, but don't worry, we are going to pull out. We will withdraw.

So what happens? Here we are. The Pentagon says violence is on the rise in Afghanistan. The AP report says ''Violence in Afghanistan is on the rise, according to a new Pentagon report to Congress that says the Taliban was emboldened by the reduced U.S. military role and can be expected to build momentum from their 2015 attack strategy.''

It is inevitable, I say to my colleagues, there will be greater violence in Afghanistan, an increase in Taliban activity, and—I am sorry to say—ISIS, who is already establishing a foothold there, will increase their presence. Meanwhile, the Iranians, in their attempt at hegemony, will provide weapons to the Taliban.

This Senator will save the rest of my comments about what is going on with the Iran nuclear deal, about what the Iranians have already violated, and what continues with the Russian occupation of Ukraine.

Our much respected leader in Europe, General Breedlove, has said that he expects increased military activity by Vladimir Putin in eastern Ukraine. He still has the ambition of establishing a land bridge all the way across eastern Ukraine to Crimea so he doesn't have to continue to supply by air and sea. We seem to have forgotten that over 8,000 people have died since Russia's invasion, including 298 innocent people aboard Malaysia's Flight 17, murdered by Vladimir Putin's loyal supporters with weapons that were sent to Ukraine by Putin—not to mention the murder of Boris Nemtsov, one of the great leaders of the opposition, in the shadow of the Kremlin. The destabilization continues, even in countries as far away as Sweden. I will not go into that because the Defense authorization bill calls for the provision of defensive weapons to Ukraine.

One of the more shameful chapters—although they have written more shameful chapters—but one that is really shameful is our failure to provide defensive weapons to Ukraine. There are Russian-supplied tanks in eastern Ukraine. All of us have seen the pictures of them. They have slaughtered many Ukrainians, and we refuse to give the Javelin, the most effective anti-tank weapon we have, to Ukrainians. It is beyond shameful.

So I will not talk about China, which has reclaimed 400 acres earlier and now has reclaimed more than 3,000 acres in the South China Sea, and our one foray within the 12-mile limit, the Secretary of Defense failed to acknowledge before the Senate Armed Services Committee.

So, my colleagues, we depart on this holiday season, hopefully sooner rather than later, with a world in turmoil, with a world that because of a failure of American leadership now poses direct threats, as we just found in San Bernardino, to the United States of America.

We saw too many dark days in 2015. It didn't have to be this way. It is still within our power to choose better courses. We must never be disheartened or resigned to a world where suffering and evil are always on the ascent. On the contrary, it is in our character as Americans to face adversity with hope and optimism. We must see plainly and fully the threats to our values in order to defeat them.

As Churchill said, we recover our ''moral health and martial vigor, we rise again and take our stand for freedom.''

I have no doubt America can succeed and will succeed.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

ONE-YEAR ANNIVERSARY OF THE RELEASE OF ALAN GROSS

Mr. LEAHY. Madam President, today is an important day for two reasons. One, it is a sad day because it was just a few years ago today when a dear friend, Senator Dan Inouye, died—one of my closest friends and former President pro tempore and senior Member of this body.

It is also a good day because it marks one year since the release of Alan Gross from a Cuban prison where he had spent 5 years. During that time he lost more than 100 pounds, he lost five teeth, his mother died, his mother-in-law died, his brother-in-law died, and he missed his daughter's wedding.

I worked for years to help obtain Alan Gross's release and the return of the remaining members of the so-called Cuban Five, who had served more than 15 years in U.S. prisons. Scott Gilbert, Alan Gross's lawyer, did an outstanding job, traveling countless times to Cuba. He skillfully advocated on Alan's behalf with Cuban and U.S. officials. My foreign policy adviser, Tim Rieser, went down several times to boost Alan Gross's morale, visiting him in prison and bringing him messages.

My larger purpose, like my good friend from Arizona Senator FLAKE, who has been a real partner in this, was to finally put the Cold War behind us and to start looking forward to a new era.

Like Senator FLAKE and many others, I was convinced that such a step would be widely embraced by the U.S. business community, by religious groups, by academia, the scientific community, the media, and Americans across the political spectrum. I also knew it would be welcomed around the world, including in countries where people believe in democracy and human rights as strongly as we do.

I remember when an ambassador from a South American country came up to my wife Marcelle, saying: We have always respected the United States but also we respected Cuba, and your relationship with Cuba was like a stone in our shoe. Now, by restoring relations with Cuba, you have removed the stone from our shoe.

He, like so many others, recognized that Alan Gross's release ushered in a new day in United States-Cuba relations. I will never forget on August 14, standing there when our flag was raised at the U.S. Embassy in Havana, listening to our national anthem played, and I heard Cubans standing just outside the gates of the Embassy cheering when the American flag went up. It was a deeply moving experience to be there on a swelteringly hot day.

We had 54 years of a failed, punitive policy that achieved none of its objectives. President Obama and President Raul Castro wisely decided it was time to chart a new path.

The reaction of the people of the United States and Cuba has been overwhelmingly positive. Even some of Cuba's most vocal critics of the Castro government have welcomed this new opening.

Which brings me back to Alan Gross. He had every reason to be a bitter defender of U.S. sanctions, but instead he strongly supported the new policy of engagement. He has never expressed anything but warmth and admiration for the Cuban people.

Contrast that with the small handful of Members of Congress who continue to defend a discredited policy of isolation that has been repudiated by large majorities of their own constituents, denounced by every other government in the hemisphere, and which even they acknowledge it has not succeeded. Their answer is to keep it in place, even opposing efforts by the State Department to improve security and staffing at the U.S. Embassy in Havana, to which the Cuban Government has agreed.

I ask that you to look at this photograph of Alan Gross and his wife. I took this just minutes after he was told he

was going home. Senator FLAKE, Congressman VAN HOLLEN, and I were there to pick him up. This is not the face of a bitter man. When I took this picture, I thought as I pressed the shutter that this is the face of a man who knows we can have different days.

I am not so naive to think that reestablishing diplomatic relations with Cuba is going to result in the rapid transformation of Cuba into a democracy. Cuba's leaders are steadfast believers in a repressive political system that has enabled them to hold power unchallenged for more than half a century. Their economic policies have been a disaster, resulting in daily hardships for the Cuban people. You can see it whenever you travel to Cuba. While the Cuban Government blames its economic problems on the U.S. embargo, no one seriously believes that, although it is undeniable that the embargo has exacerbated the hardships.

It is also undeniable that support for the embargo in the United States, from the business community to the human rights community, has evaporated. I wonder how many Members of Congress know that in the past 5 years the Government of Cuba, while blaming us for the embargo, has imported more than $1 billion in U.S. agriculture and medical products. American exports mean American jobs.

There would be a lot more exports if we got rid of the embargo. Right now it is punishing American workers, as well as Cubans.

Why are we also punishing half a million Cuban entrepreneurs who already work in the private sector and are no longer dependent on the government? Why not support the private sector in Cuba as we do everywhere else in the world? Why not open the United States to the emerging Cuban market?

I think it is past time to replace vindictiveness and personal family grievances with what is best for the American people.

I have condemned the Cuban Government's arrest and imprisonment, after unfair trials, of individuals that have done nothing more than peacefully protest against the government's repressive policies. At least two of them were among the 53 who were released as part of our agreement a year ago. Eleven others released earlier still cannot travel freely.

But Cuba's leaders cannot stop the tide of history any more than any of us can. The majority of Cubans were not even born at the time of the 1959 revolution. They have very different priorities and aspirations than those who overthrew Batista's corrupt, abusive regime. Cuba is changing in ways that will mean more freedom and more engagement in the world, and more economic opportunities.

During the past 12 months, the Obama administration has taken historic steps to implement the new policy. After so many decades, when U.S.-Cuba relations were frozen, the progress in the last year has been breathtaking. Talks are underway between both governments on a wide range of issues, including one wrapping up last night on resuming direct mail and air service, but also on law enforcement cooperation and property claims.

Senator FLAKE, who has been such a leader on this—he and I have introduced legislation, cosponsored by 45 other Democrats and Republicans, to end restrictions on travel by Americans to Cuba. Those restrictions don't exist for travel to any other country, including North Korea and Iran. If our bill were called up for a vote, and if we listened to the American people, it would pass easily.

This year the Senate Appropriations Committee passed, with bipartisan majorities, a similar travel amendment by Senator MORAN and me and two other amendments to facilitate U.S. agriculture exports and shipping to and from Cuba.

In contrast, the House of Representatives adopted half a dozen provisions offered by just one Member that would turn back the clock.

I have no doubt that the path begun by President Obama and President Raul Castro is the right one for the people of both countries, and that the dwindling few who continue to try to stand in its way will fail.

History is not on their side. Rather than continue to cling to a policy that was misguided from its inception and that did nothing to help the Cuban people, they should respect the will of their constituents and the Cubans on whose behalf they erroneously claim to speak.

It was only 12 months ago that Senator FLAKE and I walked up the gangplank onto the President's plane with Alan and Judy Gross. I took many photographs that day, and our son-in-law, Lawrence Jackson, one of the President's photographers, was also there recording it for posterity.

Look at how much has been accomplished in those 12 months for the benefit of the people of Cuba and the United States. It has done more for the reputation of the United States and its influence in this hemisphere than has been done in the past half century.

I ask unanimous consent that a chronology of those accomplishments prepared by the Engage Cuba coalition be printed in the RECORD at the conclusion of my remarks.

I hope that before another year passes the Congress will finally recognize that it too has a responsibility to respect the will of the people, to end the embargo and to stop interfering with the right of Americans to travel. And that exposing the Cuban people to our ideas, our principles, and our products is the best policy for the future.

I see my dear friend, the Senator from Arizona, on the floor.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A LOOK BACK AT THE FIRST YEAR OF THE U.S.-CUBA RELATIONSHIP

DECEMBER 17, 2014–PRESENT

KEY ACTIONS AND ACCOMPLISHMENTS

December 17, 2014: President Obama moves to normalize relations with Cuba.

Decision follows 18 months of secret negotiations between U.S. and Cuba and the release of American aid contractor Alan Gross.

Announcement of plans over the coming months to ease travel and financial restrictions on Cuba.

Paves the way for U.S.-Cuba to restore diplomatic ties, reopen embassies, and potentially lift the embargo.

January 16, 2015: Departments of Commerce and Treasury announce regulatory changes to Cuba sanctions.

The amendments implement the changes President Obama announced on December 17, 2014.

March 31, 2015: U.S. and Cuba hold first formal talks on human rights.

April 8, 2015: A public opinion poll of Cubans on the island is released; shows that an overwhelming majority of Cubans support an end to the embargo.

Nearly all Cubans (97 percent of those polled) believe normalization of the relationship between Cuba and the United States is good for Cuba.

April 11, 2015: Presidents Obama and Castro meet at the Summit of the Americas in Panama.

Marks the first time the two nations' top leaders have sat down for substantive talks in more than 50 years. Both presidents agree it is time to end the embargo.

The inclusion of Cuba in the Summit of the Americas comes after Latin American countries pressured the United States to allow Cuba to participate.

April 20, 2015: Governor Andrew Cuomo leads delegation to Cuba.

Governor Andrew Cuomo leads a delegation of New York business owners and politicians to Havana.

His visit marks the first time a U.S. governor has travelled to the island since the U.S. and Cuba normalized relations.

The trip includes officials from JetBlue Airways, the Plattsburgh International Airport, Pfizer, MasterCard, and the founder of Chobani.

The trip leads to an agreement between Cuba's Center for Molecular Immunology and Roswell Park Cancer Institute in Buffalo, New York to import a lung cancer vaccine and begin clinical trials in the United States.

May 4, 2015: New Cuba PAC launches.

New Cuba PAC pledges to donate to political candidates who support favorable policy toward ending the Cuban embargo.

May 29, 2015: United States removes Cuba from state terror sponsors list.

President Obama informs Congress of his decision in mid-April; Congress has a 45-day review period.

Some congressional Republicans oppose the move; however, they do not make any effort to block the decision.

Cuba had been on the list since 1982. Being listed subjects a country to U.S. restrictions on such things as foreign aid and defense sales.

June 18, 2015: Cuba expands Wi-Fi access across the island.

35 Wi-Fi hotspots are created.

Previously, Wi-Fi was only available at tourist hotels at hourly prices that would amount to nearly a quarter of the average monthly salary for Cubans.

July 2015: United States restores diplomatic ties with Cuba.

On July 1, President Obama announces that the U.S. and Cuba would reopen their

embassies nearly 55 years since they first closed.

On July 20, diplomatic relations are officially re-established; Cuban embassy holds flag-raising ceremony in Washington. Engage Cuba hosts private dinner between Cuban Foreign Minister Bruno Rodríguez-Parrilla and American business leaders.

On July 22, Engage Cuba hosts a briefing at the White House for the Cuban-American community about U.S.-Cuba relations.

July 23, 2015: Senate Appropriations Committee approves three amendments favorable to lifting sanctions on Cuba.

The amendments would end restrictions on travel to Cuba, allow private financing for agricultural sales to Cuba, and lift restrictions on ships docking at Cuban ports.

August 14, 2015: Secretary of State John Kerry presides over the flag-raising ceremony at American embassy in Havana.

Sec. Kerry's visit marks the first time in 70 years that a U.S. Secretary of State has visited Cuba.

August 2015–October 2015: American airline companies announce new flights to Cuba.

American Airlines and Cuba Travel Services announce a new charter service providing nonstop service from Los Angeles to Havana. American Airlines also begins offering a once-weekly flight from Miami to Havana in partnership with Cuban travel services.

JetBlue announces the addition of a second charter flight from JFK to Havana.

Delta establishes charter flights from Atlanta to Havana, set to start April 2, 2016.

September 8, 2015: Leading Republican presidential candidate Donald Trump comes out in support of diplomatic reengagement with Cuba.

Trump's stance means that for the first time in over a half-century, the leading presidential candidates from both parties support normalization; Hillary Clinton had stated her support a year prior.

September 18, 2015: Obama administration further eases travel and business restrictions against Cuba.

The announcement expands telecommunication opportunities in Cuba and allows certain American businesses to establish offices and bank accounts on the island.

Cuban businesses and residents are now able to set up offices and bank accounts in the United States.

However, significant barriers to open trade and travel still exist with Congress' refusal to lift the embargo.

September 19, 2015: Pope Francis arrives in Cuba.

The Pope visits Cuba before coming to the United States. During his visit, he lauds the normalization process between the two countries.

September 2015–November 2015: Telecommunications contracts begin to be signed on the island.

Verizon begins to offer voice and data roaming in Cuba through a third party.

Sprint signs an interconnection agreement with Cuba's state telecoms monopoly Etecsa.

September 28, 2015: Governor Asa Hutchinson leads Arkansas delegation to Cuba.

Governor Asa Hutchinson asks Congress to lift restrictions that prevent U.S. food companies from selling to Cuba on credit.

The measure, led by Senator John Boozman (R–AR), was approved by the Senate Appropriations Committee in July but has yet to receive a floor vote in the Senate and House.

In 2000, the U.S. authorized cash-only agricultural exports to Cuba, which brought $30 million in sales to Arkansas annually. Since Cuba prefers to buy on credit, sales have fallen.

September 29, 2015: Presidents Obama and Castro meet on the sidelines of the United Nations General Assembly.

For the first time in more than 60 years, a U.S. president meets with a Cuban president on U.S. soil.

October 6, 2015: Secretary of Commerce Pritzker makes official trip to Cuba.

Sec. Penny Pritzker becomes the second U.S. cabinet official to visit the island since Fidel Castro's 1959 revolution.

Sec. Pritzker meets with the country's ministers of foreign affairs and foreign investment.

Sec. Pritzker tours Mariel, the site of a $1 billion investment to create a major shipping hub in Cuba.

October 14, 2015: Nine state governors sign onto bipartisan letter supporting end to Cuban embargo.

The governors of Alabama, California, Idaho, Minnesota, Montana, Pennsylvania, Vermont, Virginia and Washington write letter to Congressional leadership highlighting the harm that the embargo has done to American agriculture exports.

October 25, 2015: North Dakota Agriculture Commissioner Doug Goehring leads North Dakota agriculture delegation to Cuba.

North Dakota Agriculture Commissioner Doug Goehring leads a delegation of representatives from commodity, agricultural, and commerce organizations to the island.

Full list of participants: North Dakota Department of Agriculture; Bank of North Dakota; Fredrikson & Byron, P.A.; Great Northern Ag; Northarvest Bean Growers Association; North Dakota Grain Growers Association; North Dakota Mill & Elevator; North Dakota Trade Office; North Dakota Wheat Commission; and Red River Farm Network.

November 2, 2015: Cuba hosts annual international trade fair.

It is estimated that 50 U.S. companies attend the fair, more than ever before.

Cuba signs first-ever roaming agreement with U.S. telecom company Sprint Corp.

November 17, 2015: Engage Cuba partners with the Atlantic Council to release a poll from America's ''Heartland'' voters profiling their opinions on Cuba.

The poll's findings show bipartisan support in ''Heartland'' states—Iowa, Ohio, Indiana, and Tennessee—for restoring diplomatic relations with Cuba, lifting the travel ban and ending the embargo.

November 18, 2015: U.S. and Cuba sign historic environmental pact.

The agreement marks the first accord between the two countries since the announcement that they would be normalizing diplomatic relations.

The accord will protect nearby fish and marine life living off the coasts of both countries and allow U.S. and Cuban scientists to collaborate on research.

Cuba's marine ecosystem is considered one of the best preserved and most diverse in the world.

November 19, 2015: Debit cards become available for use in Cuba.

MasterCard and Stonegate Bank (based in Ft. Lauderdale) announce that their cards are now active for use in hotels, restaurants and other stores in Cuba.

They become the first financial institutions to take advantage of new business openings with Cuba.

Americans travelling to Cuba will be able to use these cards at 10,000 merchants that accept the cards.

ATM transactions will be available in 2016.

November 29, 2015: Governor Greg Abbott leads Texas delegation to Cuba.

Governor Greg Abbott leads a delegation of Texas agriculture and port officials and local businesses to Cuba.

While in Cuba, the delegation meets with the Ministry of Foreign Trade and Investment, the Port of Mariel, the Chamber of Commerce and two Cuban entities, Alimport and Cimex.

Texas-Cuba trade relations have decreased over the years due to restrictions and regulations. If full trade were allowed, Texas could see an economic impact of $43 billion.

December 7, 2015: Engage Cuba launches Tennessee State Council.

The 16-person council includes representatives from a range of industries, including agriculture, academia, manufacturing, business, and the arts.

December 8, 2015: U.S. and Cuba hold the first round of discussions on mutual property claims.

The two governments begin negotiations over U.S. individuals' and companies' properties that were seized after the 1959 revolution; Cuba also presents counterclaims of economic damages stemming from the embargo.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Madam President, I want to first pay tribute to Senator LEAHY for the long path to getting here with Cuba, for all of the work that he has done, and to his capable staff, including Tim Rieser and people on my staff, including Chandler Morse and others, who have worked on this issue for so long. I have appreciated working with Senator LEAHY on this issue.

It was 1 year ago today, as Senator LEAHY mentioned, that we had received a call just a few days prior, asking if we would participate in a quick mission down to Cuba, but we had to keep quiet about it for a few days, which was a bit difficult. One year ago today, we got on the President's plane, as Senator LEAHY mentioned, and went down and picked up Alan Gross. It was wonderful to have Alan's wife Judy on the plane with us. What a joyous occasion that was to see that reunion there in Cuba and then to climb on the plane.

As we climbed away from Cuba, I will never forget that about 20 minutes into the flight, the pilot came on and said that we had now entered U.S. airspace. Alan Gross stood up, threw his arms in the air, and then breathed deeply. Then he said, ''Now I finally know I am free.''

Then we watched on the news on the plane as the announcement came that we would be changing our policy, that we would be seeking full diplomatic relations, and that many of the policies of the past would go away.

It has been a wonderful year to see some of that happen. One of my best moments—favorite moments—in Congress was going down with Senator LEAHY again and watching the American flag being raised over the U.S. Embassy in Havana after 54 long years, to have those marines there, the same three marines who had lowered the flag in 1961 and who returned to Cuba to help raise the flag back up. What a wonderful symbol. What a wonderful thing about a new policy and a new way forward with Cuba.

It is significant to note, as Senator LEAHY mentioned, that after spending 5 years in prison in Cuba, Alan Gross came out of prison without bitterness. From that time forward, he has promoted meeting with colleagues of ours

and telling anybody who will listen that this way forward is the right way forward on Cuba; that we should change our policies; that we ought to have closer cooperation and diplomatic relations; and that the problems that Cuba has are the problems of the Cuban Government, not the Cuban people.

I want to pay tribute to Alan Gross for that. He continues to work till this day for better relations between Cuba and the United States. That is a significant thing. When Senator TOM UDALL and I visited Alan Gross in prison in November of last year, just 1 month prior to his release, he was in a bad way. He had lost a lot of weight. He had lost some of his teeth. It was a tough time to be in prison. Being there for 5 years, he missed many events at home with his family.

I cannot imagine coming out of that experience and still feeling the compassion that he has for the Cuban people. Just last night it was announced that the U.S. and Cuba have agreed to enter into a bilateral agreement on flights to allow airlines from America, U.S. carriers to fly to Cuba. Instead of just charter flights, we will now have directly scheduled flights. That will allow Americans to travel to Cuba easier and more inexpensively.

I would encourage all Americans who can find themselves in 1 of the 12 categories for travel to do so. There are a group of Cubans who came to the United States a while ago. They were asked: What can America do for you? These were Cuban entrepreneurs who are looking to change the system in Cuba.

They said: Visit Cuba. Come see us. Come to our private restaurants. Stay in our homes. Spend money in Cuba that we have access to. I should note that those who oppose a new policy—the new policy that we have with Cuba—often say that if you travel to Cuba, every dime that you spend goes right to the Cuban Government. That is not the case.

In Cuba right now, you can stay at a bed and breakfast. In fact, Airbnb has 2,500 listings in Cuba. You can stay at an Airbnb. The bulk of that money, most of that goes to those Cubans who are hosting you, not the Cuban Government. You can eat at a private restaurant where those who prepare the meal, serve the meal, and cook the meals will see the bulk of that money to them.

In fact, about 20 percent of the Cuban workforce is now outside of the Cuban Government. So, when Americans travel to Cuba, Cubans benefit. So I would encourage my colleagues and others to take the opportunity to go down to Cuba and travel. The policy that we had for 54 years in Cuba failed to produce the results that we want to see. We want to see a democratic Cuba that respects human rights.

The Cuban Government still has a long way to go, but I truly believe that the best way forward, the best way to make progress on those areas that we still need to make progress on, is with full diplomatic relations. Hopefully, we soon will have an Ambassador in Cuba who is the Ambassador. Our diplomatic team, led by Jeff DeLaurentis, does a great job in Cuba, but we ought to have a U.S. Ambassador there.

Americans traveling to Cuba doing legal business in Cuba ought to have the same protections they have anywhere else in the world. We need good representation, full representation, in countries that are not friendly to us more than we need it in countries that are friendly to us. So I would encourage the Obama administration to move forward on those and other areas as well.

There are still some measures the Obama administration can take that will improve the lives of Cubans and make it more likely that we can make progress in these other areas. Having said that, let me just say—you often don't hear it from this side of the aisle—but I want to praise and applaud this President, President Obama, for taking the measures that he has taken on Cuba. It took guts to do so.

There is still opposition to the positions that he has taken, but he has taken a position that helps the Cuban people, and it helps Americans. It is good for our national interests. It is good for our security interests.

With that, I want to thank again the Senator from Vermont for the work that he has done on this issue. It has been a pleasure working with him. This past year has been a great year in terms of U.S.-Cuba relations. Here is to an even better year ahead.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 2029

Mr. MCCONNELL. Madam President, I ask unanimous consent that when the Senate receives a message from the House to accompany H.R. 2029, the majority leader be recognized to make a motion to concur in the House amendments; further, that if a cloture motion is filed on that motion, that notwithstanding rule XXII, the Senate immediately vote on the motion to invoke cloture; that if cloture is invoked, all postcloture time be yielded back, the majority leader or his designee be recognized to make a motion to table the first House amendment; that following the disposition of that motion and if a budget point of order is raised, the majority leader or his designee be recognized to make a motion to waive the point of order and that following disposition of that motion, the Senate then vote on the motion to concur in the House amendments with no further motions or amendments in order unless the motion to table is successful or the budget point of order is sustained, and with 2 minutes of debate equally divided in the usual form prior to each vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

The PRESIDING OFFICER (Mr. SASSE). The Senator from Maine.

PROTECTING AMERICANS FROM TAX HIKES ACT

Ms. COLLINS. Mr. President, tomorrow the Senate will vote on the Protecting Americans from Tax Hikes Act of 2015, which will provide needed tax certainty and predictability for our Nation's small businesses, enabling them to create more jobs and boost our economy.

Several months ago, on April 30, I was joined by my friend and colleague from Pennsylvania, Senator CASEY, in introducing the Small Business Tax Certainty and Growth Act of 2015. Our bill aimed to help small businesses invest, grow, and create jobs by providing needed tax relief and certainty. Senator CASEY has been a true partner in advancing this bill, and we are so pleased that the Protecting Americans from Tax Hikes Act takes three key provisions from our bipartisan bill. These provisions include, first, the permanent extension of section 179 expensing, indexed for inflation, which will allow small businesses to write off up to $500,000 of the cost of certain equipment. I would note that this provision is so important to our smaller businesses that it is the No. 1 tax priority of our Nation's largest small business advocacy group, the National Federation of Independent Business. Second, the bill includes the permanent extension of the 15-year deduction period for restaurants and retailers to improve their space and to buy new equipment. This is so important because otherwise the Tax Code reverts to a 39-year depreciation schedule. That is totally unrealistic. No restaurant could wait 39 years before investing in new flooring, new equipment, and other kinds of renovations and expect that customers will still come flocking to their doors. The third provision of our bill would be an extension of so-called bonus depreciation to allow companies to deduct the cost of certain equipment and software.

These three provisions will give our small businesses the predictability they require to plan for capital investments that are vital to expansion and job creation.

I know I don't have to tell the Presiding Officer that small businesses create the majority of new jobs in this country. According to the Bureau of Labor Statistics, small businesses generated 63 percent of net new jobs that were created between 1993 and 2013. Even the smallest firms had a notable effect on our economy. The Small Business Administration data indicate that businesses with fewer than 20 employees accounted for 18 percent of all private sector jobs in 2013.

Recent studies by the National Federation of Independent Business indicate that taxes are the No. 1 concern of small business owners and that the constant change in our Tax Code is among their chief concerns. I know this to be true from the many conversations I have had with small business men and women throughout the State of Maine. It is so frustrating to them because they don't know what the Tax Code is going to provide from year to year, making it nearly impossible to plan. This has the effect of freezing their investment decisions, and that in turn affects their ability to hire more workers.

The long-term solutions provided in this bill will provide the certainty small businesses need to create and implement long-term capital investment plans that are vital to growth and job creation. For example, section 179 of the Tax Code allows small businesses to deduct the cost of acquired assets more rapidly. The amount of the maximum allowable deduction, however, has changed three times in the past 8 years and has often been addressed as a year-end ''extender,'' making this tax benefit unpredictable from year to year and therefore difficult for small businesses to take full advantage of in their long-range planning.

Let me give a concrete example. Earlier this year I spoke to Patrick Schrader from Arundel Machine, a precision machining business in Southern Maine. He told me that the uncertainty surrounding section 179 has hindered his ability to make business decisions. The high-tech equipment he needs requires months of lead time. For a small business like Patrick's, it is very risky to increase spending to expand and create new jobs when the deductibility of those investments remains unknown until the very end of the year. For business planning, this is information that is vital to have at the beginning of the year, not at the end. This uncertainty has a direct impact on hiring decisions.

I wish to give another example of what the small business expensing provisions can mean. Maine has become well known for its high-quality craft beers. Dan Kleban founded the Maine Beer Company with his brother in 2009. In 6 short years his business has added more than 20 good-paying jobs with generous health and retirement benefits, and they want to add even more. Dan noted that his company's business decisions have been directly affected by the availability of section 179 expensing. This provision fueled their expansion by allowing them to reinvest their capital into new equipment to produce more great beer and hire more great Maine workers. In the last 3 years, they have taken the maximum deduction allowed under section 179 to acquire the equipment needed to expand their business. This year they hope to use the provision to finance the cost of a solar project that will offset nearly 50 percent of their energy consumption. If the business had been forced to spread these deductions over many years, its owners simply would not have been able to create the new jobs as they have.

This economic benefit is multiplied when you consider the effect of the investment by Maine Beer Company and Maine's many other small brewers and other kinds of small businesses on equipment manufacturers, on the transportation companies needed to haul that new equipment, and, in the case of craft beers, on the suppliers, the supply chain, including farmers who are providing the materials needed to brew these outstanding beers.

In February, NFIB released new research that backs up this claim with hard numbers. NFIB found that simply extending section 179 permanently at the 2014 level could increase employment by as many as 197,000 jobs during the 10-year window following implementation. U.S. real output could also increase by as much as $18.6 billion over the same period. I mention those numbers because it shows how beneficial this provision of our Tax Code can be when it is made permanent, when the uncertainty about whether it is going to be available and at what level goes away.

In light of the positive effects these provisions would have on small businesses, on jobs, and on our economy, I urge my colleagues to support the tax relief package.

I am pleased to yield to my cosponsor and colleague Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I commend and salute the work done by Senator COLLINS. I am grateful to have this opportunity to reiterate some of the great features of this legislation as it relates to these tax provisions. If I had to summarize it in a couple of words, it would probably be the following: certainty for small businesses—maybe just those four words.

Senator COLLINS, when we talk about reaching across the aisle, I am one desk in from the aisle and you are almost on the aisle. It is almost literally reaching, you are so close. But I am so grateful for your work on this issue for several years now. And with all the difficulties in Washington where often folks don't come together on these and other issues, we can show that we can work together and we can make progress on something, giving certainty to small businesses. That is a pretty big deal. In our State we have something on the order of 2.5 million people working in small businesses, so this is the core of our country in the Commonwealth of Pennsylvania and across the country.

I would reiterate and maybe even incorporate by reference Senator COLLINS' review of the provisions. I would highlight two of them. The 15-year depreciation schedule for restaurants and other leaseholds and other businesses—if you have a restaurant and you can get the benefit of depreciation—figuratively speaking, a slice or a piece of depreciation year after year—it is a lot better if you can get the benefit of those slices or pieces over 15 years—one per year, or one benefit of depreciation—rather than having to wait 39 years for little tiny pieces over those 39 years. That is a simplistic way of explaining it, but it is a vital injection of support for small businesses.

On section 179, I think what Senator COLLINS said makes a lot of sense because a lot of these businesses would see, well, in this particular year, the value of that maximum allowable deduction is at a certain number, a couple hundred thousand dollars. In the next couple of years it could change. Having that certainty of knowing what that benefit will be over time is of enormous significance. The same is true of the benefits that come from bonus depreciation.

Mr. President, as I said, I rise today to discuss some critical tax provisions which Senator COLLINS and I worked to include in the end of year tax package soon to be considered by the House and the Senate.

This is a day we fought long and hard for—a day to bring our small businesses and entrepreneurs the certainty they need to invest in their companies, grow and create the jobs our economy needs.

As a member of the Senate Finance Committee, I understand that one of the best policy tools we have at our disposal to support small businesses is the tax code, which directly affects businesses' bottom lines.

Business owners need certainty about tax policy. That is why I am proud to have worked with Senator SUSAN COLLINS to introduce bipartisan legislation that would allow small businesses to plan for capital investments that are vital for job creation, and am thrilled to see provisions from this commonsense proposal included in the end of year tax package. Their inclusion will increase certainty for businesses, increase economic activity and increase the pace of job creation.

Small businesses are vital to our economy. In Pennsylvania small firms comprise more than 98 percent of all employers, nearly 2.5 million Pennsylvanians work for small businesses. Across the country, small firms employ just over half of the private-sector workforce, according to the Small Business Administration.

In the past, many of the tax provisions affecting small businesses have been enacted on an unpredictable and temporary basis; that changes with this bill. That uncertainty directly hindered economic growth and job creation. When businesses don't know how their investments will be taxed, they cannot make long-term planning decisions with confidence. This bill, with the policies I championed with Senator COLLINS, will change that.

This end-of-year package includes several provisions which, through their

being made permanent, will immediately reduce uncertainty about the Tax Code and encourage businesses to grow, invest and hire.

A key provision of our bill would make permanent the maximum allowable deduction under section 179 expensing rules. Section 179 allows taxpayers to fully deduct certain capital asset purchases in the year they make the purchase. This type of expensing provides an important incentive for businesses to make capital investments. Without it, taxpayers would have to depreciate those asset purchases over multiple years. By making the maximum allowable deduction permanent and indexing it to inflation, our bill would provide the kind of certainty that businesses need to take full advantage of section 179.

A second provision—bonus depreciation—will help businesses in much the same way that the expensing rules do. Bonus depreciation allows companies to expense half the cost of qualifying assets that they buy and put into service in the same year.

The bonus depreciation provisions will provide 5 years of certainty to our businesses, creating an added incentive that makes a real difference in small business investment. A 2013 U.S. Treasury report concluded that 50-percent bonus depreciation lowers the cost of capital by 44.1 percent. These figures illustrate the tremendous benefit these policies can bring to our job creators.

One additional measure, which I would like to touch on for a moment, is the provision to make 15-year straight-line depreciation schedule for restaurants, leaseholds, and retail improvements permanent.

This February, Senator CORNYN and I introduced legislation to make the 15-year cost recovery provision permanent. I am glad to see its inclusion in the end of year tax package.

These provisions together will encourage business owners to make key capital investments, and allow for faster cost recovery that goes directly to a company's bottom line, thus freeing up cash that can be used to expand operations and hire more workers.

Making these measures either permanent or long-term creates the kind of tax certainty that is critical for all our businesses, but is especially important for small businesses.

These are commonsense provisions that both parties can support. They will improve our business environment and ease the tax burden on small businesses. Most importantly, they will directly encourage the investment and job creation that our economy needs.

I wish to commend and salute the work Senator COLLINS did. We are glad there is some certainty as a result of these business tax provisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EB–5 PROGRAM

Mr. GRASSLEY. Mr. President, at 1:30 a.m. Wednesday morning, an omnibus appropriations bill was filed to keep government operating for the remainder of this fiscal year. This bill, which will be voted on by the House on Friday, includes a straight and clean extension of a program called the EB–5 Immigrant Investor Program. This program has been plagued with fraud and abuse, but more importantly it poses significant national security risks. Allegations suggesting the EB–5 program may be facilitating terrorist travel, economic espionage, money laundering, and investment fraud are warnings against this bill too serious to ignore. Yet they are being ignored. The omnibus bill fails to include much needed reforms.

The spending bill being considered by the House and Senate is a major disappointment. I am frustrated that despite the alarm bells and whistleblowers, warning us in Congress about the EB–5 program, Republican and Democratic leadership in the House and Senate decided to simply extend the program without any changes. This was a missed opportunity to protect America.

What makes this especially frustrating is that the chairs and ranking members of the House and Senate Judiciary Committees—both Republican and Democratic—agreed on a bill. We had consensus. I appreciate the support of Senator LEAHY, the ranking member of the committee. I also commend Chairman GOODLATTE, Ranking Member CONYERS, Congressmen ISSA and LOFGREN. In a bipartisan way, we worked this bill out. We agreed on every aspect—maybe naively but believing in our hearts that we were doing the right thing. We found common ground on national security reforms. We made sure rural and distressed urban areas benefited from the program, as was intended when it was first written. We instituted compliance measures, background checks, and transparency provisions. All of those things were meant to protect our national security and weed out waste, fraud, and abuse. Through months of hard work, we put together a great deal, but despite this broad, bipartisan support, and the work of the committees of jurisdiction, not a single one of our recommendations will be implemented. Instead of reforming the program, some Members of leadership have chosen the status quo. This failure to heed calls for reform proves that some would rather side with special interest groups, land developers, and those with deep pockets.

It is widely acknowledged that the EB–5 program is riddled with flaws and corruption. Maybe it is only on Capitol Hill—an island surrounded by reality—that we can choose to plug our ears and then refuse to listen to commonly accepted facts. The Government Accountability Office, our free media, industry experts, Members of Congress, and even Federal agency officials have concurred that the program is a serious problem with serious vulnerabilities.

Why did congressional leaders ignore the chairmen and ranking members of both the House and Senate committees who were spearheading EB–5 reform? Why, at the same time—and maybe more importantly because they aren't colleagues—did they ignore the Government Accountability Office or ignore the FBI or ignore the Secretary of Homeland Security?

Allow me to remind my colleagues why the EB–5 Regional Center is in need of reform. For several years I have kept close tabs on this program, thanks in part to the reports of wrongdoing brought forth by whistleblowers. The fact is that other Federal agencies, including the FBI, have raised national security concerns. Whistleblowers say that requests from politically influential people were being expedited. Last June, Congress heard from a whistleblower who was harassed for speaking out against the problem—in reference to the countries of China, Russia, Pakistan, and Malaysia, countries not known to be friends of the United States.

This whistleblower said:

> EB–5 applicants from China, Russia, Pakistan and Malaysia had been approved in as little as 16 days and in less than a month in most. The files lacked the basic and necessary law enforcement queries . . . I could not identify how USCIS [Customs Immigration Service] was holding each regional center accountable. I was also unable to verify how an applicant was tracked once he or she entered the country. In addition, a complete and detailed account of the funds that went into the EB–5 project was never completed or produced after several requests. During the course of my investigation it became very clear that the EB–5 program has serious security challenges.

There are also classified reports that detail these problems, much as the whistleblower said. Our committee has received numerous briefings and classified documents to show this side of the story. Our own executive branch agencies have communicated to us their concerns about the program. Just listen to these people concerned about it. Officials within the Securities and Exchange Commission, the FBI, and Immigration and Customs Enforcement expressed concerns about the program and how prone it is to fraud. We ought to be concerned about waste, fraud, and mismanagement. We ought to be concerned about national security. The way this bill is ending up, with just a 10-month extension, nobody is taking that into consideration.

An internal national security report stated the following:

> As in any instance where significant investment funds are raised . . . the regional center model is vulnerable to abuse. The capital raising activities inherent in the regional center model raise concerns about investor fraud and other conduct that may violate US security laws. Third Party promoters engaged by regional centers to recruit potential investors overseas fall outside of the U.S. Citizenship and Immigration Services' regulatory authority and may make false claims or promises about investment opportunities. Unregistered broker-dealers may operate outside of U.S. Citizenship and Immigration Services' statutory

oversight to match prospective investors with project developers. Moreover, the statute and regulations do not expressly prohibit persons with criminal records from owning, managing, or recruiting for regional centers.

Just think of that, ''Statute and regulations do not expressly prohibit persons with criminal records from owning, managing, or recruiting for regional centers.'' Don't we think that is a threat we ought to be considering? How many more intelligence reports are needed for my colleagues to understand this problem? How many more headlines are needed before we have the will to deal with this problem? How many more whistleblowers are going to be demoted for telling us about these problems, merely committing the one crime that whistleblowers commit—telling the truth.

The Secretary of Homeland Security sent a letter to the Judiciary Committee and requested more authority to deny, terminate or revoke a regional center's designation. They wanted more authority to root out the bad apples. They have been requesting this since 2012. Considering that the Secretary of Homeland Security would say that—and he has to carry out this legislation and can't prevent some of the bad things that are happening from happening under existing law—that ought to be enough to guarantee Congress would pay heed to these problems and do something about it. As I indicated, our bill would have done just that. But the fact that our bipartisan bill was dismissed by congressional leadership means bad actors and bad regional centers will continue to operate.

The EB–5 program also encourages a whole host of financial fraud and corruption. The program's abundant loopholes and lack of regulation have created a virtual playing field for unethical gamesmanship and con artists. Fortune Magazine reported how one man cheated potential immigrants out of $147 million for a make-believe building project he never intended to finish. The article explained how the trickster claimed the project would create over 8,000 jobs. In reality, some 290 foreigners were tricked out of their cash. This is not the only example of how regional centers can be used to defraud people out of millions of dollars for nonexistent projects.

Another government agency we ought to pay some attention to, the Securities and Exchange Commission, encountered another fake project in which two men in Kansas purported to build an ethanol plant in that State. The Commission stated in a litigation release that ''the plant was never built and the promised jobs never created, yet the [two men] continued to misrepresent to investors that the project was ongoing.'' That same report goes on to say that millions of dollars of investor money was used for other purposes—can you believe this?—even going to another completely unrelated project in the Philippines.

Just last month, the National Law Review reported another case in which Security and Exchange Commissioner filed suit against the owner of a regional center who allegedly stole $8.5 million in EB–5 funds. The owner claimed that all the money provided from the foreign investors would be held in escrow until the approval of their green cards. Instead, the article reports that the owner of the regional center blew the money on two different personal homes, a luxury Mercedes, a BMW, and a private yacht. All the while, clueless investors were exploited by loopholes in the EB–5 program.

For example, the article states that both the investors and the owners of the regional center were represented by the same attorney. But for many potential EB–5 immigrants, a safe investment is not the main concern because it is simple. You can buy your way into the United States. Paying $500,000 is simply the price of admission that they are able and willing to pay. For these wealthy elites, a profitable investment is just icing on the cake of buying green cards.

I hope some of my colleagues will talk to Senator FEINSTEIN about why she thinks this program should be wiped out. Even considering our reforms, she still takes that view. She feels it is just plain wrong to sell access to the United States through buying a green card.

A lot of the debate in the past 2 months has been on targeted employment area reforms. The targeted employment areas created by Congress to steer foreign investment to rural and distressed areas have been greatly abused. The designations have been gerrymandered—gerrymandered just like congressional districts—to include the most lavish developments in the richest neighborhoods, where this law of 20 years was never expected to be used because these are not distressed areas as were anticipated by the original law.

The Hudson Yards project has generated millions of dollars for a luxury apartment complex in Midtown Manhattan. Manhattan was in here complaining about needing investment, when every day you read in the newspaper that Chinese entrepreneurs are investing in New York all the time. Not far away, another flagrant example of gerrymandering is the Battery Maritime Building, right next to Wall Street, in Lower Manhattan. The New York Times described it by saying it ''snakes up through the Lower East Side, skirting the wealthy enclaves of Battery Park City and Tribeca, and then jumps across the East River to annex the Farragut Houses project in Brooklyn.''

That is the gerrymandering that goes on here to get a project in a very wealthy part of New York to qualify.

I have to ask my fellow Senators: How many more media reports will it take to understand the extent of EB–5 gerrymandering? Have the Senators who helped table our reforms ever read those reports in the Wall Street Journal? I can say with certainty that the status quo will not benefit middle America. It benefits New York City and other affluent areas at the expense of areas in Iowa, Kentucky, Wisconsin, and Vermont. Another way to put it is that it is not going to benefit those who were the original intent of the legislation when passed two decades ago. It was supposed to deal with rural areas and with high-unemployment areas.

Some may say that there wasn't enough debate or public input on EB–5 reforms. Well, I would like to walk through how much debate we have had on this issue, besides what is very obvious from the newspaper reports or from what whistleblowers say or what the FBI says or what the Securities and Exchange Commission says or even what the Secretary of Homeland Security says.

In the history of our leading up to this legislation, the Judiciary Committee held a hearing on the program in late 2011 and at every hearing since in which Secretary Johnson has testified, the issue of EB–5 has come up. The Homeland Security and Governmental Affairs Committee, as well as House committees, have had hearings on this program.

In 2013 the Senate debated an immigration bill that was over 1,000 pages long. In a few short months, we voted that bill out of this body. Parts of the bill that we were working on to be included in this omnibus appropriations bill included EB–5 reforms that we talked about in that immigration bill of 2 years ago.

Then in 2014, the House Judiciary Committee voted out a bill that included some changes in the program. The bill would have raised the investment level to $1.6 million. This year in June, Senator LEAHY and I introduced S. 1501. We called it the American Job Creation and Investment Promotion Reform Act. It was a tough, serious bill to overhaul the program.

Since June, we have listened to other Members of Congress. We have heard input from their constituents and regional centers in their States. We listened to stakeholders. We met with lawyers, lobbyists, and regional center operators. We listened to groups that represented trade and labor union groups. We met with the agency at the Department of Homeland Security that runs the program. We worked with them and the Securities and Exchange Commission on language. We consulted other congressional committees.

We took this input from a wide range of sources and made changes to our bill. On November 7, we circulated a new draft with Chairman GOODLATTE, chairman of the House Judiciary Committee. Ranking Member CONYERS of that committee joined our conversations, as well, and I want to tell you that Ranking Member CONYERS has had invaluable input into this bill.

Again, I want to emphasize—because that is what the leadership of this body is always talking about: Do things in a bipartisan way. Again, we had a bipartisan, bicameral agreement with the four leaders of the committees of jurisdiction. The leaderships of both bodies said that committees would do their job and be relevant to the legislative process again, except for the EB–5 program, evidently.

We weren't the only ones who wanted action. We had colleagues such as Chairman CORKER and Chairman JOHNSON, who on November 6 joined me in sending a letter to Leaders MCCONNELL and REID, urging them to include critical provisions that would better guard against fraud and abuse and give the Department of Homeland Security the ability to terminate centers that Secretary Johnson didn't feel he had the authority to terminate and where there was obvious fraud.

As I said about Senator FEINSTEIN when I referred to her position on this issue, she would prefer to see the program end. In early November she wrote:

> We have seen in recent years that the program is particularly vulnerable to securities fraud. According to legal complaints, applicants for some projects were swindled out of their investment, and jobs were never created. . . . When the program comes up for renewal in December, Congress should allow the program to die.

She is a respected Member of this body and very involved in national security and intelligence issues. When she sees something wrong with a program such as this, we ought to give it proper attention.

Two weeks ago the Judiciary staff was asked, after all these changes were made in the bill, to come in and talk to Democratic and Republican leadership. Staff was asked to hear out the U.S. Chamber of Commerce, the Real Estate Roundtable, and other industry representatives. I don't think there is anything wrong with listening to anybody's view about any legislation we have—whether it is an individual or an organization representing individuals. But to have them right there in the room writing legislation, I think, goes a little bit too far.

On that first day of December negotiations, there was a lot of discussion about how New York wouldn't be able to compete with rural America if our reforms were enacted. They thought the bill was unfair to urban areas, and they wanted every project in the country to qualify for the special targeted employment area designation. The solution was to provide a set-aside of visas at the higher levels to ensure they could use the program. It was apparent that an agreement was in the works. But, when you have these greedy people coming to talk to you, there is no end to what they are going to ask for.

When the group returned the next day for discussion, the U.S. Chamber of Commerce and the Real Estate Roundtable, along with a small group of developers represented by law firms in town, came with yet another new list of demands. They had half a dozen major issues, not to mention their so called technical changes.

After nearly 12 hours in the room with EB–5 protectionists, Judiciary Committee staff conceded and tried to find common ground, because we wanted to at least take care of these national security issues and get some of the fraud out of the program. The group I am talking about left with an agreement in concept. But again, you think you are satisfied, and you have something to go on, and then all of a sudden you find out the next day, when staff was called in to finalize the language, that the industry said they wanted more.

This is a very common theme. The industry wants more, and they wanted more, and they wanted more. It made one really wonder if they actually wanted a bill with reforms.

This was an effort to hoodwink people into what we thought were good-faith negotiations, and it turned out it wasn't in good faith. Then, after all the concessions made to the industries, some Members in the Senate came to us and wanted to make even more concessions. Despite all these challenges, the four corners of the Judiciary Committees compromised more. We gave in on many areas for the sake of national security and, hopefully, taking fraud out. We tried to strike an agreement, as much as it made the bill weaker, because the security reforms are also desperately needed. But after all of that, our House and Senate leadership failed us. They extended the program without any changes whatsoever for 10 months in the appropriations bill that we will vote on tomorrow. No reforms. No plugs for national security. No safeguards against fraud and abuse—it will go on for at least another 10 months.

The bill we presented to the Republican and Democratic leadership took into consideration edits from the industry, immigration attorneys, and several congressional offices.

I am very disappointed that the leadership simply extended a very flawed program. But I also know the product we provided them on Monday night did not accomplish much that we were hoping to do. It was a very flawed, compromised bill. It was too watered down. It was a giveaway to New York City, Texas, and rich developers who simply wanted to protect their projects. It was a giveaway to affluent urban areas and a failure for rural America.

This morning we had the benefit of some enlightenment as to how this happened. I have an ABC News report stating that more than $30 million was spent this year alone in a lobbying effort against the reforms—$30 million.

Mr. President, I ask unanimous consent that the ABC News article entitled ''Lobbyists Declare Victory After Visa Reform Measure Dies Quietly'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From ABC News, Dec. 17, 2015]

LOBBYISTS DECLARE VICTORY AFTER VISA REFORM MEASURE DIES QUIETLY

(By Matthew Mosk)

After a multi-million dollar lobbying effort, congressional leaders Tuesday night quietly scuttled a bi-partisan attempt to reform a little-known immigration program that offers wealthy foreigners access to visas and U.S. Green Cards but has been beset by allegations of fraud and abuse.

The EB–5 program, called so due to its visa designation, allows rich foreign nationals a shortcut to a Green Card as long as they invest $500,000 in a designated job-creating project in the U.S. Designed to spur the American economy, the program is also feared to have been exploited by spies, money launderers and other criminals, as revealed in an ABC News investigation earlier this year.

''There are well-documented national security concerns and abuse of the program, and a bipartisan, bicameral agreement on reform,'' Sen. Chuck Grassley told ABC News in a written statement. ''It should have been a no-brainer, but now it's a missed opportunity.''

But there were opponents to reform with money to spend—private groups that paid out more than $30 million in a lobbying effort to protect the EB–5 program this year alone, including more than $23 million from the National Association of Realtors, according to an analysis of lobbying registration reports for ABC News by the Center for Responsive Politics.

At the Capitol, the legislation was defeated by a group of lawmakers led by New York Democrat Chuck Schumer, who argued that security improvements were a good idea, but the way the reform was written would unfairly hurt investments in his home state.

Regardless of how it died, lobbying groups cheered the reforms' downfall Tuesday night. A lobbyist for one group, called the ''EB–5 Investment Coalition.'' posted a message on Twitter declaring victory.

''So proud of our EB–5 Investment Coalition . . . TY [Thank You] Schumer, Cornyn and Flake,'' it read, referring to other opposition lawmakers Sens. John Cornyn, R–Texas, and Jeff Flake, R–Ariz.

'IN DIRE NEED OF REFORM'

Sen. Patrick Leahy, D–Vermont, who worked with Grassley on the program's overhaul, said the EB–5 program has ''long been abused and is in dire need of reform.''

''We pushed aggressively for its inclusion in the omnibus appropriations bill but congressional leadership inexcusably rejected this much-needed reform,'' he said.

Brokers who advertise overseas as agents who can help procure visas for wealthy investors have repeatedly been accused of defrauding those foreigners who put up $500,000 in the hopes of obtaining a Green Card. The EB–5 program was being abused so frequently this way that the Securities and Exchange Commission took the unusual step of posting a public warning to potential investors to be wary of such offers.

ABC News reported on an EB–5 program that promised to use foreign investment to rebuild New Orleans in the aftermath of hurricane Katrina. Investors sued, alleging the money had been squandered or stolen, and said they were unable to get Green Cards because no jobs were created.

The program was also criticized for how it was used legally.

Critics say that while it is intended to funnel EB–5 foreign investment to business

projects in poor regions around the country and in turn promote job growth, a majority of the funds are actually supporting high-end real estate projects in wealthy areas.

''This program was established to help areas with high unemployment, but it's been hijacked by investors with $500,000 putting their money in Chelsea, not the Bronx,'' said Nancy Zirkin, executive vice president of The Leadership Conference on Civil and Human Rights, which supported the reform bill. ''Our communities, in Baltimore and Ferguson and other places, need the infrastructure and just aren't getting it.''

Outside opposition to the reform proposal was led largely by real estate developers who have increasingly come to rely on the money from foreign investors, mainly from China.

To add to the pressure from Leahy and Grassley to impose new restrictions on foreign investment visas, there was also pressure for Congress to act because the entire EB–5 program was set to expire this month.

UNEXPECTED DEFEAT IN CONGRESS

Leahy and Grassley, both senior members of their parties in high ranking positions, said they thought they had the support needed to push through the reform measure. But during weeks of discussions behind closed doors, Sen. Chuck Schumer (D–N.Y.) emerged as a staunch opponent, arguing that the changes to the program would unfairly limit the amount of EB–5 money that could be used on projects in New York City. That's because of a provision in the reform proposal intended to more narrowly direct the investment money to projects in low income areas.

At present, close to 20 percent of the investment funds raised by foreign investors seeking visas winds up backing a New York City development. Many of those projects include glitzy high rise buildings in wealthier parts of New York. But even those projects, Schumer argued, were able to create large numbers of jobs in neighboring, low income parts of the city.

A spokesperson for the senator told ABC News that Schumer did not oppose efforts to eliminate national security and fraud risks associated with the program.

''Sen. Schumer supports reforms that will bring transparency and accountability to the EB–5 program, but strongly believes that the EB–5 program should continue to act as a catalyst for thousands upon thousands of jobs throughout New York,'' said Matt House, a Schumer spokesman. ''The proposed reforms would have crippled the program and would have held back job growth in urban and low-income areas in cities across the country.''

Negotiators said Schumer attracted support from Republican Sens. Cornyn and Flake. Instead of passing the reform measures, they agreed, they would extend the program for another 10 months without making any changes.

Grassley expressed deep disappointment in the outcome.

''Leadership allowed the negotiations to be hijacked by a small number of special interest groups who wanted the status-quo and the necessary reforms were shoved aside,'' he told ABC News.

A Washington, D.C. group called IIUSA, formed to advocate for EB–5 investment, posted a statement online expressing gratitude for the decision by Congress to keep the EB–5 program running.

''IIUSA will continue to advocate for a long term reauthorization with reasonable reforms that succeed in enhancing Program integrity and effectiveness,'' the statement said.

Mr. GRASSLEY. So this is where the years of work to reform EB–5 have come. So this is how several years of work ended—a reform blocked by selfish interest.

I have to be an optimist around here, and I believe that, eventually, right wins out. It is time for things to change. I was for reform. I wanted to make it better. But now, I am not so sure reforms are possible. It may be time to do away with EB–5 completely. Maybe we should spend our time, resources, and efforts on other programs that benefit the American people. Maybe it is time that this program goes away.

The next 10 months will be spent exposing the realities and vulnerabilities of this program. As chairman of the Judiciary Committee, I will exercise oversight of this program even more than I have in the past. I will ask tough questions and make more recommendations. My quest to either have EB–5 reformed or to end the program has just begun. This is not the end, this is just the beginning.

I yield the floor, and if I have any time, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from South Dakota.

TRIBUTE TO DAVE SCHWIETERT

Mr. THUNE. Mr. President, I rise today to honor my commerce committee staff director, Dave Schwietert, who is leaving the Hill after almost 16 years of service here in the Senate.

Earlier in Dave's career, he worked for the late Senator Craig Thomas, and for the past 11 years, Dave has worked on my staff, serving his home State of South Dakota. He started with me as a staffer on the Environment and Public Works Committee when I first arrived in the Senate. After leaving the Environment and Public Works Committee, I was lucky enough to have Dave serve as my legislative director for 6 years. When I became ranking member of the commerce committee, Dave came over as minority staff director, a position in which he served 2 years before becoming majority staff director this year.

Dave is the kind of staffer you always hope to get as a Member. He has a brilliant mind. His memory for the most arcane details of any policy is almost legendary. In fact, if you look up ''policy wonk'' in the dictionary, you probably would find a picture of Dave Schwietert—and I say that with the greatest amount of affection. He has a deep dedication to his work. Over the years, I have relied on his intellect and dedication more times than I can count.

Those aren't the only things that distinguish Dave as a staff director. One of the things I appreciate the most about Dave is his commitment to helping younger staff members develop their abilities. That is a great quality around here where oftentimes people have a hard time learning how to delegate and learning how to bring younger staff members along. His patience and his teaching ability are well known, and staffers who work under Dave come away with sophisticated analytical skills and a deep understanding of the issues.

The commerce committee has had a lot of successes this year, most notably passage of two major pieces of legislation—the Surface Transportation Board reauthorization bill and the first long-term highway bill in a decade. Dave Schwietert was a key figure in each of those accomplishments.

We have known for a long time that the Surface Transportation Board needed to work better, and Dave really has been working on this reauthorization since I first became a member of the commerce committee. This year we were finally able to get it done. Dave can leave the Senate with the knowledge that legislation he helped enact will permanently improve things for all those American farmers and businesses that rely on our Nation's rail system to get their goods to the marketplace.

This year's landmark Transportation bill, which will strengthen our Nation's infrastructure and boost our economy for years to come, was a product of a tremendous amount of work on multiple committees. In the commerce committee, we developed the bill's extensive safety title, and Dave was once again a key figure in that process. I am particularly proud of the fact that we managed to move from a party-line vote on the commerce title to strong bipartisan support when we were done. In fact, when it cleared the Senate, it was with 83 votes. Dave deserves tremendous amounts of credit for that. His ability to build consensus among Members and staff of both parties is a huge reason we were able to pass a long-term transportation bill this year.

Another thing I always appreciated about Dave is his commitment to South Dakota. Like me, Dave is a proud South Dakota native. In fact, he comes from western South Dakota, Rapid City. I am a western South Dakota product. In fact, in South Dakota you are either East River or West River, and we both come from West River.

Throughout his time on the commerce committee, he has never forgotten about the needs of South Dakota families, farmers, and businesses. It has always been forefront in his mind. I am grateful for that. I know there are a lot of South Dakotans who are grateful for the bills he helped pass. Dave's work will have a tremendously positive impact on South Dakota for many years to come.

Mr. President, while it is difficult to overstate how much Dave will be

missed around here, I am happy he has found an exciting new opportunity. It has been said that lightning never strikes twice, but as in so many other things, Dave breaks the mold on this one as well. In fact, he was struck by lightning not once, not twice, but three times while on a rock climbing trip, but that hasn't discouraged him, and I, for one, am grateful for that commitment and tenacity.

My thanks also goes out to his wife Sandra, his son Evan, and his daughter Lauren for allowing me to keep their husband and father here many times late into the evening.

I know I speak for a lot of people when I say that Dave will be deeply missed, but he should know he goes forward with respect and the gratitude of many and the warmest wishes for all his future endeavors.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOEVEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. HEITKAMP. Mr. President, I ask unanimous consent to engage in a colloquy with my great friend, Senator HEINRICH of New Mexico.

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

OIL EXPORT BAN

Ms. HEITKAMP. Mr. President, we rise today to talk about an issue we started talking about a year ago; that is, the oil export ban. What we were going to do is not only educate the public about this 40-year-old ban but also educate those colleagues in our caucus who do not have the level of experience that we have with the oil industry. I can tell you that it has been a journey.

I want to make this point because I always make this point when I talk about it: Fundamentally ignore all the other policy arguments. There is absolutely no reason in the world to restrict the export of a commodity that we produce in this country. Commodities traditionally trade on a global market. If we are not going to distort the market, they need to find their market. This is a 40-year-old ban that didn't make sense when they did it, and it made even less sense in an environment where States such as North Dakota were on the path to produce over 2 million barrels a day of light sweet crude from our shale formations.

At the end of the day, when we look at the effort and we look at the analysis, occasionally a good argument wins the day. I think that is what we are seeing as we are on the verge of this Congress—signed by the President—lifting a 40-year-old ban on the exportation of crude oil that is produced in this country.

I wish to make a couple of quick points about it on a policy matter.

First, many people say: Well, wouldn't that jeopardize our energy independence?

Closing off the market and making sure our commodities can't find a market encourages investment in other places than the United States of America, so it is counterintuitive.

They say: Wouldn't this actually raise our gasoline prices?

We had study after study that concluded one simple thing: Either it would have no effect or it would have a downward effect since gasoline prices were measured against Brent, which is the international pricing benchmark. When we look at what is good for consumers, what is good for jobs in States such as North Dakota and New Mexico, what is good for national security, and what is good for our allies—I spent a lot of time last year talking to people from the EU and talking to people in Eastern Europe about the significance of energy security and knowing that even though they didn't have a source of energy, they could buy energy from a country such as the United States of America.

I frequently referred to our oil as ''democracy oil.'' It is not oil produced by countries that we are at odds with, that we disagree with; this is oil that is absolutely an opportunity to use that soft power, to use that ability to export. That idea was shared not only by foreign policy experts from conservative think tanks but many well-recognized Democratic foreign policy experts. We are at the point of actually getting this done, and that is the good news.

We also know that frequently in the Congress a good idea doesn't happen in isolation; it happens when we are willing to sit down and go to negotiations. That is where my great friend from New Mexico came in, taking a look at whether there was an opportunity to actually get a deal done and what we could do to make this actually happen. So we partnered up pretty early in making the pitch together.

I wish to ask my friend Senator HEINRICH, would you please talk about the piece of this deal that supports the development of renewables and what that means for your State, which is also an oil-producing State, and what that means for jobs not only in a State such as mine, which has a large manufacturing facility that manufactures blades—plus, we think we are the Saudi Arabia of wind. I know there are probably 20 States that say that. In North Dakota, it is true. I am sure the Presiding Officer would agree that we are, in fact, the Saudi Arabia of wind.

I ask Senator HEINRICH, what does this mean for you in terms of renewables?

Mr. HEINRICH. I thank Senator HEITKAMP for her leadership on this issue.

I thank the Presiding Officer for his contributions to allow us to reach what has been an incredible example of a bipartisan, balanced energy package, something we haven't seen for quite a while.

I wish to recognize the many hours that Senator HEITKAMP spent in meetings of every complexion under the sun, educating our colleagues who don't have oil- and gas-producing basins, as we do, on the intricacies of what does this mean for price pressures, what does this mean for consumers, are the things that you intuitively might think actually not what you would see in the actual marketplace. There was meeting after meeting with the renewable energy associations, in the solar field, in the wind field, and with colleagues on both sides of the aisle. There were people such as the Presiding Officer or the energy committee chairperson, Senator MURKOWSKI of Alaska.

I thank the Senator for that work, and it has really been a pleasure to work with her in that effort.

This is a very big step for New Mexico. Obviously, at any time when oil is trading under $50 a barrel in a State where we have two big basins—the Permian Basin in the Southeast and the San Juan Basin in the Northwest, not to mention production in the Raton Basin that is coming on—it is a very big hit, not only to our job situation and to the families who rely on those jobs, but also to our public schools in the State of New Mexico. This opportunity to relax the oil export ban means something concrete for that industry and for those jobs in New Mexico. It also means something very concrete for the future of jobs in New Mexico as well.

The incremental work on the renewable side is one of the single biggest pieces of policy on clean energy that I have seen in my adult lifetime.

We are looking at two markets that have grown rapidly and that have produced, in solar's case, 200,000 jobs in the last few years. That would have taken an enormous hit if we would have allowed those incentives to go away. As a result of this package, we are likely going to see another 140,000 jobs in solar alone.

The incremental impact on the carbon front—the extension will offset 100 million metric tons of carbon dioxide annually. That is like 26 coal-fired powerplants.

These things impact small businesses across my State as well as across the country. But if you look at a small State such as New Mexico with 2 million people, we have close to 100 solar companies employing 1,600 people in these new fields, and it is growing rapidly. We have seen 358 megawatts of solar energy installed. We have 812 megawatts of wind energy currently installed and another 300 in the pipeline right now, with another 300,000 to 500,000 jobs associated with that in 2014 alone.

This is the single biggest piece of predictability within renewable energy

that we have seen in a very long time. We have learned the reality that one-plus-one-plus-one does not equal three. When you add a tax incentive one year, you take it away, and you add it back, the sum of those is not nearly as robust as when you have predictability over a period of time. That is what this does for our energy industries across the board.

I thank the Senator for all of her work on it. I wish to ask the Senator a question, in particular. This agreement obviously didn't happen overnight. I know we have been meeting for well over a year, and you have been thinking about it even longer than that.

I ask Senator HEITKAMP, would you talk a little bit about why you are so passionate about this issue and what specifically it means for the people of North Dakota.

Ms. HEITKAMP. Well, it wasn't that long ago that North Dakota became the second largest oil-producing State in the country. We are challenged in North Dakota because we don't have the mature infrastructure of Texas and the basin. We are challenged with transportation. But the amazing thing is, we produce the best crude in the world, light sweet crude. The problem with light sweet crude over the years is it wasn't the dominant crude that was produced in the United States. As a result, the refineries are basically geared up to refine heavy crudes. They are geared up to basically import crude from places such as Venezuela and some of the heavier crudes. That is what the refiners can do. And a lot of refineries that can handle light sweet crude are not on a pipeline system. So on top of producing this great-quality crude, we have additional transportation costs and we were seeing deductions.

When you add to that the challenge of producing something that could be so important for energy security in our country but also national security and helping our allies with their energy security in Europe—when you add the challenge of that product not being able to find a market, what that means is that this energy renaissance for the country that we are so proud that we participated in begins to basically dim. This idea that we can be energy independent starts dimming, and we start seeing people cut back on investment, and we start seeing people reduce their plans to invest in this country when they know they can go offshore and actually market their product.

So the bottom line is that this isn't going to raise oil prices overnight. Those folks who may have a prediction that this is going to result in a dramatic increase—I don't think they really understand the oil markets and what is happening right now. But what it does do is it takes a commodity that should always have had the opportunity to find its market and it applies free enterprise system principles and it applies capitalistic principles. When you produce something in this country, you ought to be able to find your market.

People say: It is remarkable you have been able to get this far. It tells the American public that the Congress can function if people come willing to make a deal.

I see my friend from New Jersey, who a lot of people would not have suspected played such an important role in our discussions and had such a willingness to learn. He impressed a lot of our friends in the oil industry with his rapid understanding of economics. I tried to tell them he was smart. They occasionally get fooled by press releases as opposed to actually meeting folks.

I think another great thing that has come as a result of this is certainly a willingness of the Democratic caucus to listen to this argument. There has been a building of relationships that I hope will allow us to have a reasoned debate about oil energy development in this country going into the future.

I say to Senator HEINRICH, I am going to ask you to close with an explanation of, when you look into the future, how critical this is to your school system and what you see in terms of the future of the industry as a result of this change in your State.

Mr. HEINRICH. I thank again Senator HEITKAMP. I just wish to say how important this is for the State of New Mexico, in part from the perspective that our economy has been incredibly challenged in the last few years. Coming out of the recessions, we have not seen the growth that many of our neighbors have seen.

One of the places where we have seen growth has been the solar industry. For the people working in the solar industry today, those are new jobs. Having certainty for our energy sector, which runs the gamut from the oil and gas basins that I talked about, to the incredible growth in solar energy, to the fact that we have a very strong wind component in the State—basically, the eastern side of our State is very much in the same wind-mapping zone as the Panhandle of Texas. This means predictability. It means jobs. It is one of the single biggest economic things that we could have done for the State of New Mexico since I have been in the Senate.

I think we have a lot to be proud of. We were also able to extend the Land and Water Conservation Fund, something that has been working for this Nation, across the country, for 50 years. That is very much tied to our leasing of oil and gas offshore.

Certainly, my colleague Senator UDALL knows that program inside and out. He has been an incredible champion for it. His father made it happen when he was Secretary of the Interior.

I conclude my remarks and thank you again for allowing me to engage in this colloquy. I thank our colleagues for being able to work on a bipartisan basis.

Ms. HEITKAMP. Mr. President, I know that we are up against the clock, and I promised my friend from the South that I would, in fact, conclude, but I saw someone I worked very closely with on this issue come onto the floor. I extend my great appreciation for the hours we spent together talking about this issue and the hours we spent with the senior Senator from Alaska, basically educating as the first step and then finally delivering a product that we can all be proud of. I extend my congratulations and my appreciation to the chairwoman of the energy committee for the work that she did and for her belief, along with my belief, that we could in fact get this across the finish line. I don't think anyone at any point, other than her and me, actually believed we could get it done this year. It is pretty remarkable that we did.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank not only the Senator from North Dakota but many others for the effort that has been made to get us to this point where we will soon have the opportunity to vote to lift a 40-year-old ban on export.

We are the only Nation in the world that produces oil that limits our ability to export that. It is a policy that 40 years ago may have made sense at that time, but it is so outdated. It is so past time that we recognize we are that energy superpower, and, as that energy superpower, act like one.

The Senator from North Dakota mentioned there were very few people initially who thought this could be done. In January of 2014, I gave a speech to the Brookings Institute, and I called for repeal of the ban. At that time, I was the first policymaker who really got out front and said what a lot were thinking but were thinking maybe this was way too soon.

A couple months later, I had the opportunity to lay out a framework or a pathway forward—a pathway that said we are not going to lay down legislation right now; we are going to build the case, and 2014 is going to be the year of the report. There were some dozen reports—very considered, substantive reports—that came out and said: This isn't going to increase the price of oil. This is going to be good for jobs and our economy. This is going to be great, important, and vital for our role around the world to help our allies and to help others who would like to rely on our energy resources rather than on Russia or Iran.

So that path was set. I think it set the table for where we are now, in 2015. We were able to introduce legislation, to have it heard by our committee, to move the bill out of committee, to see the House do the same and move it across the floor, and to get us then to the point where we could consider it in various legislative vehicles. It didn't quite work with NDAA. It didn't quite work with the Iran deal. It didn't quite work with the transportation bill. But now we are here with this omnibus package.

Again, recognizing that this is so substantive from a domestic policy perspective is something that I think the occupant of the Chair, as well as Senator HEITKAMP, as well as Senator HEINRICH from New Mexico—all producing States—can recognize the enormous gains. But I think we also need to consider the very real, very substantive difference that we will make when as an energy superpower are able to share our resources—whether it is oil, whether it is natural gas—to help whether it is our friends in Europe, whether it is Poland, which is 95-percent reliant on Russia for its oil, whether it is South Korea or Japan.

Alaska has been able to export its oil since 1996, when we received basically a waiver. We have seen the benefits that oil exports bring. Our State has had the ability to do so. Why should the rest of the country not see that benefit?

Again, since 1996, with our oil, we have exported our natural gas from Cook Inlet, and it has actually been the longest term export contract that this country has seen as far as natural gas. We have seen the benefit. We know that when we are the export trading partner, we as a nation benefit from it. Whether it is jobs, revenues, growth or prosperity, this is good, this is a win, and it is very important. Again, I appreciate the efforts of so many that have brought us to the place that we are today.

I think we acknowledge that, yes, there are heavy legislative lifts around here. But I think we work constructively to build the case, to try to depoliticize to the extent possible, to avoid the partisanship that can come into specific issues, by saying: Let's examine this from a policy perspective. Does it make sense to lift sanctions on Iran for their oil and keep in place a ban on our U.S. oil producers, effectively sanctioning U.S. oil producers? I think we got a lot of colleagues when we raised that question to them: Think about it from a policy perspective and whether it is good or outdated. This one is outdated, and it was time to go.

So I thank Senator HEITKAMP for yielding for just a moment and allowing me to speak very briefly to what I think is very significant for this country, both domestically and internationally. Let's let the United States of America be that energy superpower that we are.

The PRESIDING OFFICER. The Senator from Mississippi.

PASSENGER RAIL SYSTEM

Mr. WICKER. Mr. President, I rise first to commend the three Senators who have just completed their colloquy. They have been discussing an accomplishment this year that results from bipartisan efforts. I too would like to speak about a bipartisan effort that I have been engaged in with the Senator from New Jersey, who joins me on the floor today, which would be the passenger rail portion of the Transportation bill which the President has already signed.

So I ask unanimous consent that the Senator from New Jersey and I be allowed to engage in a colloquy concerning this legislation.

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

Mr. WICKER. Mr. President, I am so pleased to have worked with Senator BOOKER on the rail portion and on the entire Transportation bill. I am pleased it has passed the House and Senate and been signed into law by the President—a major accomplishment.

I would note that predecessors of ours from our States were part of the last major effort for a comprehensive rail bill. My predecessor, Trent Lott, along with the late Frank Lautenberg of New Jersey, were the authors of the Passenger Rail Reform and Investment Act, which was introduced in 2007, and much work on it was done before Senator Lott resigned at the end of 2007. It was actually passed in 2008. So I think it is quite appropriate that Senator BOOKER and I would be allowed to follow in their footsteps and participate in this legislation, which deals with making our rail system safer in the United States and more efficient and puts greater attention on planning and efficiency. I know that Senator BOOKER shares my enthusiasm for the accomplishment that this Congress has made in that regard.

Mr. BOOKER. Mr. President, I would first say thank you. I do share that enthusiasm. I appreciate the way the Senator began his remarks. This is a tradition of bipartisanship that goes beyond the Senator and me, but I want to say this about Senator WICKER because I am new to the Senate. I am here about 25 months now. But this last full year when I have been working on this passenger rail bill as the ranking member of that subcommittee, I have found him to be tough, to be balanced, to be strong and thoughtful about what is best for America, thinking about our country first, thinking about his great State, our country, how we are going to create jobs and how we are going to improve in an increasingly globally competitive environment. It has been an honor to work with him. I think what we accomplished together is extraordinary, and it is going to have a profound impact.

This bill makes critical investments in our rail infrastructure. It makes important safety reforms, and it helps to move our country forward, literally and figuratively.

Rail efficiency and safety is critical to our national success. It is a priority. This idea of protecting Americans is a priority of both Senator WICKER and me, and it is critical that we have rail safety, especially as we go forward. I have seen, unfortunately, in the past some very challenging accidents.

For me and my constituents in New Jersey, rail is incredibly important. We are part of the Northeast Corridor, which is probably the busiest rail corridor in the country. It is one of the most productive regions of our Nation, and, unfortunately, it has an inadequate infrastructure. More people use rail than fly in that corridor. The challenge is that the corridor itself has become a choke hold right around the New York-New Jersey region. One of the reasons is because the Hudson River crossing—the busiest river crossing in the United States of America—has tunnels that are inadequate and ineffective at this point. These tunnels were built back in 1910. Nobody in this body remembers those years, personally, but the tunnel began construction 1 year after the famous flights at Kitty Hawk were just getting off the ground in air travel. These tunnels were completed less than a decade before the start of the First World War.

So today, these tunnels are in horrible condition. The whole region is suffering as a result of it. I hear time and again from constituents about the urgency for investment in rail. Residents now, because of the delays, because of the challenges with New Jersey Transit, have to leave earlier for work, miss time with their families, miss dropping off their kids at school, lose out on productivity. The productivity losses in this region amount to hundreds of millions of dollars. So this is an urgent cause for us. That is why I was so grateful, really celebrating the fact that we have a partnership in the Senate that can actually get something done when it comes to rail travel.

For us in this region, we know the challenges. We have tunnels under the Hudson River that are clearly in a state of significant decay and disrepair that some engineers say have less than a decade on them. One single day of missing access to those tunnels for that artery could hurt our regional economy by about $100 million for one single day in wasted productivity.

So this spring Senator WICKER and I joined together to introduce this legislation, the Railroad Enhancement and Efficiency Act. That bill is making critical investments. The bill very critically would allow the Northeast Corridor to reinvest its profits into that region, which is going to be significant for helping to give us a 21st century competitive infrastructure. That is something I cannot understate the urgency of. The bill adds critical safety provisions that will help with positive train control.

Earlier, as was mentioned by Senator WICKER, the Chamber passed the Fixing America's Surface Transportation Act, or FAST Act, a 5-year, $305 billion transportation compromise bill that, for the first time, includes the rail provisions that I am proud to say were in our Railroad Enhancement and Efficiency Act.

So this bill that passed the Senate will enable critical projects, such as the Hudson Tunnel plan. It is going to achieve incredible safety for our communities. I just want to again thank

Senator WICKER for his noble service. I am sure he and I would both like to thank Senators THUNE and NELSON, the ranking members on the overall committee, who worked to ensure that our bill was part of the massive highway transportation bill. There is our long-term economic competitiveness as a country. We talked about national security. Well, our economy fuels our strength at home and abroad. Investing in infrastructure, which has a long history of being a bipartisan priority, is something on which I am proud to join with Senator WICKER and continue that great American tradition of investing in our communities, creating more growth, creating more jobs, and creating a strong economy, which makes for a strong nation.

Mr. WICKER. Mr. President, it probably doesn't come as a surprise for people to hear a Senator from the northeast be such a strong advocate of passenger rail and Amtrak. But I can tell you as this representative of Mississippi and a Senator from the southeastern part of the United States, we believe in passenger rail, too. It is important to the entire national economy, and so it is important to our economy. It is also important to the economy in my region of the country.

I am pleased and excited about the possibility of restoring passenger rail to the gulf coast for the first time since Hurricane Katrina. We made it work between New Orleans and the Mississippi gulf coast and Mobile and Orlando before the storm, and we think we can make it work now.

One provision in the bill establishes a new gulf coast working group, which will receive a $500,000 grant specifically for the purpose of returning rail to the area. Another provision creates a grant program that can assist applicants like the Southern Rail Commission and has worked to restore passenger rail to the gulf coast.

In addition, I am an advocate of competition, so I am pleased to see that this new legislation opens up the possibility of having private rail carriers competing for up to three of Amtrak's long-distance routes. I think in this way we can achieve cost savings, better performance, and good worker protections.

In closing, let me say that we are glad the law has been passed and signed. It seems from this angle that it was so inevitable, but I can tell you and I think Members of the floor on the Senate who are listening to this colloquy would have to admit that this didn't have to happen. As a matter of fact, it could easily have fallen off the rails or fallen off the tracks.

On a bipartisan basis, people on this side of the aisle and on Senator BOOKER's side of the aisle did not allow the distractions and the naysayers to prevail. We insisted that if we kept working, we could get this entire package done on a bipartisan basis.

I wish to salute Republican Members in the majority who put this forward from a committee standpoint, but I also want to salute my Democratic brothers and sisters who said: Yes, we can do this, and we ought to do it not as Republicans and Democrats but as Americans for the American economy. My hat is off to my partner in this effort and to everyone on both sides of the aisle for making this a reality.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I want to say in conclusion that there is that story about the little engine that could and that did not give up and worked through trials and tribulations. Senator WICKER represented the values in that story. I am grateful to have worked with him on this project, and I look forward to working with him again to move our country forward.

The PRESIDING OFFICER. The Senator from Maryland.

OMNIBUS LEGISLATION

Ms. MIKULSKI. Mr. President, I rise to speak on the Consolidated Appropriations Act of 2016, otherwise known as the omnibus. Three months ago, it was unclear if we would get a budget deal that would lift the caps for both defense and nondefense spending. It was unclear if we could really not head to a showdown. It was not clear if were heading to a shutdown, and we were not clear if we could cancel sequester.

I am proud to say, as the vice chair of the Appropriations Committee, that the committee has completed its work. We have done it in a bipartisan way and in a way that there will not be a shutdown of the government. We have canceled sequester, and we have done this in a responsible way.

The House is working on the bill now. We shall be voting on it tomorrow. Tomorrow I will talk about the national implications of the bill when it comes before the Senate, but today, as the Senator from Maryland and for Maryland, I wish to talk about the public investments this bill makes to support the Nation's needs, which also supports Maryland's needs, which supports Maryland's jobs.

As the vice chair of the committee, my first job—and as the Constitution requires—is to be the Senator from Maryland, and I require myself to be the Senator for Maryland. I am proud to say that this bill does make the kinds of public investments that I believe will help America's and Maryland's future.

This bill delivers on a promise I made many years ago that I would look after the day-to-day needs of my constituents and the long-range needs of this country.

You will be interested to know that Maryland is the home to 20 major Federal facilities with more than 200,000 Federal employees and retirees. We have great military installations, such as Fort Meade, the National Security Agency, Cyber Command, the U.S. Naval Academy, Naval Bethesda, and Walter Reed. It also has great public institutions, such as the National Institutes of Health, the National Weather Bureau, the national NOAA satellites that tell us what the weather will be, and also agencies such as the Food and Drug Administration.

Although we have the Federal assets in Maryland, they serve the Nation. These aren't Maryland's institutions; these are national institutions, but they employ Marylanders.

In this bill, working on a bipartisan basis, we have increased the funding for the National Institutes of Health by $2 billion, increasing it to $32 billion. Working with both Senator MURRAY, the ranking member, and Senator BLUNT, the chair of the subcommittee, we have nicknamed the National Institutes of Health the ''National Institutes of Hope.'' Why? Because it looks to find the cures and breakthroughs for America's devastating diseases, from cancer to Alzheimer's. But at the same time, while we have worked on funding the research to find cures and breakthroughs, they must be moved to clinical practice. That is why we in Maryland have fought so hard to make sure the Food and Drug Administration is capitalized in a way that it does its job.

The Food and Drug Administration, which employs over 4,000 people, is responsible for our food safety, both here and as it comes in from abroad, and also for being able to move drugs, biologics, and medical devices into clinical practice and demonstrating that they are both safe and effective. It is a big job, and it is a big employer in our State.

We also want to make sure that we look out for those who are the most needy. This Senate and this Congress often talk about Social Security and it also talks about Medicare. Both of those—the Social Security Administration and CMS—are located in Maryland. We are very proud of that. The Social Security Administration is in a community called Baltimore County, a neighborhood called Woodlawn. It has a building that is 57 years old, and it hasn't had any improvements since 1959. They work in terrible situations, with mold, decay, crumbling technology, and even vermin. We make sure that those who administer the Social Security Program have the right facilities and also have the right technology.

We worked very hard to be able to stand up for our Federal employees. Again, working on a bipartisan basis, we allowed a 1.46 percent cost-of-living adjustment.

We were absolutely appalled to find out about the OPM data breach, which had a devastating effect on over 130,000 Federal employees both here and around this country. What we did, working on this bill, we are going to make sure that the Federal employees have 10 years of credit protection since OPM fell down on its job in protecting them.

We also have been very concerned about physical infrastructure. We work very hard in terms of the Metro. Metro is not a Maryland subway; it is not a Virginia subway; it is America's subway. For all who ride that subway, we have been absolutely concerned about their safety. Working with our colleagues across the Potomac, we have been concentrating on Metro safety, and we were able to put the funds in the Federal checkbook to be able to improve that. We also want to be able to get people to the jobs, and that is why we funded the Purple Line.

There is a great opportunity in Maryland, and I hope it comes to other parts of our country, which is modernizing our ports. Whether you are in New Orleans, whether you are in Baltimore, whether you are in Charleston, Long Beach, CA, the ports need to be modernized. It is a great opportunity for jobs—real jobs in construction and real jobs here.

I am happy to say we worked very hard over the years with my colleagues, my beloved friends—Congresswoman Helen Bentley, a wonderful Republican woman. They called us the salt and pepper of the Maryland delegation. We worked to make sure our port was dredged and ready for the future.

There are many other issues that I can show, but I wanted to show that we are making public investments that not only look out for American jobs but our Federal employees working in these key agencies—the National Institutes of Health, the Food and Drug Administration, the National Weather Service. These are civil servants who, while they are located in Maryland, are working on a national mission. I am glad of the role I played to make sure they were capitalized.

I thank my colleagues on the other side of the aisle because they, too, understood why these investments are important.

Much is said about why we need to be America the exceptional, and I believe it is these kinds of programs. Our human infrastructure, our innovation, and our physical infrastructure is what we are doing.

There are many things in this bill. Many will complain about how big it is. But it is not how big the bill is, but it is how effective we are in helping America be able to be what America is—a land of opportunity and a land of growth and a land that knows how to protect its people and protect the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

FANNIE MAE AND FREDDIE MAC

Mr. CORKER. Mr. President, as we continue consideration of the omnibus, I rise today to applaud the inclusion of language I coauthored with Senator MARK WARNER that will ensure that the fate of mortgage giants Fannie Mae and Freddie Mac—entities Congress created—will be determined by Congress, and this language makes crystal clear that this body does not support efforts to return to the failed model of private gains and public losses.

As we wrap up our legislative business of 2015, I am also here to remind my colleagues that there is much work to be done in the new year to finally address the last unfinished business of the 2008 financial crisis. Prior to the crisis, mortgage giants Fannie Mae and Freddie Mac were publicly traded. They benefited from an implicit government guarantee, which meant any upside went to the company. But as we saw at the height of the financial crisis, the downside of that structure fell on the taxpayers and it fell hard.

In September of 2008, because of this flawed model, losses mounted at Fannie and Freddie, causing taxpayers to write a $188 billion bailout check to keep them afloat. These entities remain in government conservatorship today, backed by the taxpayers and owned by the U.S. Treasury Department.

A 2014 Federal Housing Finance Agency stress test projected that the GSEs could require a $190 billion taxpayer bailout to keep them afloat during a future crisis—something none of us wants to see happen.

Because housing finance reform remained the last unaddressed piece of the financial crisis left, in 2013 Senator MARK WARNER and I developed legislation that attempted to address the flaws in our housing finance system and protect the taxpayers. This bill has been called the blueprint for how our Nation's housing finance system should look in the future.

After working with a group of bipartisan Members and then-Chairman Tim Johnson and Ranking Member MIKE CRAPO, a reform bill passed the Senate Banking Committee in May of 2014 by a vote of 13 to 9. This bill would protect taxpayers from future economic downturns by replacing Fannie and Freddie with a privately capitalized system. Unfortunately, it did not come to the Senate floor, but that does not change the fact that there continues to be broad, bipartisan, bicameral support to reform these entities.

That broad support at the committee level and throughout Congress came despite pushback from a number of large, self-interested Wall Street hedge funds. Let me explain. As a result of the 2008 bailout, Treasury purchased senior preferred stock in Fannie and Freddie and was given sole discretion to sell or otherwise dispose of those shares. Seeing an opportunity to make huge profits at the expense of taxpayers, a number of big Wall Street hedge funds and other entities rushed in when Fannie and Freddie crashed. They bought shares for pennies on the dollar after the government had taken them into conservatorship and knowing full well the government would have the authority to make decisions relative to their future.

Now the hedge funds appear to be spending big money and going to extreme lengths to stop housing finance reform in order to reap huge financial returns. As they know how to do so well, these wealthy hedge funds made a highly speculative bet that Congress would fail to do its job, structural reform efforts would fail, and Fannie and Freddie would be recapitalized and released out of conservatorship. Under that bet, the taxpayers lose while some of the wealthiest hedge fund managers get even wealthier. That is why the Wall Street hedge funds want to stop efforts to protect taxpayers in the hope that Fannie and Freddie could be recapitalized and released from conservatorship.

Let me be clear. Under that scenario—recapitalizing and releasing Fannie and Freddie in their current form—we would fall back to a system of private gains and public losses, lining the pockets of multimillionaires while leaving taxpayers on the hook for future bailouts. Looking at what is at stake, one can see why these hedge funds are so engaged in stepping on the taxpayers and preventing reform from occurring.

Using a self-analysis from one prominent hedge fund under a recap-and-release scenario, this fund—with an estimated current holding of $366 million—has a potential net profit of $8.1 billion and a total sale of $8.4 billion. To give another example using those same projections, another prominent hedge fund with an estimated current holding of $501 million has a potential net profit of $2.3 billion or a sale of over $2.8 billion.

These hedge funds, and several others, would benefit greatly from a recap-and-release scenario, which is why they are so adamantly opposed to housing finance reform that would put taxpayers' interests above their own. Surely, we will not conflate the clear interests of the hedge fund managers, which are billions of dollars in profits, with the critical need to protect taxpayers from a future bailout by enacting sound housing policy in our country. Returning to the failed model of private gains and public losses would leave taxpayers on the hook for the GSE's $5 trillion in outstanding liabilities. That is why I believe we must act.

Inclusion of the jump-start provision in this bill is a good first step. This legislation would prohibit the sale of Treasury-owned senior preferred shares in Fannie Mae and Freddie Mac without congressional approval and ensure Congress, and not self-interested hedge funds, has the final say on how our housing finance system should look in the future.

While I believe that recap-and-release is totally inappropriate, I do understand that the hedge funds still have claims to deal with in court, and this legislation does not prejudice those claims.

I believe the blueprint Senator WARNER and I laid out in 2013 is a good

starting point and one that will protect taxpayers, but this legislation in the omnibus bill is silent on the future system. It simply says Congress should have the final say in what happens to these entities—again, entities that Congress created in the first place.

With passage of this provision—in the face of extremely intense opposition—we are telling taxpayers we are putting to bed the idea that returning to the status quo is an option. We will not return to a system where big Fannie and big Freddie control the lion's share of our housing system and taxpayers are exposed for future bailouts, but there is more work to be done.

The question I have is this: Moving forward, who are we going to fight for? Are we going to abdicate our responsibility and shy away due to efforts by large Wall Street hedge funds wanting to get wealthier off of taxpayers by placing taxpayers at greater risk or are we going to fight for the people whom we represent?

As all of us who served in this body during the financial crisis know well, the American people do not want to write another bailout check. Without housing finance reform, that is an all-too-real possibility.

To my colleagues, trust me. I know a number of you have felt pressure from large Wall Street hedge funds and the interest groups they support, but I also know there is not one of you who truly wants to put private investors' interest ahead of the people we represent.

In the new year, it is time for Congress to finally do its job. By finally addressing the last major piece of unfinished business from the financial crisis, we can once and for all end this failed model. Fortunately, a lot of the heavy lifting has already taken place.

As we look forward to 2016, protecting taxpayers by reforming our Nation's housing finance system should be near the top of the to-do list. This legislation takes us a step in the right direction toward that effort by saying the fate of mortgage giants Fannie Mae and Freddie Mac will be determined by Congress.

I remain committed to doing everything I can to make sure we do not return to the same failed model that put taxpayers on the hook for billions of dollars, and instead we can create a dynamic housing finance system that works for Americans rather than against them.

END MODERN SLAVERY INITIATIVE ACT

Mr. CORKER. Mr. President, I also rise to applaud Congress for including important funding in the Omnibus appropriations bill that will help in our efforts to fight human trafficking and slavery around the world through the End Modern Slavery Initiative Act.

I think most Americans would be stunned to know that over 27 million people are enslaved in more than 187 countries, including our own. Over 27 million people are enslaved today. That is more than four times the population of my home State of Tennessee.

Modern slavery comes in many forms and it preys on women and children the most. This brutal, multibillion-dollar industry deprives individuals of their basic human rights. Rather than holding a schoolbook, children in India are stacking bricks. Rather than sitting in a classroom, young girls in the Philippines are sitting in brothels forced into sexual servitude. In Ghana, young boys are forced into a life of slavery on fishing boats, and worldwide men and women hoping only to better the lives of their families are stripped of their passports and trafficked for labor.

I cannot thank the Senator from Texas enough for the incredible efforts he put forth to ensure that we do everything we can in our own country to keep this from happening. He has been heroic.

These are our daughters, sons, mothers and fathers, and that is why it is so important that we take bold action. Those who have been fighting this heinous crime for years all say that to end the practice of modern slavery, we need a reliable baseline data and consistent, effective monitoring and evaluation. They also say that what is most critical in this fight is the need for a focused, sustained effort that can leverage and coordinate private and government funding. That is where the End Modern Slavery Initiative Act comes into play.

This bold, bipartisan initiative has received broad support from over 90 industry experts, nongovernmental organizations, and faith-based groups. This initiative will seek to raise $1.5 billion—more than 80 percent of which is expected to come through matching funds from private sector and foreign governments—to fight slavery worldwide. This model is designed to leverage limited foreign aid dollars and galvanize tremendous support and investment from the public sector, philanthropic organizations, and the private sector to focus resources responsibly where this crime is most prevalent.

The Omnibus appropriations bill that we will vote on this week brings us one step closer to making this initiative a reality with a $25 million downpayment. There are many complex problems facing this country that demand our attention but perhaps none whose existence threatens the very concept of what it means to live in a free society. Ending modern slavery and human trafficking will not come easy, but we have a moral obligation to try, and I am proud—really proud—that Congress is taking that step and investing in this critical fight.

With that, I yield the floor and thank the Senator from Texas for allowing me to speak at this time.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Texas.

Mr. CORNYN. Mr. President, before the Senator from Tennessee leaves the floor, I wish to thank him. Among many other issues he has dealt with on the Senate Foreign Relations Committee and Banking Committee, he has done great work on this issue. He is absolutely right about the scourge of human trafficking and how we need to do more—not just here at home but internationally—to try to break it up and rescue some of these children. Often the typical profile of a trafficked person in the United States is a young girl 12 to 14 years old. It is a travesty. I thank him for his great work and congratulate him.

OMNIBUS LEGISLATION

Mr. CORNYN. Mr. President, this week the Omnibus appropriations bill was released, along with the tax relief bill, that extends and makes permanent many important tax credits and lays the foundation for comprehensive tax reform, hopefully sometime soon. Members of this Chamber and the House have been reviewing the text of both pieces of legislation, and I am happy to report that the House of Representatives has now given a resounding bipartisan vote on the tax relief bill, with 318 Members of the House of Representatives voting to support it. The House, we are told, will move on the Omnibus appropriations bill tomorrow morning, and then we will take up both bills tomorrow morning in the Senate.

I want to just remember and recall for anybody listening that the appropriations process did not have to end up this way. As a matter of fact, after having passed the first budget that Congress has had since 2009, that then authorized the Appropriations Committee to begin the process of considering and passing 12 separate appropriations bills. Once they are voted out of committee, we will bring them to the floor, where they are open for amendment and debate in a completely transparent process, where people can understand the details of the legislation.

It didn't turn out that way because our Democratic colleagues filibustered these individual appropriations bills, thereby leaving us with no alternative but to consider this massive Omnibus appropriations bill.

I am tempted to call this omnibus bill an ominous bill, but I am not sure that is pejorative enough. It is not the right way to do business. I am disappointed. I am disappointed in our colleagues across the aisle who forced us to do business this way with them, but I hope next year we can have a regular and open appropriations process, one that will serve the American people far better.

I am by no means happy with the way this year-end funding bill has come together, after having been hijacked, held up, and effectively shut down, but if this sounds familiar, this looks a lot like the strategy they employed when they were in the majority

preceding the election of just a year ago. Do you know what happened? Well, it didn't work very well because they ended up losing their majority.

Needless to say, the American people actually want us to do our jobs, to look out for their interests, and to make sure we pass legislation that is thoroughly considered, transparent, and then we could be held accountable for the votes we have made. Unfortunately, this omnibus appropriation process undercuts those principles, and as I said a moment ago, it is not a good way—it is a terrible way—to have to do business.

But I am happy and proud of the fact that in virtually every other area we have undertaken—following the budget, the multiyear highway bill, the trade promotion authority legislation, the Defense authorization bill that was led by our colleague from Arizona, the chairman of the Armed Services Committee, the Justice for Victims of Trafficking Act that passed 99 to 0—as I was talking about with the Senator from Tennessee, it is clear we know how to work together on a bipartisan basis, disagreeing on some issues but finding common ground where we can, and the American people end up being the winner.

Dysfunction and shutdowns do not work. That is not why most of us came here. Most of us came here to try to make this institution and the country and conditions for our constituents a little bit better, one step at a time.

In this Omnibus appropriations bill there is an issue I want to highlight, and that is a clear win for progrowth and one that will foster, not hinder, job creation, and that is lifting the decades' old ban on exporting crude oil produced here in America. This month actually marks 40 years since the United States implemented a ban on the export of crude oil, a policy that was put into place as a precaution to protect the United States from disruption in the global oil supply. But as we all know, the world looks a lot different than it did back then. The shale revolution has helped the geopolitical energy landscape turn in favor of the United States, and we have an abundance of oil and natural gas available, not only for our use here domestically but to export to our friends and allies around the world. By doing away with this antiquated policy and allowing our domestic production to reach global markets, we can kick start the U.S. economy and provide a real opportunity for job creation in the country.

Lifting the ban would not just be beneficial to people working in the domestic energy sector because the domestic energy production involves many different sectors—construction, shipping, technology. By allowing more export of our crude, we have the potential to create thousands of more jobs deep into the supply chain in a variety of sectors and across a multitude of States. In fact, one study estimated that for every new production job in the oil field it translates into three additional jobs in the supply chain and another six in the broader economy. So we are talking about a major opportunity for job creation throughout our country.

Doing away with this outdated protectionist policy also gives the United States an opportunity to promote stronger relationships with our allies and partners around the world. Today many of our allies in Europe, including some of our NATO allies, rely on countries such as Iran and Russia for their energy needs. Our allies' dependence on our adversaries for basic needs such as heating, electricity, and fuel creates a real vulnerability that exists for the United States, as their ally and partner. By lifting the ban, the United States can help offer our friends a chance to diversify their energy supplies and enhance their energy security and avoid giving people such as Vladimir Putin the opportunity to use oil and gas and energy as a weapon.

Lifting the crude oil export ban will strengthen our economy. It will actually save Americans on their gasoline prices at the pump by increasing supply, and it will help our friends and allies around the world. So it is a big win for the American people, whether or not you work directly in the industry.

Finally, I would say—and I know the Senator from Arizona is waiting to speak, so I will be brief—that I am happy to see that the omnibus also includes several bipartisan priority items that will benefit my constituents in Texas. For example, for years I have worked alongside of Congressman FILEMON VELA, a Democrat from South Texas, to put pressure on Mexico to fulfill its commitment to deliver water to South Texas as outlined and required in a 1944 treaty. Now this is incredibly important for a wide swath of folks whose access to water is not always assured. This bill includes language that reinforces that commitment and includes a measure that requires the State Department to assess the impact of Mexico's water debt on Texas and the rest of the United States.

This bill also renews an innovative port of entry partnership program modeled after the Cross-Border Trade Enhancement Act. This, too, is bipartisan legislation in this case, which I have introduced along with Congressman HENRY CUELLAR, another South Texas Democrat, earlier this year. Specifically, it provides new opportunities for border communities and businesses to improve staffing levels and upgrade infrastructure at our international border crossings to help move people and goods across our border more safely and efficiently. Obviously, with 6 million jobs in the United States dependent on cross-border commercial traffic and trade between the United States and Mexico, this is really important.

This omnibus legislation also includes a provision to fully repeal the country-of-origin labeling regulations known as COOL. This has been a real problem for our livestock producers in Texas and in the United States. By repealing these costly food labeling mandates, the United States will avoid a trade war with Canada and Mexico, two of our largest export and trading partners, and will help Texas farmers, ranchers, and manufacturers back home in my State and across the country.

In terms of national priorities, the omnibus bill increases resources for our military, thanks to the leadership of people such as the chairman of the Senate Armed Services Committee. This bill will increase resources for our Active-Duty military to make sure that those deployed around the world, as well as those serving stateside, have what they need to get the jobs done that they volunteered to do.

This legislation also blocks overreach by the Environmental Protection Agency by providing no new or expanded funding for its programs—the lowest level of funding since 2008.

Finally, this bill prioritizes our veterans and helps ensure they are better able to receive the care and benefits they deserve in a timely manner.

This legislation also includes the Protecting Americans from Tax Hikes Act, which includes the permanent extension of State and local sales tax deductions, something that amounts to more than $1 billion in annual tax relief for Texans. This will ensure that Texans are on a level playing field with those who deduct their State income tax, because we don't have an income tax and never will. That is something that I can say that Texas will never have. As I said, it never will.

This also rolls back several of President Obama's ObamaCare taxes and can provide relief to folks all over the country being crushed by the President's failed, unpopular health care law.

So while no legislation is perfect, and indeed this process is the antithesis of perfect—it is the wrong way to do business—this is the hand we have been dealt by the filibusters of the appropriations bills by our Democratic colleagues. So we are doing the best we can with the hand that we have been dealt. In the end, nothing passes Congress and gets signed into law by the President without some level of bipartisan cooperation in both Chambers of Congress and working together with the executive branch. This legislation does include several significant wins for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come to the floor today to discuss the Consolidated Appropriations Act of 2016. I am obviously pleased we are not going to pass another continuing resolution, which I believe is irresponsible, but at the same time the process by which we are now considering this legislation is just as irresponsible.

As my colleague from Texas just pointed out, we are here where we are because my colleague and leader on the other side of the aisle refused to allow the appropriations bills that had been passed through committee one by one to be considered and voted on and amended in the fashion that the American people expect us to behave, and, frankly, the Constitution demands. So here we are after months and months of gridlock with the Democrat leader not allowing us to bring up these bills one by one.

We are now faced with a $1.1 trillion bill that, in the view of many, is must-pass with literally hours to review and debate and no amendments—no amendments. So we are faced with a parliamentary situation of $1.1 trillion we are considering without an amendment—without a single Member on either side of the aisle being able to propose an amendment to make it better. My friends, this is a recipe for corruption. It is a recipe for corruption.

A few people—a very few people—not all 100 Members of the Senate or 435 Members of the House but a handful of people behind closed doors work, and then 48 hours or so, or whatever it is, before the vote, it is presented to us as ''take it or leave it,'' with the choice being this: Well, you can sign on to it; you will probably have to hold your nose, but we have no choice.

Well, my friends, I believe we do have a choice. I believe we do have a choice. I believe we should behave in the manner in which our constituents expect us to behave: Take up a bill, have an amendment, have a debate, have a discussion, and do what we are supposed to do. And if the Democratic leader wants to block us, then let him take the responsibility for doing so. Now we are faced with a $1 trillion spending bill that includes numerous policy provisions that have never been debated and discussed, pork barrel spending that would never stand the light of day—never, ever—and I will be talking about some of them.

I will give you some examples of the pork that has been snuck into this bill. Let me give you a few examples here that I think might interest our constituents. This is in this bill, in law: $3.6 million for 30 vineyards, breweries, and distilleries to build tasting rooms, conduct whiskey production feasibility studies, and other alcohol marketing gimmicks. Yeah, the one thing we really want to do is give money to help alcohol marketing. There is $100,000 in funding to sell goat whey sodas and soft-serve frozen goat yogurt, $247,677 to develop pecan snacks, and $49,750 to introduce Americans to flavored beef bratwurst and beef chili. If there is anything I think the American people need to be educated and introduced to, it is bratwurst and chili. There is $49,990 for spinning raw alpaca fiber into a very fine yarn, $42,000 to produce cheese from buffalo milk, $250,000 to produce and market lamb jerky, $26,270 to determine the feasibility of producing blue cornmeal from Navajo corn, and $200,000 to make apple pies. Now this list goes on and on.

My favorite, my friends, of many of them is a thing called the catfish inspection office—the catfish inspection office. Most of us enjoy catfish and we appreciate the benefits to our nutrition and of course the sizeable industry around catfishing. What we have again this year is a Department of Agriculture catfish inspection office. Now there is the Department of Agriculture catfish inspection office, but the FDA also has a similar catfish inspection office, and the GAO, the Government Accountability Office, has issued more than six reports calling the U.S. Department of Agriculture catfish Inspection Office ''wasteful and duplicative.'' As a result of this protectionist program, an estimated $15 million of your tax dollars per year will be spent on enabling government bureaucrats to impose barriers on foreign catfish importers, which will in turn increase the price of catfish for American consumers, restaurants, and seafood producers. So, my friends, in this bill $15 million every year of your tax dollars will be spent for a catfish inspection office. That is the kind of thing that happens when you get to this date at the end of the year with a mammoth bill worth $1 trillion. It is too ripe. It is too ripe for the picking by the pork barrellers who we have in the Senate and the House.

I will quickly give a couple more examples: $1.7 million for the Senate kitchen exhaust systems upgrades; $65 million for Pacific coast salmon restoration for States. On the face of it, you would think that money for Pacific coast salmon restoration would perhaps be a beneficial expenditure of your tax dollars. Guess what. The State of Nevada is included in this $65 million salmon restoration. A cursory glance at a map of the United States might indicate that the State of Nevada is not exactly an ideal place for salmon restoration, but they are going to get some of these millions of dollars, and I am sure it has nothing to do with the makeup of the U.S. Senate from Nevada.

There is $15 million for an ''incentive program'' that directs the Department of Defense to overpay on contracts by an additional 5 percent if the contractor is a Native Hawaiian-owned company. So if you have a contract with a Native Hawaiian-owned company, the Department of Defense will add approximately 5 percent of taxpayers' dollars.

There is language that makes it easier for the Department of Defense to enter into no-bid contracts. If there is anything in my years I have seen that lends itself to outrageous spending, of course it is no-bid contracts. The Department of Defense may eliminate competition and use a no-bid contract for a ''product of original thinking and was submitted in confidence by one source.'' That is interesting.

Well, anyway, there are many more of those.

I am proud of what this Congress has done this year. There are many good things that have been done. There has been the Defense authorization bill. For the first time, there has been a budget. For the first time, we have reformed education. For the first time, we have done so many things. We have finally sent a bill to the President's desk repealing and replacing ObamaCare, but to end the bill with this is really an embarrassment.

So here we are looking at $1 trillion, and I particularly want to talk a little bit about national defense. I could not be more proud of the bipartisanship—both Democratic and Republican—that has been involved in the Senate Armed Services Committee and the bipartisanship with our friends on the other side of the Capitol.

We have come up with legislation that has been described as the biggest reform bill for defense in 30 years—I am proud of it—and we have a lot further to go. We had hours and hours of hearings, hours and hours of markups. We had over 130 amendments to the Defense authorization bill considered on the floor of the Senate.

We did things we have never done before. For example, we are completely reforming the retirement system for the military. It used to be that you had to stay 20 years before you could receive any financial benefit. Now, after 2 years and 1 month, you can get into a matching-funds agreement with the Federal Government. So now, instead of 85 percent of those who joined the military never receiving a financial benefit, 85 percent of those who join will receive it.

So I am very proud, and I am very proud of the work I did with my colleague from Rhode Island, Senator REED, as well as our friends on the other side of the aisle.

Then at the last minute, these earmarks, these pork barrel projects, these egregious, wasteful projects are airdropped into what I believe is a 2,000-page—whatever it is, it is huge, and we saw it for the first time at about 10 p.m. or 12 a.m. last night, and they want us to vote on it tomorrow. That is crazy.

What the appropriators did, they included over 150 different programs and initiatives where the appropriations exceeded what they were authorized, totaling $9.4 billion. By passing the Defense authorization, we set an expectation on how to allocate funds. This was obviously completely broken.

As an example, the appropriators included $160 million for humvees even though the Army requested zero dollars for humvees. We had hearings on this. We had hearings on the issue of what the Army needed, and it was abundantly clear that the Army did not need any more humvees. Somehow the appropriators decided that there would be $160 million for humvees; $7 million for a machine gun—five times

the current size of the program. Again, our Army and Department of Defense said they didn't need it.

But this is the worst one of all, my friends, and it will not surprise anyone that it is manufactured in Alabama. There is $225 million for the addition of a joint high-speed vessel, which is, of course, manufactured in Alabama. This will be the 12th ship of this class. The Navy's requirement was 10—10 vessels. Remember, this is $225 million for this vessel. The Navy said stop at 10. We stopped at 10. Last year the appropriators added one for $225 million; this year, another $225 million. By my calculation, that is $450 million for two joint high-speed vessels that the military—the Navy and the Department of Defense—said they don't need or want. What could we have done for the men and women in the military with that $450 million we just wasted on two ships the Navy and the military said they didn't need? It is unacceptable.

The bill includes over $2 billion in funding—I am not making this up—it includes almost $1.2 billion on top of the $1 billion for medical research within the Defense Department. My friends, I want to emphasize that I am all in for medical research. I think medical research is vital to the future of all Americans. But what in the world does most of this have to do with Defense appropriations? Nothing. Nothing. It is the Willie Sutton syndrome at its best. Mr. Sutton was once asked why he robbed banks, and he said, ''Because that's where the money is.'' My friends, the Department of Defense is where the money is, so we have seen this gradual creeping up of funding out of defense funds for programs—which I will read a few of—that have nothing to do with defense.

I will say again that I am for funding medical research. I think it is vital, and I think it is important. But someone is going to have to explain to me how tuberculosis, autism, lung cancer, gulf war illness—actually, that is one of them—spinal cord injury, ovarian cancer—those research funds should come out of the Labor, Health and Human Services appropriations bill, not out of defense at a time of sequestration, when we have planes that can't fly and guns that won't shoot and ships that can't sail.

So what have we done? Let me show you what they have done this year. You can see the gradual increase. Beginning in 1992, there was about $20 million, I guess, something like that. Then in 1994 it went up and then up. Then something happened and it went down. Then you can see the gradual, almost steady increase of funding for medical research as the funding for defense has remained constant or even in some cases reduced.

So what have we done this year, my dear friends? Here it is: $2.2 billion of your tax dollars is now earmarked for medical research—all of them worthy causes. Almost none of them have anything to do with guns, ships, planes, barracks, or medical research that is directly connected to our military. To add to that, the Army received an additional $16 million to conduct research on Parkinson's disease, and the list goes on and on.

So what do we have here. By the way, the bill also includes nine ''Buy American'' provisions, which will inevitably add to weapons systems and other contracting costs. The ''Buy American'' provisions are a handout to labor unions and are a ploy to protect defense companies in a particular State.

I won't waste time and go too much longer except to say that today we see an interesting political environment in America. We see on the Republican side—my side—we see the leading candidates, people who are basically seeking the nomination of the Republican Party because they are running against Washington; that they don't want business as usual; that they are frustrated by the fact that, in their view, the Congress doesn't work for them.

The approval rating of Congress is consistently somewhere in the teens, and Americans are frustrated and they are angry. Many of them support an individual who says: We will make America great again; it will be huge. It is language that is not very specific, but it inspires them to see change take place.

Although I disagree with that and I think we have a record this year that we can be proud of in many respects—whether it be education reform or whether it be finally sending a bill to the President's desk to repeal ObamaCare or fixing education, as I mentioned, or better ways of defending the Nation with many reforms of how the Pentagon does business—there are many things I am very proud of. I think we can return to our constituents and tell them that for the first time this year, Congress has done some things that will be helpful to the everyday man and woman who has not received really much benefit over the last 8 years since the economic collapse.

But then we send them this Christmas turkey. We send them a bill laden with millions and millions of dollars in wasteful and unnecessary spending. We send them a bill that purchases for $225 million a ship that nobody wants or needs. That, my friends, gives substance and reason behind the frustration many of our constituents feel.

It is probably over for this year. I think it is probably going to be a situation where there are sufficient votes to pass this ''omnibus bill'' worth $1.1 trillion of taxpayers' money without a single amendment, not a single one. Then we will go home, enjoy Christmas, and then come back in January hopefully refreshed. But I hope that in January we will make a commitment to the American people that we will stop doing business this way, that we will stop waiting until the last days and having these extensions that last 2 days or 3 days before the threat of a government shutdown—which no American I have ever met enjoys—and learn that the American people expect better of us than this process.

I am not proud of this. In fact, I am a bit ashamed because, particularly on defense, there are so many critical needs of the men and women who are serving in our military. Their carriers are going on 10-month cruises. Some of our men and women who are serving are on their fourth, fifth, sixth, seventh tour to Afghanistan. Even now many are going back to Iraq, and they will be going back, my friends. They will be going back. They will also be in Syria because, I predict to you now, there will be another attack on the United States of America because this President cannot lead. We are paying the price for a feckless foreign policy that is a disgrace and will be judged by historians as one of the low points in American history as far as national security is concerned.

So instead of providing for those critical needs—and I guarantee I can come up with billions of dollars of critical needs. By the way, I can also come up with reforms that will save billions of dollars in our legislation.

We are proud of that. For example, we require a reduction of 7.5 percent per year for 4 years in the size of the staff in the military. That will save over $3 billion over time. I am proud of that. So we come to the American people with a defense bill that is lean and efficient. We have a long way to go, but we are proud of it. Then we look at things like this. It is not acceptable.

I hope I don't have to stand up here again next year. I hope we can finally sit down and work for the American people, and that means taking up the appropriations bills one by one by one and giving them the same attention the Defense bill got. The Defense bill got 2 weeks, 133 amendments, debate on every issue conceivable concerning national defense. We need to do that with each of the 12 appropriations bills. That way we can give the American people a product that is the most efficient, that is the least wasteful, and something we can be proud of.

I urge my colleagues to understand that this legislation on the Defense appropriations part of it does not help America defend itself in these difficult times. In fact, because of the waste, because of the pork-barrel spending in this, because of the earmarks in it, we have actually harmed the ability of our Nation to defend itself and the welfare of the men and women who are serving. That is something we cannot be proud of.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. I ask unanimous consent that I be permitted to complete my remarks.

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

FINANCE COMMITTEE ACCOMPLISHMENTS

Mr. HATCH. Mr. President, as we count down the remaining days on the 2015 legislative calendar, there is still quite a bit of work to do and a few more big-ticket items to put to bed. Still, even with so much still on our plates, I believe it is appropriate to take a look back at the year we are now finishing up and reflect on what we have been able to accomplish.

Now, 2015 has been a big year in the Senate. After many years of unproductive division and stagnation, the Senate finally has returned to work. While some of my friends on the other side of the aisle have tried to downplay the productivity we have enjoyed under the current Senate leadership—and the Washington Post Fact Checker awarded them some Pinocchios for their efforts—no one can seriously argue that things haven't changed around here.

Under the current Senate majority, the committees have been allowed to function and work. Under the current Senate majority, we have had fuller and fairer debates on the Senate floor. Probably most important of all, under the current Senate majority, the Senate has actually been doing the people's business. Instead of being bogged down with divisive, political show votes, we have tackled tough challenges—including numerous challenges that have plagued this body for many years—and we have delivered results, usually with a strong bipartisan majority, which I find to be very heartening.

I am pleased to say this new trend toward efficiency and bipartisan success has been evident in the Senate Finance Committee, which I have been privileged to chair since the 1st of January this year. I would like to take some time to pay tribute to my colleagues on the Finance Committee and the successes we have enjoyed this year. I will start with the basics, just some topline numbers.

In 2015, the Finance Committee held 30 full committee hearings to discuss various legislative efforts, conduct oversight of the administration, and to question executive branch nominees. There were also two subcommittee hearings. We convened 10 separate markups to consider and report legislation and nominations.

Let's dig a little deeper with the numbers. In terms of legislation, the Finance Committee moved at a historic pace in 2015, considering and reporting 37 individual bills. Those are more bills than the committee reported in the past four Congresses combined and more than any single Congress in the last 35 years. I just have to reiterate that I am not comparing 2015 to any single previous year. I am comparing it to the entirety of past Congresses. We have moved more legislation in just 1 year than the Finance Committee has in any entire Congress in the past three and one-half decades.

Even more striking is the fact that every one of the 37 bills we reported this year enjoyed overwhelming bipartisan support in the committee. So far, 9 of those 37 reported bills have been signed or incorporated into law, and several more are likely to get there before the end of this week. In addition, three other bills that came through the Finance Committee were discharged and subsequently signed into law.

However, while these raw numbers may be impressive, they only tell part of the story. If we take the time to delve into the specifics of our efforts on the Finance Committee, we will see that we have actually enjoyed significant successes in each of our major areas of jurisdiction, including tax, trade, health care, Social Security, and oversight. I have often spoken about many of our individual achievements on the Senate floor, but I think they deserve another mention today.

Trade. I will start by talking about our efforts with regard to international trade policy. We began 2015 with a desire to advance a bold and ambitious trade agenda that would update our trade laws for the 21st century global economy and set the stage for American leadership in the international marketplace. By any measurable standard, our efforts have been a smashing success. The centerpiece of our trade agenda was the legislation to renew trade promotion authority, or TPA. Prior to this year, it had been nearly three decades since a TPA bill was fully considered and reported out of the Senate Finance Committee. Our TPA bill received a strong bipartisan vote in the committee and another one on the floor. Actually, to be precise, we had to pass it twice in the Senate, with similar results on both occasions.

This legislation put in place strong negotiating objectives to ensure our negotiated trade agreements reflect the collective will of Congress. It also empowered our negotiators to reach the best deals possible by providing a path to getting fair up-or-down votes for future trade agreements, giving our trading partners the assurances they need to put their best offers on the table. I don't want to go into too much detail today about any specific trade agreements that may or may not make their way to Congress in the future. I just want to point out that the Finance Committee's TPA bill—now a law—will ensure that we have all the information we need to make an informed decision on any agreement that Congress has the ultimate say over whether any agreement enters into force.

In addition to TPA, the Finance Committee developed legislation to renew some of our most vital trade preference programs, including preferences for Haiti and countries in Sub-Saharan Africa and the Generalized System of Preferences, or GSP, Program. These programs are key tools in our arsenal for assisting developing nations and providing important benefits for job creators and consumers here at home. The preference bill was signed into law after getting a near-unanimous vote in both the House and the Senate.

We also crafted the Trade Facilitation and Trade Enforcement Act, a bill which will, among other things, authorize the Customs and Border Protection agency and update our processes and standards for enforcement at our borders, most notably with regard to the protection of intellectual property rights, an issue that has long been of particular interest to me.

This legislation also had a lot of support in the Senate and in the House. The conference committee, which I chaired, charged with reconciling the differences between the House- and Senate-passed versions of the bill, filed its report just this last week. My hope is that we will consider and pass this conference report as soon as possible.

International trade is a key element of a healthy U.S. economy. We have made great strides toward promoting trade and improving global trade standards already this year—and hopefully we will be able to make a few more in the very near future.

Entitlement reform. The Finance Committee has also enjoyed significant success when it comes to entitlement reform, which I think has surprised many people around here. For years—decades even—we were told that bipartisan entitlement reform was impossible. The political stakes, according to the naysayers, were far too high. The parties and stakeholders, they said, were too entrenched.

Yet, in 2015, we have successfully enacted significant reforms to our two most ''untouchable'' entitlement reform programs: Medicaid and Social Security.

In April, Congress passed, and the President signed, legislation originally drafted and reported out of the Finance Committee in late 2014 to repeal and replace the Medicare sustainable growth rate—SGR—formula. Although it has been a little while since the bill passed, I think we all remember the periodic scramble to find short-term offsets to patch the SGR and kick the can even further down the road. It was, quite frankly, an embarrassment we forced ourselves to endure year after year and a prime example of government ineptitude and our apparent inability to do anything in Congress to fix it.

That all changed this year with the passage of the committee's legislation, which not only reformed Medicare in terms of the SGR but also featured cost-saving measures within the underlying program. These included a limitation on so-called Medigap first-dollar coverage, more robust means testing for Medicare Parts B and D, and program integrity provisions that have

strengthened Medicare's ability to fight fraud.

While we are on the subject of Medicare reform, I will mention that the Finance Committee also reported the Audit and Appeals Fairness, Integrity, and Reforms in Medicare—or AFIRM—Act earlier this year. This bipartisan bill is designed to address the already massive backlog of Medicare audit appeals while also allowing for increased efforts to improve program integrity and reduce improper payments out of the Medicare trust fund. It will make life much easier for both Medicare beneficiaries and their doctors who, under the status quo, wait, on average, a year and a half before an appeal is processed and they are able to know for sure whether their claims will be covered or if they will be paid for the services they perform.

In addition to these steps forward on Medicare, Congress also passed—as part of the recent budget and debt-ceiling bill—legislation to reform the Social Security Disability Insurance Program, or SSDI, and to prevent benefit cuts looming in the not-too-distant future.

Congress knew for years that the SSDI trust fund would be exhausted in 2016 and did little to address it. Despite my pleas and those of a handful of others, they did little to address it. I might add that for the Obama White House and our friends on the other side of the aisle to engage on this issue, it took some time. Facing the prospect of across-the-board benefit cuts for all SSDI beneficiaries, the Finance Committee developed proposals to extend the life of the trust fund and put in place needed reforms to the SSDI Program itself. Most of these proposals were included in the final legislation.

While, admittedly, these reforms are not the fundamental changes both the SSDI Program and Social Security more broadly need to be sustainable for future generations, they represented a very real first step toward that long-term goal and are the most significant changes to any Social Security Program enacted in the past three decades.

Clearly, much more work needs to be done to put both Medicare and Social Security on firm fiscal footing. The same is true of Medicaid and other entitlement reforms. Still, the steps Congress took this year toward fixing those programs were the biggest we have taken in a long time. I am pleased to acknowledge that the efforts that led to those steps began in the Senate Finance Committee.

Highways and Infrastructure. One of the biggest and greatest successes we have had in the Senate this year was the passage and enactment of a long-term extension of the highway trust fund. The final highway bill, which we passed a few weeks ago, provides 5 years of continuous highway funding, the longest extension of transportation funding since 1998 and one of the longest since the Reagan years.

Prior to this year, the typical cycle for funding highways went something like this: Step 1, leaders of Congress recognize and acknowledge a near-term exhaustion of highway funding. Step 2, those same leaders work with the relevant committee chairmen to cobble together enough offsets to pay for a short-term extension, usually somewhere between 6 and 18 months. Step 3, Congress passes a short-term extension with little fanfare and absolutely no celebration. Step 4, every Member of Congress spends the next 6 to 18 months complaining about this process. Step 5, start again at Step 1.

Thankfully, we broke that cycle this year. We began with a goal to provide the longest extension possible. I was determined to do all I could to find a way out of this rut, which is why I believed we had to think a little outside the proverbial box and look everywhere for potential offsets.

Generally speaking, the Finance Committee is responsible for the financing title of any highway bill that goes through the Senate. Usually, we focus on areas within our jurisdiction as we search for offsets. But over the years, those resources became harder and harder to come by, requiring us to look elsewhere.

The committee spent weeks examining numerous options and alternatives. Many thought we could not come up with much more than just one 1 or 2 years. Eventually, we were able to present our distinguished majority leader with a list of potential offsets that could provide funding for a long-term highway bill without raising taxes or increasing the deficit.

That list we came up with on the Finance Committee, in large part, formed the basis of the long-term highway bill that we passed earlier this month, which has provided much needed certainty for our States as they plan and complete highway projects, preserving jobs and stimulating growth in our economy. That long-term Transportation bill was, after all, a win for good Government and for bipartisanship in Congress. To a lesser but not insignificant extent, it was also a win for the Senate Finance Committee.

Tax. The committee also took important steps toward fixing our Nation's Tax Code in 2015. From the beginning of the year, the Finance Committee began considering and reporting bipartisan tax legislation aimed at specific needs for our country. For example, in January, we reported the Hire More Heroes Act, which relieves small businesses of burdensome ObamaCare mandates that made it harder for them to hire veterans. This legislation was signed into law in July.

In February, we held a markup to consider 17 separate tax bills, all of them bipartisan, all of which passed without objection through the committee. To date, two of those bills have become law, and, hopefully, before we adjourn this week we will pass legislation that incorporates at least 11 more.

Adding those 11 bills to the Finance Committee total, 20 of the 37 bills we reported will have been signed into law. That is a pretty good batting average, and when you include the bills we discharged from the committee, the grand total comes to 23 separate bills out of our committee signed or incorporated into law—not bad for a year's work.

In addition, at the beginning of the year, we launched five separate tax reform working groups in an effort to advance the larger tax reform conversation. These working groups, each of them cochaired by a Republican and a Democrat, spent months examining various areas of the Tax Code, listening to stakeholders and learning the various pressure points and tradeoffs that come with any significant changes to our tax laws. This past summer, each of the five groups released a report detailing their findings, outlining reform opportunities, and acknowledging areas of likely disagreement.

I am not naive. I know that tax reform, whenever it happens, will be a long, difficult process. However, I believe the effort our committee members put in with these working groups will make a difference in how that process plays out and how the tax reform debate unfolds in the future.

While these are important steps for tax policy and tax reform, I am hoping that we can take an even larger step before we adjourn for the year. Earlier this week, leaders and tax writers in both the House and Senate, and from both parties, reached an agreement on legislation that would provide significant tax relief for millions of families and job creators around the country. We would do so mostly by unwinding the near-annual tradition of extending expired tax provisions.

Like the SGR and highway funding, the periodic tax extenders exercise has been a constant source of consternation around here, with a new cliff or crisis developing with any hint that expiring provisions would be not be extended. Sometimes we haven't extended them. And, of course, the whole ordeal has been further evidence that Congress is incapable of making tough choices in order to govern more effectively—at least in the minds of some.

The bill we unveiled this week—which the House passed earlier today with an overwhelming bipartisan vote—would change that dynamic by making many of the most important consequential tax provisions permanent, significantly relieving the ongoing extenders pressure, and allowing for a more sensible approach to tax policy. I spoke about this legislation at length on the floor yesterday.

Permanent tax policy, such as the kind we would achieve in our bill, means more certainty for taxpayers: individuals, families, and businesses. It means an improved revenue baseline for future tax reform efforts. More than anything, it means tax relief for hardworking taxpayers, to the tune of about $680 billion over 10 years.

We moved this effort forward on the Finance Committee in July when we

marked up the so-called extenders package, taking note of Senators' priorities and desires for long-term solutions and setting the stage for a real discussion about permanence. We took that momentum into the bicameral, bipartisan negotiations, and, ultimately, the bill reflects many of the preferences expressed in the committee.

Our bipartisan tax bill also contains a 2-year moratorium on the medical device tax under ObamaCare, something that has been very harmful to our medical device industry. We will look at that in 2 more years. For years now, we have seen support grow on both sides of the aisle for repealing this horrendously misguided tax, the medical device tax. It has been a top priority of mine since the day ObamaCare was signed into law. Other Members of the Finance Committee have led on this issue as well, and one way or another we are going to get it done. For now, we have a good first step: a bill crafted by both parties to suspend the tax for 2 years.

Two similar suspensions of ObamaCare taxes are included in the Omnibus appropriations bill, including a 2-year delay of the so-called Cadillac tax—which is just a massive middle-class tax hike disguised as a tax hit on the rich—and a 1-year moratorium on the health insurance tax.

In other words, on top of permanence in the Tax Code and relief for taxpayers across the country, we have bipartisan agreement to delay or suspend some of the more harmful elements of the Affordable Care Act. It is not a bad way to end the year, if you ask me. Of course, now we have to pass these bills. In a day or so, I think we will.

Health Care and Human Services. Let me move on to another important area of our committee's jurisdiction: heath care and human services. We have been very active in the Finance Committee in this space as well. Most recently, we worked with our colleagues on the Budget and HELP Committees to put together the reconciliation legislation repealing ObamaCare, which, after it passed in the Senate, paved a way toward finally putting a repeal bill on the President's desk. This is a key promise for congressional Republicans, one that we delivered on just a few short weeks ago.

In June, the Finance Committee held a markup where we considered and reported 12 separate health care bills representing a number of priorities for our committee Members on both sides of the dais. In keeping with the ongoing trend for 2015, all of these bills had overwhelming bipartisan support. So far, three of these bills have been signed into law.

In addition to these successes, the Finance Committee has spent 2015 engaged in some very important ongoing efforts that we believe will yield results in the near future. One of those efforts is to improve Medicare services for patients living with chronic illnesses. We held two hearings this year to examine this issue. We sought and received the advice and recommendations of various stakeholders and have released those recommendations to the public.

The committee's efforts on chronic care reflect a bipartisan desire to significantly improve the quality of care for Medicare patients at greater value and lower cost, without adding to the deficit. This work will go on into next year as we continue to review and analyze proposals with an aim toward developing bipartisan legislation.

Another one of our ongoing efforts has been to improve our Nation's foster care system. This year, we held two hearings related to this topic—one on group homes and another on prevention. Last month, utilizing what we learned in these hearings and with input from numerous stakeholders, Ranking Member WYDEN and I reached an agreement on legislation that we called the Family First Act, which will increase the availability of prevention services to allow children at risk of going to foster care to remain safely at home and to reduce the reliance on group homes for children under the foster system.

As we all know, entering the foster care system can be particularly traumatic for a child. Over the years, we have seen ample evidence suggesting that placement in group homes significantly increases children's risks and potential for victimization. Our bill would give States greater flexibility, with the goal of keeping children with family members and ending the over-reliance on group homes.

The Family First Act is supported by advocates and stakeholders across the country. We hope to mark up and report this bipartisan legislation early in the new year.

I also need to acknowledge our committee's oversight efforts. We have been anxiously engaged in numerous efforts on the Finance Committee to shine a light on government failures and overreach, as well as some potentially corrupt practices in the private sector. Most notably, this summer we concluded our investigation into the IRS's targeting of conservative groups. This was the only bipartisan investigation into this scandal, and our report, which was roughly 5,000 pages long, provided the most detail yet about what went on at the IRS and the extent of incompetence and bad decision-making that led to those unfortunate events. In addition, the report provided numerous recommendations for improvement at the IRS and in a number of ways set the stage for consideration of legislation to reform that agency's operations.

In addition to the IRS report, the committee has provided the most rigorous and extensive oversight of the implementation of the so-called Affordable Care Act, revealing many of its fundamental flaws and uncovering a number of failures and missteps on the part of this administration. This has included, for example, an exhaustive look at the ObamaCare co-ops, which in recent months had been failing at an alarming rate at the cost of billions of dollars in taxpayer funds. Needless to say, we haven't taken our eyes off of ObamaCare.

The committee has also been conducting ongoing investigations and oversight into the questionable contracting practices within the Department of Treasury. We have taken a good, hard look at the tax return preparation industry and practices that have led to stolen identification and tax refund fraud. In fact, our investigation has already led to new practices at the IRS and within the industry aimed at reducing instances of this terrible crime.

This is just a small snippet of our oversight efforts over the past year. The Finance Committee, given its massive jurisdiction, has always had a reputation for aggressive oversight, and we have continued that tradition, and then some, in 2015.

Finally, I just want to remark on one more of our ongoing efforts—I suppose you could put this one in the miscellaneous or multidiscipline file—with regard to the looming debt crisis in Puerto Rico. We have taken a close look at this issue in the committee, and we even held a hearing on it. Along with the leaders on the Judiciary and Energy and National Resources Committees, we have introduced legislation that—using the limited information we currently have about Puerto Rico's dismal predicament—would improve the island's finances and economy by providing responsible tax relief and transitional assistance to the territory's government.

In addition, we worked to get a provision in the Omnibus appropriations bill that authorizes the Treasury Department to provide Puerto Rico with technical assistance, including help with budgeting, forecasting, cash management, fiscal planning, improving tax collections, and the like.

This is something we are going to have to continue to work on, and in the coming weeks and months the Finance Committee will continue to consider various proposals—including the bill we introduced last week—aimed at helping the people of Puerto Rico.

By the way, we challenged Puerto Rico to give us audited financials so that we could really work on this under the best possible terms. I intend to see that we help Puerto Rico, and hopefully we can do that. We have now provided them the means so that they should be able to carry on through next February, and hopefully during that time we will come up with some solutions that make sense not only to Puerto Rico but to our taxpayers and others.

As you can see, we have been very busy and effective in our corner of the Senate thanks to the diligent efforts of all of our Finance Committee members. I have had the privilege of serving

as chairman of this committee during such an eventful and productive time with so many committed and honorable Members of the Senate on both sides of the aisle.

I, of course, have to thank Ranking Member WYDEN for his work on the committee. He has been a valuable partner, and at every step of the way, he has worked hard to ensure that all of the committee's efforts were bipartisan. He has played a huge leadership role in almost all of the successes I have mentioned here today.

I also wish to thank the other members of our committee. If you look down the Finance Committee roster, you will see—from top to bottom—every member has a reputation for working hard and achieving results. On the Republican side, we have Senators GRASSLEY, CRAPO, ROBERTS, ENZI, CORNYN, THUNE, BURR, ISAKSON, PORTMAN, TOOMEY, COATS, HELLER, and SCOTT. They are good people who are working in the best interest of this country. For the Democrats, we have Senators SCHUMER, STABENOW, CANTWELL, NELSON, MENENDEZ, CARPER, CARDIN, BROWN, BENNET, CASEY, and WARNER. And, of course, we have Senator WYDEN. And you can also include me in there. Every one of these members has played a key role in our success on the Finance Committee, and I am very grateful to have the opportunity to work with them all.

I don't want this to sound like a farewell speech. I don't want anybody to think that with all this gushing and all these thank-yous, we are nearing the end of anything. Last time I checked, I will still be the chairman of the Finance Committee in 2016 and we are still going to have this great group of Senators serving on the committee. Most significantly, our Nation will still be facing a number of important challenges in the coming year. We can't and we won't be sitting on our laurels in 2016.

While I am pleased to have this opportunity today to take a short trip down memory lane, everyone both on and off the Finance Committee should be prepared: We are just getting started.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, as always, it is an honor to follow my good friend, the President pro tempore, Senator HATCH from Utah, who has done such an extraordinary job representing his State and our country for so many years.

IRAN BALLISTIC MISSILE TESTS

Mr. DONNELLY. Mr. President, in just the past 10 weeks, Iran has conducted two ballistic missile tests. These tests are a direct violation of the United Nations Security Council Resolution 1929. Despite this flagrant violation, the U.N. has not taken collective action to enforce U.N. Resolution 1929 with increased sanctions against Iran.

Applying sanctions against Iran in response to ballistic missile testing would not violate the Iran nuclear agreement negotiated earlier this year. New sanctions for this type of behavior are not only allowed under the terms of that agreement, in fact, it is critical to the agreement's success that the United States be willing to respond to Iran's bad behavior. In the face of inaction by the international community, it is critical that the United States take the lead in sending a message to Iran that their inflammatory actions have consequences, whether under the nuclear deal, U.N. Security Council Resolution 1929, or other U.S. sanctions regimes.

As ranking member of the Senate Armed Services Strategic Forces Subcommittee, I work year-round with my colleague Senator JEFF SESSIONS to oversee the U.S. nuclear arsenal, our nonproliferation programs, and also our missile defense posture. I have long been an advocate for robust, effective missile defense programs against both global and regional threats. While I firmly believe those systems are an absolute necessity in the face of evolving threats from places such as North Korea and Iran, I also believe they are our last line of defense, not our first. Today, thankfully, some of those on the frontlines of the fight against Iran's ballistic missile program are also in the State Department and the Treasury Department.

I speak today to call on the administration—if the international community will not act together—to take unilateral action readily available to them under current law to respond decisively to Iran's ballistic missile tests. The administration has made clear that the United States reserves the right under the Joint Comprehensive Plan of Action to take action through our sanctions tools in response to Iran's support for terrorism, its human rights abuses, its illegal arms trafficking, and its ballistic missile program. It is time to back up those words with decisive and specific action.

NOMINATION OF ADAM SZUBIN

Mr. DONNELLY. Mr. President, in addition, I can't speak today without also raising my deep concerns and increasing disappointment that the Senate continues to senselessly delay the confirmation of Adam Szubin as Treasury's Under Secretary for Terrorism and Financial Crimes. Mr. Szubin has an impeccable record across both Republican and Democratic administrations for combating terrorist financing and overseeing our sanctions against foreign adversaries. He is one of the best tools in our toolbox against the likes of Iran, ISIS, and Al Qaeda. Yet, despite glowing praise from both sides of the aisle, week after week, month after month, Mr. Szubin's confirmation remains in limbo.

This Sunday will mark the 7-month anniversary of Mr. Szubin's nomination. In those 7 months, we have watched ISIS spread across Iraq, Syria, and beyond. We have seen Iranian funds and weapons continue to flow to terrorists across the Middle East. We have witnessed the tragic attacks in Paris, San Bernardino, and elsewhere.

In an acting capacity, without having received the full support of the U.S. Senate, Mr. Szubin's status and stature is undermined when he travels abroad to persuade allies to cooperate with us in the fight against terrorism and especially in efforts to go at one of the terrorists' Achilles heels: their funding sources.

Seven months is too long. Both of Mr. Szubin's recent predecessors were approved over a much shorter period of time. One was approved in just 3 weeks.

So with the same urgency that I would ask the international community to act collectively—and failing that, the administration to unilaterally sanction Iran for its flagrant violation of Resolution 1929—I also urge the Senate to take immediate action to confirm Mr. Szubin for a post vital to our national security and one for which he is eminently qualified.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PUERTO RICO

Mr. NELSON. Mr. President, a number of my colleagues will be coming to the floor in just a while to talk about the crisis that is going on in the island territory of Puerto Rico. Remember, Puerto Rico is a territory. Its citizens are U.S. citizens, and we often forget that, particularly as they are now facing economic challenges that are growing worse by the day.

Although we just had an opportunity in the Omnibus appropriations bill to address Puerto Rico's fiscal crisis, it appears that Congress is going to go home without having done the bare minimum for Puerto Rico. In the meantime, Puerto Rico is going to start the New Year on the verge of default as the Governor faces the troubling choice of whether to pay for essential public services or make a $1 billion debt payment to Wall Street creditors. The public services include those for health, fire, police, water, et cetera, versus paying the bonds that are coming due.

Many of us have been urging our colleagues for months—Senator DURBIN, Senator CANTWELL, Senator SCHUMER, and myself—to meaningfully address this fiscal crisis by providing Puerto Rico with the same debt restructuring authority that is available to any other State under chapter 9 of the

Bankruptcy Code. This is the authority that Puerto Rico had until it was taken away by Congress without any explanation 30 years ago.

That is why I have joined Senator CANTWELL, who is here, and Senators SCHUMER and BLUMENTHAL, in introducing legislation that would allow Puerto Rico's municipalities and public corporations to restructure its debt under the watchful eye of the Federal bankruptcy judge.

This is not a bailout. Providing Puerto Rico with an opportunity to orderly manage its debt as we do for every State under chapter 9 of the bankruptcy laws costs the Federal Government nothing. It also prevents Puerto Rico from having a drawn-out battle with bond holders following a potential default. Yet nowhere in the Omnibus appropriations bill, where we have a lot of other stuff—nowhere in the omnibus appropriations bill—is there anything to give Puerto Rico the legitimate orderly process of chapter 9 in bankruptcy that it needs. There are a few provisions to help Puerto Rico's hospitals, but even they don't go far enough.

It deeply troubles me that we will celebrate the holidays knowing full well that there is so much more that the Congress could have done.

I would like to put this in perspective. Just a few weeks ago we met with a group of Floridians who were here for the National Day of Action for Puerto Rico. What they describe—and what this Senator has seen in a visit to Puerto Rico and the government in San Juan a month ago—is a humanitarian crisis due to the crushing government debt, a failing economy, and a growing poverty.

What is the result? Thousands of Puerto Ricans—U.S. citizens—are coming to my State. They are certainly welcome, but these are often the very talented, educated people that are so desperately needed for the well-being of the population on the island. Some that come are fortunate to move in with relatives. Others are living in motels. Others are even living out of their cars. A lot of them come to central Florida to the metro Orlando area, where there is a huge Puerto Rican population. What we see in the discrepancy and the economic despair that is happening on the island is absolutely heartbreaking. How in the world can we fail our fellow Americans like this?

Notice who have been the most courageous in the military? It has often been the soldiers who are Puerto Rican. These Americans have contributed to the diverse fabric of our country, and they proudly serve in so many Federal responsibilities, including our military. We should be doing all that we can to provide them with the tools they need—the financial tools Puerto Rico needs to emerge from its current economic challenges—and debt restructuring authority is one of those things.

I want to urge our colleagues, since we didn't get it into the omnibus, in the spirit of our patriotic unity to help each other and that unity that binds all Americans, to come together and help Puerto Rico at this critical time.

I see my colleague from the State of Washington. I appreciate the leadership that she has taken. My State is one of the ones that is most affected. Her State is not as affected, and yet the Senator from Washington has stepped up and done this because she knows it is the right thing to do.

Mr. President, I yield the floor and look forward to hearing from the Senator.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Florida for coming to the floor and speaking so articulately about the need for help for Puerto Rico. His State is the most impacted State in the United States when it comes to our policy as it relates to Puerto Rico. He is right that there are not many Puerto Ricans in the State of Washington. But as the Ranking Member of the Senate Committee on Energy and Natural Resources, which has jurisdiction for the territories, I can tell you territorial oversight is about giving people who are U.S. citizens fair access to the law. If we are not going to help people who are U.S. citizens have fair access to the law, I am not sure why we are continuing to say that they are a territory of the United States of America.

What we are talking about, and the Senator from Florida understands this, is if you don't give them fair treatment under the law, just as we do with individual citizens who need to reorganize their debt, businesses who need to reorganize their debt, municipalities that need to reorganize their debt, or even the United States of America in the big bank bailout basically allowing a lot of people to reorganize their debt, then we won't let the people in Puerto Rico come to a resolution of their debt in bankruptcy. It is a hypocrisy that is unexplainable at the moment. We should get to the bottom of this because we want to give fair treatment to Puerto Rico so they can solve their own problems.

What my colleague mentioned is that a restructuring authority for Puerto Rico costs the U.S. taxpayers zero. Zero dollars. That is to say, we are not proposing, at least on our side of the aisle, that we give them immediate funds to restructure. We are simply saying: Give them the tools of bankruptcy so they can restructure. My colleagues think this is important because we know that the mass exodus from Puerto Rico, which has been about 300,000 people in the last several years, will continue if we don't give them the tools to reorganize their debt. What that will mean, as the Senator from Florida mentioned, is that people will come in droves to Florida and continue to impact that economy by asking for federal social services that are capped in Puerto Rico. They will come to Florida and ask for those services. So the United States, by denying Puerto Rico the bankruptcy tools, actually will be impacted economically. Some people have estimated the impact will be as much as $10 to $20 billion over a 10-year period of time. I would say we have a lot of skin in the game to get people to reorganize this debt.

Many newspapers across the United States also believe that we should give Puerto Rico these tools to reorganize. In an editorial recently in the New York Times, which talked about the President's proposal, it said: ''Crucially, it asks Congress to change the law so that Puerto Rico's territorial government and municipalities can seek bankruptcy protection.'' They understood this issue, as did the Washington Post when they wrote: ''. . . letting an impartial bankruptcy judge sort out the competing claims on a failed public entity is the fairest, most efficient approach; without that option, Puerto Rico has no leverage in debt negotiations, and litigation could ensue.''

So there are newspapers throughout the United States of America that are looking at this issue and saying: Give them the ability to reorganize their debt.

Why is this so important? Because the Puerto Rican government may default on its debt as early as January 1, when nearly $1 billion in payments are due.

Many of us here want to see a resolution of this issue now, giving them the tools to avoid that. Once they default, the economic impact to the rest of us and the U.S. taxpayers will be far greater. Why do I say that? Because if you look at the inaction that takes place, U.S. taxpayers contribute $6.4 billion to Puerto Rico's annual budget, funding these various programs. If you default, that means we will be spending more than $6.4 billion.

I know some of my colleagues want to protect the hedge funds from being a part of the bankruptcy reorganization. But, when you are protecting the hedge funds from being a part of the bankruptcy reorganization, you are adding costs for the U.S. taxpayers. That is something we cannot afford.

If Puerto Rico is allowed to restructure their debt, they could make these decisions and save us money as U.S. taxpayers. In the long run, as I said, it would prevent the mass exodus from the island to many other States and provide Puerto Rico with the tools they need. Yet some in Congress are more comfortable with inaction, which basically is just bad public policy. Why is this? Because 20 to 50 percent of the island's debt is owned by hedge funds. These hedge funds swoop in to buy cheap Puerto Rican debt and are using their influence here in Washington, DC, to block Puerto Rico from access to bankruptcy protection that is allowed in other places. It is no secret that the solution will require sacrifice by everyone, and that is what we want to see. If

Congress continues to protect these hedge funds and fails to act, it will be at both the expense of the Puerto Rican people, who have already suffered immensely, and of the American taxpayer.

Sitting by idly is not a solution. We should remind our colleagues that Puerto Rico had preexisting bankruptcy authority which was taken away in 1984, mysteriously. Nobody knows why, or how, or any justification for it. They just know that it disappeared. Congress should reinstate that authority that was taken away. As the Governor of Puerto Rico said before the energy committee, quoting another leader: ''Give us the tools, and we will finish the job.''

Now is the time to act, before we see a greater mass exodus of people.

This chart shows the migration between Puerto Rico and the United States. You see that it continues to grow. It has grown 500 percent in the last 10 years. The issue is that now government workers are being cut to three days a week, patients are waiting for months without basic medical care, hospitals are going bankrupt, and the health industry is about to collapse.

On the other side of the aisle there is talk about the humanitarian crisis that might occur next year and how they might want to respond to it, but they don't want to stand up and say to the hedge funds that they also have to take some responsibility in this issue. Forty-five percent of the population in Puerto Rico is now living in poverty, including 58 percent who are children. Unemployment is in double digits, and it is, if you compare it to all our States, very high in the ranking of States in the United States. As a result, 80,000 people are leaving the island each year as part of a mass migration.

So what is the solution? As we said: Restructure their debt; give them the tools to restructure their debt. It costs nothing to the U.S. taxpayer, saves us money in the long run, prevents a mass exodus from the island, and prevents more spending on Federal benefits to people who might migrate to the United States.

We think this ought to be a lot of motivation to sit down and solve this issue today. In fact, now we are hearing from different businesses, and I will submit one letter for the RECORD, in the United States that do business in Puerto Rico and that don't want to lose their investment because they are so concerned about the level of collapse that could happen in Puerto Rico, and the loss of infrastructure and infrastructure investment.

So why do we need to continue to move forward? Well, inaction, basically, is to say that the hedge funds have won in this game. Twenty to fifty percent of the island's debt is owned by the hedge funds, and hedge funds are using their influence in Washington to block a Puerto Rico bill from coming to the floor. Failure to act would be at the expense, as I said, of taxpayers and individuals.

Just yesterday, a leader who has been supportive of reorganization of a task force in New York that was under a budget crisis said: ''The hedge funds got their way in Congress.'' That is referring to the fact that we were not able to get, as my colleague from Florida said, this legislation as part of the budget omnibus bill or other bills moving through the process.

So now is the time to act to give Puerto Rico the tools. Now is the time for all of those who have made investments to say ''we all have to come to the table and resolve this issue.'' The longer we wait, the greater the risk for the United States of America—to say nothing of the issue of a territory that we lay claim to, giving them the ability to solve their problems.

I ask my colleagues to come to a commonsense resolution on this issue. Stop protecting these hedge funds and start working for people who are called U.S. citizens.

Mr. President, I ask unanimous consent to have printed in the RECORD the articles and the letter I mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 24, 2015]

A RESCUE PLAN FOR PUERTO RICO

(By Editorial Board)

There was long-overdue drama at a Capitol Hill hearing Thursday. We are referring, of course, to Treasury Department counselor Antonio Weiss's testimony before the Senate Committee on Energy and Natural Resources, in which he warned of a looming ''humanitarian crisis'' in the financially distressed commonwealth of Puerto Rico. Mr. Weiss's words marked a break with the Obama administration's previous low-key approach to the island's debt crisis, and if he resorted to hyperbole to compensate for that, it was only slightly. Having already cut spending, jacked up taxes and postponed various bill payments, Puerto Rico is out of cash and facing a year-end liquidity crunch that could lead to a breakdown in public services, or even public order.

Mr. Weiss backed up his words with the administration's most comprehensive policy proposals yet, the most important of which would require congressional action. Specifically, he advocated not only permitting Puerto Rico's municipalities and public corporations to file for bankruptcy, which would affect about a third of its $73 billion debt, but also extending the bankruptcy option to the commonwealth government itself. He called for a permanent fix to the island's Medicaid program, which faces crippling uncertainty because of limits on federal assistance unlike those of the 50 states. And to address its lagging labor force participation—a huge drag on economic growth—he proposed creating an Earned Income Tax Credit to encourage low-wage workers' return to the job market.

In short, for the first time the executive branch has put its weight behind solutions that would cost money, billions of dollars of it. A good benchmark would be Gov. Alejandro Garcia-Padilla's projection of a $14 billion hole in the island's finances over the next five years. The administration's plans for Medicaid and an EITC would put U.S. taxpayers on the hook. Bankruptcy would be the mechanism through which creditors chip in; an average 40 percent ''haircut'' on their bonds is probably in order, according to a recent study by BlackRock. As the example of Detroit shows, letting an impartial bankruptcy judge sort out the competing claims on a failed public entity is the fairest, most efficient approach; without that option, Puerto Rico has no leverage in debt negotiations, and litigation could ensue.

Which brings us to what can fairly be expected of the commonwealth itself. Its predicament is due to many forces beyond its control, starting with the anomalous semi-sovereign political status that traps it—like Greece in the European Union—in a monetary union with the far larger and more competitive United States. Still, Puerto Rico has squandered vast resources on mismanagement and anti-growth policies. Therefore, it may appropriately be held to a structural adjustment program that ensures it uses fresh cash efficiently. For that program, in turn, to have credibility, it must be subject to oversight by a truly independent body; indeed, if oversight doesn't work, nothing in Mr. Weiss's plan can work, either economically or politically, since buy-in from Republican fiscal hawks is needed. Designing that institution is the task to which Congress, Puerto Rico and the administration must now turn in a spirit of cooperation, but also urgency.

[From the New York Times, Oct. 24, 2015]

SAVE PUERTO RICO BEFORE IT GOES BROKE

(By the Editorial Board)

Puerto Rico's government is on the verge of running out of money. A messy default is in nobody's interest, which is why Congress ought to move swiftly to provide the American territory with a way to restructure its huge debt and revive its economy.

The Obama administration last week offered the outline of a rescue plan to help the island and the 3.5 million American citizens who live there. The plan would impose new oversight on the island's finances and expand access to government programs like Medicaid and the earned-income tax credit. Crucially, it asks Congress to change the law so that Puerto Rico's territorial government and its municipalities can seek bankruptcy protection.

Political leaders in Puerto Rico and many financial and legal experts have been saying for months that the territory cannot repay the approximately $72 billion it owes to hedge funds, mutual funds and other investors. Its economy is not growing, and tens of thousands of residents are leaving every year for the mainland to look for work. More than 300,000 have left in the last 10 years.

Its public pension plans need a cash infusion of about $44 billion. Puerto Rico has cut spending and raised taxes in the hope of saving itself, but that hasn't worked, and it won't work in the foreseeable future given the sorry state of the island's economy.

Bankruptcy seems inevitable. But under federal law, Puerto Rico's government, its municipalities and its government-owned utilities cannot go to bankruptcy court—hence the administration's request for a new bankruptcy process for territorial governments and a change in the law to allow Puerto Rican cities and public utilities to seek Chapter 9 protection, much as local governments like Detroit and Orange County, Calif., have done.

Many investors who have lent money to Puerto Rico and stand to lose under any debt restructuring are bitterly opposed to the Obama plan. They say Puerto Rico can repay all of its debt if it tightens its belt and privatizes utilities and other government-owned businesses. Changing the law now, they argue, is deeply unfair. But the record

of what has happened in troubled countries like Greece is clear: Austerity policies have only worsened the crisis. As for the fairness argument, legislators change laws all the time to meet new circumstances.

What investors must realize is that an orderly restructuring is a far better alternative than the long and complex legal battles that would inevitably follow a sudden default. American bankruptcy courts have a good track record of resolving complicated debt cases. And if, in addition to reworking the bankruptcy law, Congress also created an oversight board, as the Obama administration recommends, investors could have some confidence that Puerto Rico's politicians would make needed policy changes.

There is no doubt that Puerto Rican leaders have mismanaged the island's finances and economy. What's at issue now, though, is not Puerto Rico's past but its future and that of its inhabitants. If Congress doesn't like the administration's ideas, it needs to come up with its own.

DECEMBER 9, 2015.

Hon. PAUL RYAN,
Speaker of the House, Washington, DC.
Hon. MITCH MCCONNELL,
Senate Majority Leader, Washington, DC.
Hon. NANCY PELOSI,
House Minority Leader, Washington, DC.
Hon. HARRY REID,
Senate Minority Leader, Washington, DC.

DEAR MR. SPEAKER, LEADER PELOSI, LEADER MCCONNELL, AND LEADER REID: As senior executives of companies that are based in the U.S. mainland and that conduct extensive business in the U.S. jurisdiction of Puerto Rico, we write to respectfully urge you to swiftly enact a legislative package that will promote economic growth and fiscal stability in the territory.

We are extremely concerned about the situation in Puerto Rico for both humanitarian and business reasons. The current economic, fiscal and demographic crisis is harming the 3.5 million U.S. citizens that reside on the island, compromising their quality of life and causing thousands to relocate to the U.S. mainland in search of better opportunities. It is also hurting private sector businesses that manufacture products in Puerto Rico, depend upon Puerto Rico's consumer base, or seek to contract with the central government of Puerto Rico or its public corporations to provide public services on a more cost-efficient basis.

This letter is also endorsed by the Jacksonville Port Authority (JAXPORT), which is the U.S. mainland hub for trade with Puerto Rico. Roughly 70% of all cargo shipped from the U.S. mainland to Puerto Rico goes through JAXPORT. This trade is responsible for 32,000 jobs in the State of Florida alone.

We understand that the causes of Puerto Rico's problems are complex and multifaceted. But we also believe that action by the federal government is essential to enable Puerto Rico to address these problems. There are many specific steps that Congress could take, such as (1) fully including Puerto Rico in the earned income tax credit program and the child tax credit program, which incentivize work and spur consumer demand; (2) providing more equitable treatment to Puerto Rico under federal programs like Medicaid and Medicare, which would improve patient care, reduce migration, and relieve the fiscal burden on the Puerto Rico government; and (3) providing Puerto Rico with state-like treatment under Chapter 9 of the federal bankruptcy code, which would help Puerto Rico manage its debt burden and position the island to achieve economic growth in the future.

We thank you for your consideration of this important request.

Sincerely,

DANIEL DAVIS,
President & CEO, JAX Chamber.
MICHAEL G. ROBERTS,
Senior Vice President & General Counsel, Crowley Maritime Corporation.
TIM NOLAN,
President, TOTE Maritime Puerto Rico.
BRIAN TAYLOR,
Chief Executive Officer, Jacksonville Port Authority (JAXPORT).
JOHN P. HOURIHAN, Jr.,
Senior Vice President & General Manager, Crowley Puerto Rico Services.
THOMAS J. ALCIDE,
President, Saft America.

Ms. CANTWELL. I thank my colleague, and I yield the floor to any of my other colleagues who have come to the floor to join us.

The Senator from New Jersey probably has the second most, if not the most, number of Puerto Ricans in his State.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, first, I thank the distinguished senior Democrat on the Energy and Natural Resources Committee, which has jurisdiction over the territories, including Puerto Rico, for her advocacy, for her strength of passion in this effort, and for her work. I also thank my colleague from Florida who has always joined me on issues on Puerto Rico and who has always been a strong voice for the island.

I would hope to prick the conscience of the Senate about the 3.5 million U.S. citizens who just happen to live on the island of Puerto Rico and to do something before this crisis transforms into a full-blown human catastrophe. These 3.5 million Americans who call Puerto Rico home have a long history with the United States. Over 200,000 of them have served in every conflict since World War I and worn the uniform of the United States.

Over 20,000 of them currently wear the uniform of the United States and put their lives at risk for the safety and security of all of us here at home. They are stationed across the globe.

If you went with me—and I invite any colleague who wants to go to the Vietnam Memorial—you would see a disproportionate number of Puerto Ricans who served in the Vietnam war and gave their lives on behalf of the country. Puerto Rico is an integral part of America and its people are as American as you and I. They have full citizenship rights. The status of where they live does not alter their rights under the Constitution, and the fiscal timebomb that is waiting to explode in Puerto Rico is an American problem.

In my time in the House of Representatives, I could never believe it when I would have colleagues who asked me if they needed a passport to visit Puerto Rico. I thought they were joking, but they were serious. This is an American problem.

We not only have an opportunity, but more importantly I think we have a responsibility to take immediate action to stabilize the island and give our fellow citizens the opportunity to fix the current crisis, but instead of deescalating the crisis, we are demagoguing those who are facing it. Instead of providing the tools Puerto Rico needs to get on the path to solvency, we are tying our hands behind our backs.

So let me put this plainly and simply: Puerto Rico is getting a raw deal. While we dither here, the island is economically in flames. We are about to spend over $600 billion in tax breaks but denied the earned-income tax credit and child tax credit equity for American citizens living in Puerto Rico. We are about to pass a $1.1 trillion budget but ignored pleas on the island to receive the same chapter 9 treatment in bankruptcy to reorganize and restructure their debt that any State has and that they had at one time and was surreptitiously taken out. That right that they had was taken out.

As has been said by the distinguished ranking member, giving Puerto Rico back the right they had will not cost the American taxpayer one single dime. Those bottom feeders who ultimately went and tried to buy enough bonds dirt cheap and now want to get paid at maximum amount, that should not be where the focus of the Senate is when it comes to these 3.5 million Americans. I am wondering if it was some other group of people, whether we would feel the same way. I really have to wonder. We are about to increase Big Oil's profits by about $170 billion over the next decade, but we can't do anything for the 3.5 million people who call Puerto Rico home, who are U.S. citizens, and who wear the uniform of the United States.

I am pleased to see that the legislation will include a little piece of my high-tech legislation to help the hospitals in Puerto Rico, but that is not going to do anything as it relates to the crisis we are facing. This crisis didn't develop overnight—it was over several administrations—nor will it be fixed in a day. Governor Padilla and the Government of Puerto Rico have done everything they can to right the ship and restore a path to solvency. They have closed schools and hospitals. They have laid off police and firefighters. They have raised taxes on businesses and individuals. They have gone beyond what any sovereign nation would consider doing to right the economic status, but they are out of options.

All the cuts and tax hikes will not make a dent in this crisis without the breathing room that restructuring authority provides. That is all we are asking for, not a single cost to the American paper. This problem is not

going away. Mark my words, if we don't act now, this crisis will explode into a full-blown humanitarian catastrophe that isn't going to take a year or months. It is going to be right around the corner.

It is pretty amazing that instead of dealing with this issue in a way in which we can solve it, we are basically—it is the equivalent of waiting for a malignant tumor to metastasize before we actually act on it. That is what we are doing. The sooner you act, the higher your chances of success are, and that is no different in the case of Puerto Rico. They are not asking us to pull them out of this hole. They are simply saying give us the tools so we can do it on our own.

It is the same can-do spirit of the Borinqueneers, who served our country during the Korean war—an all-Puerto Rican division, the most highly decorated in U.S. military history who said: Just give us the tools and we will fight for our Nation—or NASA engineer and Exceptional Achievement Medal winner Dr. Carlos Ortiz Longo or the baseball great and philanthropist, Roberto Clemente. I could go on and on about the contributions of Americans of Puerto Rican descent to this country. Just give them the tools.

Instead, this Congress is going to go home for the holidays and say to Puerto Rico: You get coal in your stocking, instead of giving them the tools to help them be able to face a better day. At the end of the day, believe me, if we do not act, more will come to Senator NELSON's State of Florida, more of them will come to New Jersey, more of them will come to New York, more of them will come to Ohio, and more of them will come to Pennsylvania—which are some of the largest concentrations in the Nation—because they are U.S. citizens. When they come, they will have the rights to everything that every other citizen has.

That is the reality, and I cannot imagine why our friends on the Republican side cannot get to the point of understanding that these 3.5 million residents of Puerto Rico are U.S. citizens. They fought for their country, died for their country, shed blood for the country, have been maimed for the country, and yet we just can't give them the tools to get themselves into fiscal order again.

It is pretty amazing. It is pretty amazing that we will leave for the holidays and actually have for some—not for those of us on the floor—but for some no regret that we are leaving those 3.5 million U.S. citizens without any options.

I don't believe in leaving any American behind. That is why I have voted on this floor for flood damage in the Mississippi. That is why I voted for wildfires in the West, to help them be dealt with. That is why I voted for crop damage. I have been there because I believe there is a reason we call this the United States of America. Puerto Ricans, in terms of their citizenship, they are U.S. citizens. They deserve the same rights as anyone else.

With that, I see my distinguished friend and colleague from Connecticut, who I know feels very passionately—the way I do—about this issue, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am inspired by the very eloquent words of my colleague from New Jersey and others, from Senator NELSON of Florida and particularly from Senator CANTWELL, and thank them for championing this cause.

I am inspired by those words to begin with a story. My visit to Puerto Rico to the association headquarters of the Borinqueneers—members of generations who have fought for this country, veterans of our wars, who had visited the White House to receive the Congressional Medal that we in this body voted to award them because of their service to our Nation. It was awarded by the President of the United States when they visited the White House. I visited them in Puerto Rico to say thank you and to recognize their service. I can tell you at the White House and in Puerto Rico what I saw in their faces and heard in their voices was a patriotism every bit as deep and passionate as any I have heard anywhere in this country. Puerto Ricans are not only Americans, they are proud to be American, and we should be proud they are Americans because they are hardworking, dedicated, and they believe in giving back to America.

My friend from New Jersey has said that Puerto Rico is receiving a raw deal, and he is right. It is a raw deal and an unfair deal because the people of Puerto Rico find themselves in an untenable financial situation in large part due to circumstances beyond their control. In fact, in some instances, actions of this very body, in tax policies and health care program decisions, put them at a disadvantage and contributed to the fiscal situation that has put them and their economy in free fall today.

So 2.5 percent of Puerto Rico's population has fled the island in just the last year. If Puerto Rico defaults and that default is permitted to continue, the ramification of additional people fleeing the island and the financial markets feeling the effects of that default will be horrendous.

The day of reckoning for Puerto Rico is inescapable. The only question is whether it occurs in the courts with endless, costly litigation that enriches lawyers—let's face it, the lawyers will be better off if there is no orderly and structured process—or, when that day of reckoning occurs, in the bankruptcy courts where it can be orderly and structured and less costly. This body, the U.S. Senate, has the responsibility to extend to Puerto Rico the same treatment under Chapter 9 that any municipality and utility has around the country—nothing more, nothing less.

The people of Puerto Rico are already suffering because of the uncertainty of their financial situation. That uncertainty in turn is already costing them because the borrowing costs are rising as a disorderly default faces them. To simply provide more money is not the answer. There has to be a structure for orderly and planned payment of debts that are due. Right now, Puerto Rico is insolvent. It can't pay its debts on time, and that is the definition of default. Bankruptcy is not a safety net. It is not a bailout. It is, in fact, a reckoning.

There has been some talk here about who is responsible. There is no question that some stand to profit if there is chaos—not just lawyers, but some of the financial interests who are holding certain of the financial instruments. We don't need to name names or blame them. What we need to do here is to solve a problem and make sure that Puerto Rico is treated fairly and that it is spared this raw deal that will have ramifications for the entire United States of America—for our financial markets, for our communities, and for the people of Puerto Rico who have families here and who will come here themselves.

I hope we will do the right thing even in the hours—and there are just hours—left before the end of this year. There is too much at stake for either partisan differences or special interests to dictate the result. The day of reckoning is here. It is just a question of where it occurs—in a bankruptcy court or in endless litigation that is costly to Puerto Rico and Puerto Ricans and all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I am happy to join my colleagues in this statement on the floor relative to the situation in Puerto Rico. I commend Senator CANTWELL as well as Senator BLUMENTHAL, who is a lead cosponsor of the bill that I am cosponsoring, as well as Senator NELSON of Florida, who has a special interest with so many Puerto Ricans in his State, and, of course, Senator MENENDEZ of New Jersey with the same interest. I share it. It is a feeling that is based on some friendships with Members of Congress of Puerto Rican descent, particularly my friend and colleague from Illinois, LUIS GUTIÉRREZ, but many others, such as NYDIA VELÁZQUEZ and JOSÉ SERRANO of New York. I have served with all of them, and I understand the deep personal feelings they have about the situation.

The financial crisis facing Puerto Rico and its 3.5 million residents who are U.S. citizens demands that we not walk away but address this in an honest way. Congress is working to complete its legislative business, and it is deeply troubling that at this point we are preparing to leave town without resolving Puerto Rico's urgent situation.

The challenges facing Puerto Rico are very serious. The island has been

mired in an economic recession for more than a decade. Their unemployment rate is nearly 12 percent and the poverty rate is almost 45 percent. Tens of thousands of Puerto Ricans are leaving the island each year and, as Senator BLUMENTHAL said, 2.5 percent of the population left just this last year. That is the reality of this economic challenge. If we don't help Puerto Rico get back on its feet, stabilize, and grow its own economy, the alternative, sadly, will be many more people coming to the United States. If they wish to come, that is certainly their right, but we don't want to force them to come to this country because of dire economic circumstances in Puerto Rico that can be avoided.

The island has over $70 billion in outstanding debt. According to Moody's, this debt load is approximately 100 percent of Puerto Rican's island's gross national product. Moody's also found that in fiscal year 2015, the debt service of the territory and its agencies amounted to almost 40 percent of the revenues available to the government—compared to an average in most States of 5 percent.

I noted an article in the Wall Street Journal not that long ago that quarreled with this 40 percent figure. They said it was less than half of that amount, and, therefore, it wasn't a dire situation. Yet we had a hearing before the Judiciary Committee with experts present, and it was very clear that 40 percent is a valid figure, not arrived at by political figures but by Moody's, a firm that is supposed to be expert in reaching that conclusion.

The Puerto Rican government was able to make large debt payments on December 1 only through some very contorted fiscal determinations. But another debt payment of $332 million looms on January 1, and a default is a real possibility.

We had this hearing before the Senate Judiciary Committee. It was an eye opener. One of the witnesses that I remember specifically is Richard Carrion, the executive chairman of Puerto Rico's largest bank, Banco Popular. He testified that, as a banker, it was truly painful for him to ever talk about bankruptcy and not paying their debts. But Mr. Carrion went on to say that there needs to be some kind of bankruptcy or restructuring regime made available for Puerto Rico because the money just isn't there.

If Puerto Rico goes into default, the ramifications are frightening. Not only would a default threaten the island's fiscal stability, but it would also cause a humanitarian crisis where we have such a high rate of poverty. It would threaten access to essential services, such as education and even basic utilities.

It is true that there are a lot of factors that contributed to this financial situation, and there is no silver bullet to fix all of these problems. But one step that would certainly help is to allow Puerto Rico to use Chapter 9 of the Bankruptcy Code, and that is what Senator BLUMENTHAL's legislation proposes.

About $20 billion of Puerto Rico's $70 billion debt is debt issued by municipalities and public corporations. Chapter 9 creates a mechanism for a State to allow a municipality or public corporation to restructure its debts in bankruptcy. This authority has been used over and over again, but Congress passed an unusual law in 1984, which no one has been able to explain. It contained a provision that excluded Puerto Rico specifically from Chapter 9. No other State or territory was excluded except Puerto Rico. There is no legislative history to explain why Puerto Rico was singled out.

It appears that the bar on Puerto Rico using Chapter 9 bankruptcy was either an error or it was an intentional discrimination against this territory and its 3.5 million American citizen residents. Either way, it is time we correct this inequity, if not for the simple fairness of the argument, then for the point being made by Senator BLUMENTHAL earlier: So many of these Puerto Rican residents have literally risked and given their lives in defense of the United States. There is absolutely no excuse for discriminating against these people.

I am a cosponsor of Senator BLUMENTHAL's bill that would allow Puerto Rico to use Chapter 9. This would create a backstop to address a significant portion of Puerto Rico's debt.

The availability of a bankruptcy process would also create an incentive for creditors, bondholders, and others to negotiate voluntary restructuring. The option of bankruptcy helps bring all the parties to the negotiating table because typically it is a dose of reality.

I regret that not a single Republican has been willing to cosponsor this bill, and I don't get it. I just don't understand it. I regret that the Republican majority has been unwilling to bring the issue of Puerto Rico bankruptcy reform to the Senate floor. It should have been brought to the floor. It is timely, and it is important. Nobody wants to encourage bankruptcy, but the Founding Fathers recognized the importance of this legal option in giving individuals and institutions the ability to dig out of debt in an orderly fashion. That is why Congress's power to enact bankruptcy laws was actually written into the Constitution.

Furthermore, the bankruptcy process is well-known and understood. It is not a Federal bailout because it won't cost the taxpayers a dime if Puerto Rico chooses bankruptcy. In contrast, if Puerto Rico defaults, we will face a new, uncertain future that may well require Federal corrective action and may cost money. These steps likely would be far more upsetting to creditors and taxpayers in the United States than any bankruptcy process.

We know that bankruptcy reform is not the silver bullet solution. There are other steps that should be taken when it comes to tax laws, health care reform, and fiscal oversight that would help Puerto Rico. But it is clear that Congress has to act.

I want to commend my colleagues again for joining me on the floor to raise this important issue. We cannot ignore this crisis. Puerto Ricans are American citizens. Puerto Rico's challenges are America's challenges. And the clock is literally ticking.

I urge my Republican colleagues to support Senator BLUMENTHAL. This modest bankruptcy reform bill will help us step forward to solve this problem. We need to work with the administration and with both political parties to chart a fair and responsible path forward for Puerto Rico.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

OMNIBUS AND TAX EXTENDERS

Mr. LEE. Mr. President, here we are again: another year of legislative dysfunction capped by an undemocratic, unrepublican process that uses the threat of another manufactured crisis to impose on an unwilling country the same broken government policies that have repeatedly failed the people they are supposed to serve.

The bills moving through Congress today and tomorrow, made up of the omnibus spending bill and the tax extenders package, and the process that produced it are an affront to the Constitution—to the very idea of constitutionalism—and an insult to the American people we were elected to represent.

I am not even talking about the substance of the bill, which is bad enough and which I will get to in just a moment. I am talking about the way it was produced. A small handful of leaders from the two parties got together behind closed doors to decide what the Nation's taxing and spending policies will be for the next year. Then, after several weeks, the negotiators emerged, grand bargain in hand, confident the people they deliberately excluded from the policymaking process would now support all 2,242 pages of the legislative leviathan that they cooked up. This is not how a self-governing—or a self-respecting—institution operates, and everyone here knows it.

The leaders who presided over these negotiations were elected, just like the rest of us, to represent the people residing in their State or congressional district and not the entire population of the country. Yet they excluded 99 percent of the country from this process, as if their representatives are just partisan seals trained to bark and clap on cue for their leaders.

That anyone is celebrating this bill as some kind of achievement is further evidence of how out of touch Washington has truly become. Indeed, the very premise of this process—that the established leaders of the two parties

can accurately and fairly represent 320 million Americans—is itself absurd. This isn't just my opinion; it is the opinion of the vast and bipartisan majority of our constituents.

Seventy percent of the American people think the country is on the wrong track, and Congress, for its part, is the least trusted institution in this country. A dwindling minority of Americans trust the Federal Government to do what is right for the country.

The country doesn't trust us or respect us. And if we pass this bill and assent to the secretive, undemocratic process behind it, we will be telling the country, loud and clear, that the feeling is mutual. All of this is before we even get into the substance of this bill. We are being told that the omnibus and tax extenders grand bargain is a legislative accomplishment of the highest order—some kind of shining example of what can happen when the two parties in Washington come to together to ''get things done.'' In a sense, I don't disagree. This bill is the textbook example of how Washington actually works, and that is precisely the problem because all too often, when Washington works, it does so not for American families, workers, or future generations, but for political elites and the sprawling ecosystem of lobbyists and special interests that subsist on the Federal Government's largesse.

This bill is a case study of Washington's bipartisan bargains turning into special interest bonanzas. Like so many policies that come out of Congress today, the omnibus and tax extenders have something for everyone.

Maybe you are a Puerto Rican rum distributor or exporter. If you are, this bill has you covered. It renews an underhanded tax scheme whereby the United States imposes artificially high import taxes on rum from Puerto Rico and then sends the proceeds back to the island's government.

Perhaps you own a stable, multimillion-dollar racehorses, or maybe a NASCAR speedway. In either case, you are in luck, too, because this bill maintains the profitable accelerated depreciation schedules carved out in the Tax Code just for you.

Maybe you run a salmon fishery and you are concerned about genetically engineered salmon cutting into your market share. Don't worry, there is something in this bill for you, too—a provision that empowers the Food and Drug Administration to use its regulatory powers to block genetically engineered salmon from hitting the grocery store shelves.

Puerto Rican rum exporters, racehorse owners and breeders, speedway owners, salmon fishermen—this bill has something for everyone except for one group: the hard-working individuals and families living in one of America's forgotten communities left behind by Washington, DC's, broken status quo.

I will be the first to admit there are some laudable provisions in both the spending and the tax bill that make some important policy reforms. There is the 2-year moratorium on ObamaCare's ill-conceived medical device tax and the defunding of ObamaCare's cronyist Risk Corridor Program. There is the lifting of the government's foolish ban on crude oil exports and the extension of several sound tax provisions that never should have been temporary in the first place. But the process has been rigged so that we can't vote on these commendable policy reforms by themselves. In fact, we can't vote for any one of these sensible, positive reforms without also voting for each and every dysfunctional, irresponsible, and unsustainable policy found in the 2,000-page bill—a bill, by the way, we received 36 hours ago—nor, it appears, will we have the opportunity to amend a single provision found within this massive legislation.

This is a ''take it or leave it'' proposition. That means no up-or-down votes on controversial provisions that Members of the House and Senate as of 36 hours ago had no idea were going to be in this bill. There will be no up-or-down vote on the President's controversial Green Climate Fund; the unpopular and unwise cyber security measure; the divisive rules promoted by the Department of Housing and Urban Development; and the backdoor tweaks to the H–2B immigration visa program—all hidden within the pages of this bill, none of which saw the light of day, none of which saw committee action, none of which had the opportunity to be debated and discussed and changed, improved, amended until 36 hours ago and still will have no opportunity to be changed, improved, or amended even after they hit the floor.

We will not have a chance to add the priorities of the more than 500 Members of Congress who were not in the negotiating room. So all Members who weren't there are left out of the process altogether. For instance, Members of Congress from Western States, including my home State of Utah, have been working tirelessly for months on a provision to prohibit the Bureau of Land Management from using government funds to implement the Bureau's land-use plans in the nearly 67 million acres of sage grouse habitat situated on western Federal lands.

Amendments to strike or to add those provisions might have succeeded or they might have failed, but either way, the American people at least would have known where their representatives stood on these issues. With that transparency comes accountability, credibility, and ultimately trust. If the House and Senate actually voted for these measures as amendments to the spending bill, I might not like it, but it would at least put the question back into the hands of the American people and their elected representatives instead of deliberately taking it from them.

Our credibility is on the line here. There is still time to get it back. We can still fix this. We can hit the reset button. We can pass a short-term, stopgap spending bill and then come back to this in the new year and give it the time it deserves, approach this with the kind of process for which this body has always up until now been known. Give the American people back their voice. Let's keep the government funded but buy ourselves more time so that this can be debated, discussed, improved, changed, and, where appropriate, amended.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

OMNIBUS TAX PROVISIONS

Mr. WYDEN. Mr. President, I wish to take a few minutes this afternoon to talk about the tax provisions in the agreement before us. I want to start by making sure that people understand what this is really all about. This is the biggest bipartisan package that provides real tax relief for working families in literally decades. It is the biggest anti-poverty program Congress has moved forward in decades. So being able to do all of this for working families and help millions of Americans find their way out of poverty is, in my view, something particularly important—the largest bipartisan tax agreement in 15 years.

I want to spend a few minutes describing how this came together, why it is such an important piece of legislation, and what it means for the cause of tax reform.

Hundreds of thousands of Oregonians and millions of families across the land count on the child tax credit and the earned-income tax credit to make ends meet. More than 100,000 Oregon students and millions of students nationwide count on the American opportunity tax credit to help them pay for college. These are concerns Senator MERKLEY and I heard directly from students at the roundtables we held recently at the University of Oregon and at Southern Oregon University. In my view, they are bedrock priorities for working families when it comes to taxes.

Starting more than a year ago, all of my Democratic colleagues on the Finance Committee came together around the principle that when Congress took up the temporary tax cuts known as extenders, these vital individual tax incentives for working families would be our special priority. If our colleagues on the other side insisted on making certain business-related tax breaks permanent, we were going to make clear at every single opportunity that the tax cuts for working families and students would have to be made permanent as well.

Back in 2009 when these working family tax cuts were actually expanded, there were some Members here in the Senate who said they would never allow them to become permanent. In effect, what they said is that

working families would get a little bit of relief back then in 2009 but that would be it for those working families. We said that is not good enough. We said that without the certainty of permanent extensions, too many families across this country would be thrown into the dark as the provisions expired over and over again.

Advocates for those who walk an economic tightrope, balancing their food against their fuel and their fuel against their medical care—over 130 groups who advocate for those working families wrote a letter urging lawmakers to make the working family credits permanent. They said: Don't keep those families guessing about their taxes; give them certainty and assistance on a permanent basis. That is what this package does. There is a new measure of certainty and predictability when it comes to taxes. The last tax bill in America passed just over a year ago. It had a shelf life shorter than a carton of eggs. What we are doing with this bill is providing an alternative—an alternative with real certainty and predictability on a permanent basis.

I see my colleague Senator BROWN here. He has done yeoman's work in advocating for working families and their kids. I so appreciate his leadership.

Suffice it to say that what we just heard from the Center on Budget and Policy Priorities is that 16 million Americans, including 8 million children, will be lifted from the depth of poverty or out of poverty altogether in 2018 and beyond because of this legislation.

Mr. BROWN. Will the Senator yield?

Mr. WYDEN. I will be happy to yield.

Mr. BROWN. I thank the former chairman of the Finance Committee.

About a year ago, when it wasn't so clear at all that the earned-income tax credit, which, according to President Reagan and most Presidents of both parties since, has been the most effective tool to fight poverty in recent memory—I would also say Social Security and Medicare, of course—what the earned-income tax credit, coupled with the child tax credit, has done is it has rewarded work, helped people who are making $9, $10, $12 an hour, sometimes working two jobs—it has helped lift them out of poverty because they simply don't make enough money to be able to live a decent standard of living if they are making $9 an hour.

When it wasn't at all clear that the earned-income tax credit wouldn't expire in the next couple of years, what Senator WYDEN did, working with a number of us, was he negotiated and basically said: Sure, we want to do these business tax credits or business tax deductions because we think this will help our country grow, but we shouldn't give tax breaks to large businesses and leave workers behind.

That is what this coalition did, was pretty much said to people here who haven't always thought much about low-income people—frankly, we work around here, and if you don't go out of your way to meet low-income people and you don't talk to them about their lives, if you are not in the cafeteria—those people are making way too little money, and people here don't know their names and all of that. But when you think about this, it makes a huge difference in people's lives.

I thank Senator WYDEN for his role in helping put that coalition together.

Mr. WYDEN. Reclaiming my time, Mr. President, before Senator BROWN leaves the floor, I want to thank my colleague from Ohio, whose advocacy and constant tenacity, coming back again and again to talk about what this means for those families walking on what I call an economic tightrope—we wouldn't be here without that advocacy.

I just learned from some of the experts in the field that altogether 50 million Americans are going to benefit from the earned-income tax credit and the child tax credit being made permanent. That is real relief on a permanent basis. Students will be able to count on the American opportunity tax credit to cover up to $10,000 of a 4-year college education. That is an awful lot of money they are not going to have to borrow. There are other important highlights in the package, such as permanent help for the commuter, permanent assistance for low-income housing, permanent tax breaks to encourage charitable giving. That is a huge lifeline for places like the Oregon Food Bank. I was there just a few days ago, and I saw all those young people and volunteers last Saturday morning. They were all pitching in and packing fruit baskets for families to enjoy. They do incredible work to combat hunger.

There will be 5 years of assistance for job seekers, including veterans, long-term unemployed, and people with disabilities. Also, 5 years of aid is included for hard-hit communities with the new markets tax credit, 5 years of certainty for solar and wind energy. This is especially important. We have seen the extraordinary interests in climate change. You can debate whether you think there is a serious problem. Based on the numbers from the scientists at NOAA, the National Oceanic and Atmospheric Agency, I know I certainly do. It is a serious problem, and now we have 5 years of certainty for solar and wind energy, which I think is going to make an extraordinary difference in renewable energy.

Here is what the math of this package looks like: 40 percent of the tax breaks goes to families and individuals. That is a huge improvement over the typical math with these tax breaks. When Congress just passes the same old, same old set of tax extenders, as it has done for years, only 20 percent goes to families and individuals. This package doubles the percentage of families who will benefit as it relates to this particular package.

There are clearly a number of business-related tax cuts and, by the way, I think many of those make a great deal of sense as well. We have the permanent tax break for research and development. Thanks to the good work of our colleague from Delaware Senator COONS, it is going to be available for the first time on a widespread basis for small business and startups. It is in there.

I say to the Presiding Officer—because I have been to his State—this is going to be a real booster shot for America's innovative economy. Permanent small business expensing is going to help a lot of employers invest, grow, and create new high-wage, high-skilled jobs for American workers.

I have town meetings in every county every year in Oregon. When I drive through rural Oregon, I see all of those little businesses that in effect sell farm implement equipment. Last year they were trying to figure out what was going to happen with respect to the expensing rules, and then they saw it only lasted a few weeks. Now we have permanent small business expensing. That is going to help small employers in rural areas. Research and development credits, which are permanent, will help small businesses in rural and urban areas. In many cases, it will help employers pay wages thanks to those new innovation-related programs. I think the tax breaks I have just mentioned, such as expensing for small businesses and permanent research and development breaks, ought to be the kind of thing that both Democrats and Republicans should approve.

I want to take just a few minutes and talk about the impact of this legislation on tax reform. I will tell you that my wife always says: Don't describe the Federal Tax Code in your typical way because you just frighten the children, but the reality is the American Tax Code, overall, is just a rotting economic carcass. It is infected with loopholes and inefficiencies. Now we have this version virus mutating and growing. This is really a mess of a system. What this legislation does—particularly by making the breaks for working families and the smart policies that encourage business, innovation, and economic growth in our communities, research and development, and realistic writeoffs permanent, this is going to, in effect, clear the deck for tax reform. This lays out the opportunity by giving breathing room to the cause of bipartisan tax reform. That is something I am particularly interested in because our colleague from Indiana, Senator COATS, and I have written a bipartisan comprehensive tax reform bill.

What this legislation does, in terms of creating breathing room for tax reform, is it breaks the chain of just extending these tax extenders every 2 years. What it means is that we have some predictability, certainty, and some breathing room in order to lay out a bipartisan comprehensive tax reform effort.

By the way, the fact is, this inversion virus is something that can't be ignored any longer. That alone is an indication that the Congress cannot duck the need to reform the Tax Code comprehensively. Look at those Members who are in key positions in the Congress and have made it clear that they want bipartisan tax reform—both Democrats and Republicans. For example, Chairman BRADY, Chairman HATCH, and myself, as well as a number of colleagues on both sides of the aisle, have said they want to do comprehensive tax reform and want to—as I have described it—pass these extenders so we can break the chain of the every year or every 2 years extension. We are not the ''extender'' Congress. I don't want us to have to come back to this every 2 years, doing the same old, same old. We can do a lot better, and this time we have at least laid the foundation for real tax reform.

I want to thank a number of my colleagues. In particular, I wish to thank Chairman HATCH, our committee members on both sides of the aisle, and the two leaders—Leader REID and Leader MCCONNELL—for their efforts. We had an awful lot of dedicated staff people working on this issue. Our diligent tax counsel is here, Todd Metcalf. I thank him for his great work. Our terrific staff director, Josh Sheinkman, our chief counsel, Mike Evans, and the members of our tax team, Ryan Abraham, Bobby Andres, Chris Arneson, Adam Carasso, Danielle Deraney, Kera Getz, Rob Jones, Eric Slack, Tiffany Smith, and Todd Wooten. All of them have worked long hours to get us up to this point.

I also want to commend Liz Jurinka and Juan Muchado of our health staff because they joined a very good leadership team. I must thank Senator REID's chief tax aide, Ellen Doneski, Chairman HATCH, and his staff, led by Chris Campbell, Mark Prater, and Jay Khosla. Brendon Dunn, with Senator MCCONNELL's office and George Callas and Chairman BRADY's tax staff were instrumental. All of them came together to help us put this together.

I now believe there is a real opportunity to use this bill as a springboard to real tax reform. I have written two bipartisan tax reform bills over the years, first with our former colleague from New Hampshire, Judd Gregg, and the second with our current colleague, Senator COATS, the distinguished Senator from Indiana. I know my wife would always say: I keep hearing about these tax reform bills, dear. Write me when something actually happens.

I will tell you, I think the combination of this inversion virus—which if it keeps growing is going to hollow out America's tax system—and the fact that we have brought some certainty and predictability to the Tax Code added some very sensible provisions in a permanent way. This really gives us an opportunity now. The table is set for real tax reform, and that is not something we have had before.

I just want to close by way of saying that I am so honored to represent Oregon in the U.S. Senate. I was director of the senior citizens Gray Panthers for about 7 years before I came to the Congress. I have had a lot of exciting moments in my time in public service, but to be part of this bipartisan legislative effort that provides the biggest tax cut for working families and the biggest anti-poverty plan Congress has moved forward in decades is particularly thrilling.

I thank all of my colleagues and their staff who have done so much to make this possible.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—S. 248

Mr. MORAN. Mr. President, I wish to address my colleagues on the National Labor Relations Act. It was enacted in 1935, and that legislation exempted Federal, State, and local governments but did not explicitly mention Native American governments from the provisions of the act. As a matter of sovereignty, Indian tribes—tribes across the country—should be excluded from the provisions of the NLRB. For 70 years, the NLRB honored the sovereign status, and it accorded them the rights they are entitled to under the Constitution of the United States.

Beginning in 2004, however, the NLRB reversed its treatment of tribes and legally challenged those tribes in regard to the NLRB. The Tribal Labor Sovereignty Act, which I introduced and passed in the Senate Committee on Indian Affairs in a bipartisan way, is simple.

The National Labor Relations Act is amended to provide that any enterprise or institution owned or operated by an Indian tribe and located on tribal lands is not subject to the NLRA. This is not a labor issue. This is a sovereignty issue. The narrow legislation protects tribal sovereignty and gives tribal governments the ability to make the best decisions possible for their people. This legislation seeks to treat tribal governments no differently than other units of local government, counties, and cities. As I said, this legislation not only passed the Senate committee, but similar legislation passed the House of Representatives in a bipartisan vote.

The late Senator Inouye of Hawaii wrote in 2009: ''Congress should affirm the original construction of NLRA by expressly including Indian tribes in the definition of an employer.''

This bill presents Congress with an opportunity to reaffirm the constitutional status of sovereignty that tribes are entitled to under the supreme law of our land.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 220, S. 248 and 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. Is there objection?

Mr. BROWN. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I will briefly explain the reasons I am reserving the right to object. I, first of all, thank Senator MORAN. As a fellow member of the banking committee, while I disagree with him on this issue, we have found many things we can work together on, and I appreciate that.

As Senator MORAN does, I strongly support sovereignty, as I know virtually everybody in this body probably does. But this bill, frankly, isn't about tribal sovereignty; it is about undermining labor law that protects the rights of workers to organize and collectively bargain.

We have a middle class in this country in large part because since the 1930s—since Hugo Black sat at this desk and Senator Wagner sat at another desk in this chamber and wrote collective bargaining laws—we know what that has done to raise wealth, not just for union members but for others also.

This bill attempts to overturn the National Labor Relations Board decisions that have asserted the Board's jurisdiction over labor disputes on tribal lands. The Board methodically evaluates when they do and don't have jurisdiction on tribal lands by using a very carefully crafted test to ensure that the Board's jurisdiction would not violate tribal rights and would not interfere in the exclusive right to self-governance. We support that.

In the June 2015 decision, the NLRB employed the test. They did not assert jurisdiction in a labor dispute on tribal lands. Instead, this bill is part of an agenda to undermine the rights of American workers, including the 600,000 employees of tribal casinos. Of those employees, 75 percent are non-Indians. Courts have upheld the application to the tribes of Federal employment laws, including the Fair Labor Standards Act, the Occupational Safety and Health Act, the Employment Retirement Income Security Act—that is OSHA and ERISA—and title 3 of the Americans with Disabilities Act, the ADA—all very important to protect people, workers, and citizens.

In addition to harming thousands of already organized workers in commercial tribe enterprises, casinos, and other things, this bill would establish a dangerous precedent to weaken longstanding tribal protections on tribal lands. For these reasons, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MORAN. Mr. President, I am disappointed the Senator from Ohio has objected, and I will continue our efforts both in the committee and on the Senate floor to see that this legislation or

legislation similar to it is advanced for the purposes of reaffirming the constitutional grant of sovereignty—the sovereignty of those who preceded us in the country.

TRIBUTE TO BRIAN PERKINS

Mr. MORAN. Mr. President, on a different topic, just for a moment I would like to indicate that it is time, unfortunately, for me to say good-bye to one of my long-time employees, Brian Perkins of Wichita, KS. A Kansan through and through is departing our staff at the end of the year.

Brian came to our office when I was a House Member in 2009 and followed me here to the U.S. Senate. Among the issues that I consider most important as we try to care and work on behalf of Kansans and Americans are issues related to health care and issues related to education. Brian has been front and center in our office, day in and day out, on these issues.

I have many wonderful and qualified staff members, but I think Brian is the role model for all of them, including for me. We have seen Brian time and again step up and act above and beyond the norm. In every setting he is genuine, he is sincere, and he demonstrates his care for Kansans in each and every circumstance. He is intelligent and knows the details of health care and education law, but the compelling factor about Brian is that he cares so much about getting it right and doing things for the right reasons.

I understand there is sometimes a lack of appreciation by Americans across the country for the people who work here. I would exclude me and other Members of Congress from this statement, but I would think that almost without exception all of our staffs are worthy; those who work in the Senate, who work in our offices, and who work in committees are worthy of esteem and respect. These are people who work hard every day for a good and worthy cause. Most of them have an interest in policy or an interest in politics and decided that Washington, DC, the Nation's Capital was a place where they could do something for the good of their country. Brian exemplifies that.

It is not easy to say good-bye to Brian. As Senators, we spend a lot of time with our staff. I want to express my gratitude to him on behalf of my family and me. I wish him and his family, Beth and their children, all the best as they move closer to family. It is another attribute of Brian; I think he has the sense that he hates to leave, but he knows he has a responsibility to his family. That is something Kansans also admire and respect.

Brian, thank you very much for all the hours, days, weeks, months, and years in which you have advanced the good cause of government for the people of our State and the people of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Thank you, Mr. President.

Mr. INHOFE. Will the Senator yield?

Mr. SASSE. Yes.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator of Nebraska and the Senator of Georgia that I be recognized along with the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE OVERREACH AND THE SEPARATION OF POWERS

Mr. SASSE. Mr. President, today I would like to propose a thought experiment. Imagine if President Trump has been propelled into the White House with 300 electoral votes, having won mainly by the force of his personality, by calling BS on this town, and by his promise to ''get things done'' by acting unilaterally.

The first 100 days are huge. He signs an order to turn the Peace Corps into stone masons to build a southern wall. He shutters the Department of Education, and by Executive order, he turns the Department of Interior into the classiest oil company the world has ever known.

What happens next? Would those who have stayed silent about Executive overreach over the last 7 years suddenly find religion? After years of legislative atrophy, would Congress spring into action and remember its supposed power of the purse?

And what about the Republicans? After having raged against a supposedly lawless President, would they suddenly find that they are OK with a strongman President, so long as he is wearing the same color jersey they are? He may be a lawless son of a gun, some would say, but he is our lawless son of a gun. Would the end justify the means?

The way Congress thinks and talks about Executive power over the last few years has almost been this sophomoric. It has been based overwhelmingly on the party tag of whoever happens to sit in the Oval Office at any given moment. Republicans, Democrats, us versus them—these are the political trenches, and the no man's land lies somewhere between this Chamber and 1600 Pennsylvania Avenue, NW. When your highest objective is advancing partisan lines on a map, it is easy to forgive a President who oversteps his authority, so long as he is your guy and the one with authority is in your party.

This Senator suggests that this is the entirely wrong way to think about this issue. The problem of a weak Congress—which we are—and the growth of the unchecked Executive should be bad news to all of us. But more importantly than us, this should be bad news for every constituent who casts their votes for us under the impression that the Congress actually makes decisions and doesn't just offer whiny suggestions.

The shrinking of the legislature in the age of Obama should be bad news for all of us for three reasons. First, we have taken an oath to defend the Constitution, and the Constitution invests the legislature with the legislative powers.

Second, the Founders' design of checks and balances actually was and is a good idea. They were struggling to preserve the freedom of the individual and especially of the vulnerable against the powerful—against those who could afford to hire the well-connected lobbyists. The Founders were equally afraid of the unchecked consolidation of power in a king or in the passions of a mob. They understood that human nature means that those in power will almost always try to grab more power, and that base reality hasn't changed over the last 230 years.

Third, under the system that is now emerging, the public is growing more and more frustrated. They think that most of us will be reelected no matter what, and they think that the executive agencies that daily substitute rulemaking for legislating will promulgate whatever rules they want, no matter what, and that the people have no control. People grow more cynical in a world where the legislators who can be fired—that is what elections are for—have little actual power and a world where bureaucrats, who have most of the actual power, cannot be fired. It is basically impossible for the people who are supposed to be in charge of our system to figure out how they would throw the bums out. They ask: Where is the accountability in the present arrangement?

Allow me to be clear about two issues up front. First, this Senator believes that the weakness of the Congress is not just undesirable; it is actually dangerous for America and her future. Second, this Senator thinks so not because I am a Republican and we have a Democrat in the White House; rather, I think this because of my oath of office to a constitutional system, and I will continue to hold this view, having taken this oath, the next time a Republican President tries to reach beyond his or her constitutional powers. Despite these two strongly held views, though, in this series of addresses on the growth of the administrative State and more broadly on the unbalanced nature of executive and legislative branch relations in our time, my goal will not be primarily to advocate. My first goal is just to do some history together.

My goal is primarily to describe how the executive branch has grown and how Presidents of both parties are guilty of it. But it isn't just that Republicans and Democrats are guilty of trying to consolidate more power when they have the Presidency, although that is true; it is a one-way ratchet. It

is also true that Republicans and Democrats are to blame in this Congress for not wanting to lead on hard issues and take hard votes, but rather to sit back and let successive Presidents gobble up more authorities.

My goal is to give all of us who are called to serve in this body a shared sense of some historical moments, how we got to this place where so much of the legislative function now happens inside the executive branch, and to convince my colleagues of both parties that we have to take this power back, regardless of who serves in the White House and what party they are from.

So how did we get to the place where so many giant legislative decisions are now made inside 1600 Pennsylvania Avenue and in the dozens of alphabet soup agencies? To understand that, we have to look briefly at the Founders and what they were trying to accomplish. These were educated men who had studied all forms of government throughout human history. They had a worked-out theory of human nature. They knew that we are created with inherent dignity worthy of respect, that our rights come to us from God via nature, and that government doesn't give us rights; government is just our shared tool to secure those natural rights. At the same time they knew that we also have a disposition to self-interest and a capacity for evil. They observed it throughout all of human history, rulers trying to consolidate more power for their own ends, and this is obviously dangerous.

One of the lessons they drew from their rich historical understanding was the importance of keeping three main functions of government separate. As Montesquieu wrote: ''All would be lost if the same man or the same body of principal men, either of the nobles or of the masses, exercised these three powers: that of making the laws, that of executing public resolutions, and that of judging the crimes and disputes among individuals.''

The separation of powers could not, of course, be absolute, for the branches had to work together, each power had to counterpose one another. The key was to divide the power among different institutions while ensuring that those institutions could act together as a coherent whole on the basis of what they call ''mixed government.''

The Constitution that emerged from the Founders' debates and deliberations intentionally enshrines the separation of the powers, and this was a direct result of the Founders' study of human nature and their conclusion that that nature was relatively constant. Men everywhere tend to aggrandize power and to use it for selfish ends. When power checks power in the government, the people are better protected. As Tocqueville said when he studied America: Their more constrained government leaves them more room for civil society.

We have a limited government because we mean to enable nearly limitless—that is, more free families, more free inventors, more free churches and synagogues, more free not-for-profits, more free local governments, and so on.

If you have to describe the essence of the American government in one sentence, Lincoln, to paraphrase, would say, it is ''of the people, by the people, and for the people.'' Americans believe that we are free, endowed by our Creator with unalienable—that is unchangeable and untouchable—rights. That is opposite of everything the world had ever held in government until 1776.

This is what American exceptionalism means—not that there is something unique about Americans distinct from people in any other place, but that the American idea is premised on rejecting the idea that the King is the one who is free. The King, after all, had an army, and you didn't, and he could use his power however he wished. His subjects—remember they were not called citizens; they were subjects—were dependent. If they wanted to open a business, to start a church, to publish a book, then they needed to ask the King for permission. All that was not mandatory was forbidden unless the King gave you an exception, unless the King gave you a carve-out, unless the King gave you a waiver.

In America, the opposite was to be true. You are born free, regardless of where you are from or who your parents are, regardless of your bank balance or the color of your skin. In America, if you want to preach a sermon or write a piece of investigative journalism, if you want to say that your elected leaders are losers, if you want to invest in a new app or launch a nonprofit, you don't need the King's permission, for you are free.

About 100 years ago, this idea and our system of separation of powers came under attack. There are three or four large reasons why the era of urbanization, industrialization, and then progressivism and the rise of specialized experts called our constitutional system of limited government into question. We will tackle some of those topics after the holidays. But for now, it is sufficient to say that the Presidency began to grow larger in the first two decades of the 20th century, and the Congress began to lose some of its powers.

It happened because Presidents of both parties were willing to overreach and because the Congress was willing to underreach, to retreat from that field of competitive ideas, to retreat from our constitutional commitments.

For every TR—Teddy Roosevelt, a Republican—there is an FDR, a Democrat. This should not be a partisan issue, for both sides have been guilty of extensive executive branch overreach. Meanwhile, the professional legislators realized that permanent incumbency is easier if you cede control rather than lead, if you decide not to take the hard votes but just quietly ask the executive branch to make the decisions unilaterally.

Today many in my party argue that no President has ever even contemplated what President Obama regularly does. That is actually not true. Whatever one might think of President Obama's gobbling up of powers, his theories are not at all new. His theories date back to the Progressive Era's disdain for limits of the Constitution, and this is especially evident in the self-conscious Executive expansionism of Teddy Roosevelt, the Republican, and Woodrow Wilson the Democrat.

After the holidays, we are going to spend a little time exploring both of these men and their attempts to marginalize and to intentionally ignore the Congress to—as TR put it—''greatly broaden the use of executive power.''

I hope that this look at the rise of the executive branch and its legislating over the next number of months will contribute to the efforts of all of us here together who want to recover and safeguard that constitutional vision.

But in historical terms, the Congress, in the age of Obama, is very weak. This isn't about the current majority leader, and it isn't about the most recent previous majority leader. It is much bigger than that. This institution is arguably the weakest it has been relative to the executive branch at any point in our Nation's 2½ centuries. Others interested in the history of this special place might argue that there is some other moment with greater relative weakness than this current moment. We should have that debate, for we should be discussing how and why this institution became so weak.

We should stop pretending—the constant exaggeration around here as people fake it, pretending that some tiny procedural vote that didn't pass somehow still changed the world. We should stop pretending omnicompetence across huge expanses of often unknowable executive branch governmental action.

Voters—better, citizens—don't believe us. The lobbyists don't believe it either. They are willing to fake it with you, but they don't really believe you, which is why so many lobbying firms today are expanding most of their efforts in the regulatory—not the legislative—lobbying space, for that is where the action is.

It would be far more useful in this body—not to mention far more believable to the people who we work for—for us to learn to talk openly about how and why this once powerful and still special body became so weak. Congress is mocked, and we should tackle the hows and whys, for the people are not wrong. We should stop this trend, and the first step toward that would be to better understand and to more openly admit the nature of the problem.

I planned this series on the growth of the executive branch for early in 2016 because it would be healthy for the Senate and for our broader public to be

wrestling with the duties and constitutional authorities in advance of November's Presidential elections before we will know which party will win. We need to have this conversation now precisely because we don't know which party will win.

Let me be realistic for a minute. I hope it is not pessimistic, but I will be realistic. I actually don't think there is much will in this body to do things like recovering the power of the purse. And even if there were, the will to get beyond R's and D's, shirts and skins Kabuki theatre, as we drift toward a parliamentary system with ''winners take all'' in the executive branch—the actual act of trying to recover power, the power of the purse and the legislative powers that the Constitution vests in this body—would be very difficult at a time when the public is so cynical and so disengaged because of how dysfunctional this institution is.

I think that the Democrats are likely only to recover a sense of their article I powers if they are looking at a President Trump or a President X or a President Y or whoever the scariest candidate might be to the Democrats.

Similarly, I think the Republicans are most likely prone to forget most of their concerns about Executive overreach if a Republican does defeat Secretary Clinton in November.

I will just end with two brief stories. In the first, FDR was frustrated with the Supreme Court, so he had a solution. He would just pack the Court. Who could stop him? He had control of the Congress, after all.

Well, someone did stop him—Senate Democrats who cared about the Constitution and their oath stepped up.

In one of the other great instances of this place just saying no, regardless of party, LBJ—arguably the most powerful leader until the last 10 years in the history of the Senate, the most powerful leader this place had ever known in his age—became VP and said he would essentially remain majority leader of the Senate at the same time. Again, it was Democrats in this body who said no based on their constitutional responsibilities, not their partisanship. These were men and women who cared more about their country and more about their Constitution and more about their oaths than their party.

I think that all of us in both parties should look to those examples and again be talking in the future about how we emulate them and recover the responsibilities of this body.

The PRESIDING OFFICER. The Senator from Georgia.

SUPPORTING OUR VETERANS

Mr. ISAKSON. Mr. President, I think it is important that we pause for a moment at the end of 2015, look back upon the past 12 months and, in particular, look at the Veterans Administration and the veterans who have served our country, looking at the problems that we have solved and the things we have done to better improve those services.

When the year dawned, we had a scandal in Arizona at a Phoenix hospital. We had bonuses being paid to employees who had not performed. We had medical services that weren't available to veterans who had earned them and deserved them. As a Senate, we came together in the Senate Veterans' Affairs Committee, which I chair. We had a bipartisan effort to see to it we addressed those problems.

So for just a second I want everyone to pause and realize what we have done bipartisanly and collectively for those who have served our country and the veterans today.

No. 1, by the end of January, we had passed the Clay Hunt Suicide Prevention for American Veterans Act to deal with the growing problem of suicide with our veterans. It is already working with more psychiatric help available to our veterans, quicker responses for those who seek mental help, better diagnosis of PTSD and TBI, and a reduction in the rate of the suicides that take place in the veterans community. That was affirmative action. It passed 99 to 0—Republicans and Democrats—in the Senate of the United States.

We took the veterans choice bill, which had passed in August of last year, and made it work better for the veterans of our country. In the first 9 months of this year, the Veterans Administration fulfilled 7.5 million more individual appointments for veterans and benefits than they had in the preceding year, all because we made the private sector a part of the VA and allowed veterans to go to the doctor of their choice under certain qualified situations. We made access easier, we made access better, and because of that, we made health care better.

Then we addressed the Denver crisis, and this is the most important thing of all. In January we got this little note from the VA that they had a $1.3 billion cost overrun on a $1.7 billion hospital, a 328-percent increase in cost with no promise that it would go down.

Ranking Member BLUMENTHAL, myself, and the Colorado delegation flew to Denver and brought in the contractors and the VA. We made significant changes. First we took the VA out of the construction business. They had proven they didn't deserve the ability to manage that much money or to build things. Their job was to deliver health care.

We took the construction and put it in the hands of the Corps of Engineers, where construction and engineering was responsible. We told the VA: You may have a $1.385 billion cost overrun, but if you are going to pay for it, we are not going to borrow from China. You are going to find it internally in the $71 billion budget of the Veterans Administration. And they did.

By unanimous consent this Senate and the House of Representatives approved the completion of that hospital, the funding of the shortfall, and the management takeover by the Corps of Engineers. Today it is on progress to be there for the veterans of the Midwest and the West in Denver, CO.

Then we dealt with many other programs, such as homelessness and caregiver benefits to our veterans' caregivers, to see to it we have the very best care possible available.

Then we changed the paradigm. The VA had so many acting appointees and so many unfilled positions that they couldn't function as well as they should. So we went in, and we approved Dr. David Shulkin to be the under secretary for medicine. We took LaVerne Council and approved her to be the head of information technology. We took former Congressman Michael Michaud and made him the Assistant Secretary of Labor for Veterans' Employment and Training. We put highly qualified people who knew what they were doing in positions where we had vacancies. We are already seeing a benefit in health delivery services, planning for IT coordination, and, hopefully, interoperability between the Department of Veterans Affairs and the Department of Defense in terms of medical records, which is so important.

But we also did something else. We said we are no longer going to tolerate scandals in the VA or look the other way, and we are not going to pay rewards and bonuses to people who aren't doing the job. As you heard earlier today with Senator CASSIDY from Louisiana and Senator AYOTTE from New Hampshire, with the help of Senator SHERROD BROWN of Ohio, we are going to pass legislation that is going to hold VA employees accountable, have a record if they are not performing, and in the future prevent any Veterans Administration employee who is not doing a job from getting a bonus for a job that is not well done. That is the way it works in the private sector. It ought to be the way it works in the government.

Then we took another problem. We took the problem of the scandal in the VA relocation benefits, which cost hundreds of thousands of lost revenue to the VA—funds that were given to VA people for transferring, some of them within the same geographic area where they originally were working. We told Secretary McDonald: You need to go in there, and you need to clean this thing up. To his credit, the Secretary did, and to his credit, the former brigadier general who was the head of that department retired. He resigned from the VA rather than face the music in terms of the investigation.

But we took affirmative action to see to it we would have no more scandals. We want zero tolerance for poor performance, and we want to reward good performance, but that is the way it needs to be. It is very important also to understand that we have goals for the future. We are going to continue as a committee with the VA leadership on a quarterly basis. Senator BLUMENTHAL and I go to meet with the leadership of the VA to see what they are doing and to share with them the frustration we

have in the House and the Senate about things that aren't going right, but to share with them the joy we have with the things that they are doing to improve.

Then we have set goals for next year, a full implementation of the Veterans Choice Program and a consolidation of all veterans' benefits and VA benefits to see to it that veterans get timely appointments and good-quality services from the physicians in the VA or physicians in their communities.

We are going to improve the experience of our servicemembers in transitioning from Active Duty to Veterans Affairs. Quite frankly, today that is the biggest problem we have in the country. Active-Duty servicemembers who leave service and go to veteran status fall into a black hole. There is no interoperability of VA and DOD health care records and electronic records. There is no transition in the handoff. We are going to see that change.

We are going to improve the experience of women veterans, including protecting victims of military sexual trauma.

We are going to combat veteran homelessness and meet the goal of the President to get it to zero. We have already reduced it by a third.

We are going to ensure access to mental health so no veteran who finds himself in trouble doesn't have immediate access to counsel. On that point, I commend the Veterans Administration for the hotline. The suicide prevention hotline that they established has helped to save lives in this country this year, and we are going to continue to see to it that we have more and more access for our veterans.

Simply put, we are going to make the Veterans Administration work for the veterans and work for the American people. We are going to have accountability of the employees. We are going to reward good behavior, and we are not going to accept bad behavior. In the end, we are going to take the veteran of America, who served his or her country, and make sure that they get every benefit that is promised to them and that it is delivered in a high-quality fashion. We are going to do it working together as Republicans and Democrats and as Members of the Senate to do so.

As we close this year, I wish to pause and thank the Members of the Senate for their unanimous bipartisan support for the significant changes we have made to address the problems of the Veterans Administration and to remember this season of the year in Christmas the great gift we have had to all of us of our veterans who have served us, many of whom have sacrificed and some of whom have died to see that America remains the strongest, most peaceful, and freest country on the face of this Earth.

With that, I pause and yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Oklahoma.

EXTENSION OF MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of my remarks, we have joint remarks from myself and the Senator from New Mexico, Mr. UDALL.

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

OMNIBUS LEGISLATION

Mr. INHOFE. Mr. President, I will not go into the detail I was planning to go into as to what we are faced with and what we are going to be voting on tomorrow, but I think it is very important—because I have heard a lot of erroneous things coming out of various talk radio shows and elsewhere—as to how we got into the mess we are in where we are going to be looking at a major spending bill instead of the normal way of doing things.

Historically, in both the House and the Senate, the order has been to do an authorization bill, and that is followed by an appropriations bill. That works out fine in the House. In the Senate, it is not quite that easy because we have some rules in the Senate that allow the minority—whether that be Republican or Democratic—to object to a procedural basis. So it actually takes 60 votes, not 51 votes, to pass appropriations. This has created a real problem.

I remember that on June 18, we passed the Defense Authorization Act. Given that we are in a time of war, it was incredibly important to provide our Defense Department what in the regular course of business would be appropriated to it. However, we have been trying to appropriate that since June 18, and the minority has kept us from doing that. I can say the same thing about other appropriations bills, such as Military Construction, Veterans Affairs, Energy and Water, and others.

One might say: Why would they be doing this? In the case of the appropriations bill for defense, it is very simple: The President and a lot of the Democrats want to make sure that as we are coming out with additional spending to avoid sequestration, an equal amount be used for domestic purposes instead of military, where we really have a crisis right now.

Let me say something about the House. This morning on a talk show, I heard everyone criticizing the House and the new Speaker of the House. In reality, they did their job over there. That is a bum rap for those guys. They passed their appropriations bills. They passed them on the floor. They passed appropriations bills on the floor. So they did what was supposed to be done. However, you can't pass legislation with just the House; it has to be in the Senate also.

So I think we need to look at that. I don't like the idea of a situation where we are faced with a ''take it or leave it'' deal at the end of the year. That doesn't really allow us to offer amendments. It is done behind closed doors by a limited number of people. This is not right. This is not the way it is supposed to be.

I would just say there is a way out. I am going to suggest that this should be the last time we should have to do this. If we had a system where we could reform it and have it so you could make an exception to some of the motions to proceed for appropriations bills, then we would be able to go ahead and get this done. That is the simple solution. That is what I would recommend. However, there is a lot more detail in that. It happens that there is a committee taking place right now in the Senate. JAMES LANKFORD, my junior Senator from Oklahoma, CORY GARDNER, LAMAR ALEXANDER, and I think two other Senators are looking to propose rule changes, and I think it is overdue.

I want to mention one other thing too. I said back in 2006 that I would never vote for another omnibus bill like the one we are preparing to vote for. I said: That is the last one; I am going to serve notice—thinking that if enough people did this, we wouldn't find ourselves in this position. However, we are still in this position.

The reason I am standing here today is to get on the record why I am going to support this. Back when I had the highway bill, we were trying to put additional things on the highway bill. One was to lift the ban on exports of oil and gas, and we were not successful. So at that time, I made the announcement—we had a couple of other chances, the last one being the omnibus spending bill. We got a commitment that would be on that bill. So I said at that time that if that is the case, if we end up lifting the ban on that bill, then I will change from my original 2006 commitment and I will vote for and support this.

When we stop and think about what we are doing, does it make good policy that we in the United States can say to Russia and say to Iran, people who don't look after our best interests: It is all right for you to do that, but we in the United States cannot export oil.

We have all the former Soviet Union countries. I went to Lithuania and participated in an opening of a terminal there so they could get out from under this restriction. It was a joyous occasion.

In my State of Oklahoma, we have lost 20,000 jobs because since we have had success in getting oil and gas out, we have been encumbered by the fact that we can't export it. This has been a real hardship. I would say the most important thing in this bill in terms of my State would be that we are going to be able to correct that and we are going to be able to do that.

So with the changes that are being made, I am looking forward to supporting it. I certainly think we should all look and see what is in the best interest of the United States and should be aware of the fact that what they are seeing out there in terms of the cost of this bill is exactly the same cost as if we had done it the way we were supposed to do it. If we add up the total number of appropriations that we passed out—all 12 appropriations—add them up, and that is the same amount as this bill we will be voting on tomorrow. So that criticism is not a genuine criticism.

With that, I will move to another subject that I think is very significant, and then I want to join with my friend from New Mexico.

TSCA MODERNIZATION ACT OF 2015

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 143, H.R. 2576.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 2576) to modernize the Toxic Substances Control Act, and for other purposes.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that the Inhofe substitute amendment, which is at the desk, be agreed to and that the bill, as amended, be read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2932) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The bill was read the third time.

Mr. INHOFE. I know of no further debate on this measure.

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

The bill (H.R. 2576), as amended, was passed.

Mr. INHOFE. Mr. President, 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.

Mr. INHOFE. Mr. President, we had a very dear friend in Frank Lautenberg. He was a Democrat; I am a Republican. I chaired the committee he served on, and we had a very close relationship.

The bill we just passed began with a meeting to gather stakeholders. It happened in my office with Frank Lautenberg. Senator VITTER and Senator UDALL—whom we will hear from in just a moment—and their staff have put together the first reform of TSCA in 40 years, which will create more regulatory certainty for American businesses and uniform protections for American families.

We have a real opportunity to enact reform to a major environmental statute. It is the result of over 3 years of work and negotiation, and I thank those responsible for spending countless hours to produce this product. Dimitri Karakitsos began working for me while I was ranking member, stayed with Ranking Member VITTER working on this bill, and then back with me as chairman of the committee. He has shepherded the drafting and negotiation of this bill the entire time. He is the guy in charge. I thank Jonathan Black in Senator UDALL's office as well as Andrew Wallace, who took up the TSCA reform leadership following Senator Lautenberg. I thank Zack Baig in Senator VITTER's office, Colin Peppard with Senator CARPER, Michal Feedhoff in Senator MARKEY's office, Adam Zipkin in Senator BOOKER's office, Adrian Deveny in Senator MERKLEY's office, and Emily Enderle with Senator WHITEHOUSE. Thanks to all the staff.

People don't realize how much work the staff does. When we passed the Transportation reauthorization bill, it was hundreds and hundreds of hours. This one, because of a technicality, has been held up for about a month and a half. That has been worked out, so I am just pleased we are able to do it. I think that is a tribute to Frank Lautenberg and his wife Bonnie. I say to my friend from New Mexico, I think Frank Lautenberg's legacy has been fulfilled.

Mr. UDALL. Mr. President, I couldn't agree with Chairman INHOFE more. I know he knew Senator Lautenberg very well and worked with him on the committee and off the committee on a variety of issues. He was very committed to his grandchildren. As Senator INHOFE knows, many times we would see him in committee, and when he would talk specifically about the bills before us, he would say: Is this going to help my children and their children? One of the things he talked about on this bill was that this would save more lives and help his grandchildren's generation more than any bill he ever worked on. So he was very proud of this bill, and we were very sorry to lose him.

But the thing I want to say about Chairman INHOFE is that as a dedicated and determined legislator, he saw the opportunity. Senator VITTER and I had worked on this. We came to Senator INHOFE at the beginning of the Congress and said: We have a good bipartisan piece of legislation we have worked on for a while. But you took the bull by the horns. You ended up helping us improve it. I think when we started in the committee—when you marked it up earlier in the year in the Environment and Public Works Committee, we had maybe one or two Democrats supporting it. We expanded that, and it passed out with a 15-to-5 vote, so a very significant vote in terms of holding people together.

I really give you a lot of credit for the way you ran the committee, how gracious you were when Senator Lautenberg's widow, Bonnie Lautenberg, came down and spoke, and I wasn't on the committee any longer, but how you treated me and had me speak before the committee on the work we had done. It has been a real pleasure.

All those staff members you mentioned—from Dimitri, to Jonathan Black, to Drew Wallace, and all the other staff members of the large number of Senators on the committee—Senator CARPER, Senator WHITEHOUSE, Senator MERKLEY, Senator MARKEY, Senator BOOKER—many Senators on that committee focused in with you and with Senator VITTER to make sure we got this done.

I am very proud of what we have done today. I think it will be looked back on as a major environmental accomplishment in terms of bipartisanship and pulling people together.

The thing we did that I am very proud of is we had all stakeholders at the table and we listened to them and we proceeded through. It is a real tribute to Senator INHOFE's ability as a legislator. We don't have to be convinced on this bill. Just earlier in the year, he produced a transportation bill—which was a major accomplishment—for 5 years. So now once again Chairman INHOFE shows how he is able to pull people together and get this done.

So I once again just want to thank you. I know there are additional comments we will make later on. I know the Lautenberg family has followed this closely. Bonnie Lautenberg has followed this. They are going to be very proud.

As you know, we are naming the legislation after Frank Lautenberg. It is going to be called the Frank Lautenberg Chemical Safety Act of 2015. So all of us who served with Frank Lautenberg are going to be very happy and proud that this significant major piece of legislation will carry his name.

Mr. INHOFE. Mr. President, in response, let me say that Senator UDALL is far too generous to me, but I can assure you right now that Bonnie Lautenberg is watching this. We would not have been able to do this if you had not provided the leadership in the Democrats. You kept bringing more and more people in, making modest changes, and I was quite shocked at some that came in. But you and Bonnie were the leaders.

This bill is so significant to every manufacturer, everyone who does any kind of business. We will now finally get a handle on and be able to analyze what chemicals are in the best interest of America and the best safety interests of our people. I thank Senator UDALL so much for his participation and bringing the group together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

COMMENDING SENATOR INHOFE AND SENATOR ISAKSON

Mr. SULLIVAN. Mr. President, before I talk about some of the issues I want to raise this evening on the floor, I wish to make a quick comment about having the opportunity to watch two outstanding Members of this body: Senator INHOFE, whom I happen to sit on the EPW Committee with—and all the great work he has done this year, TSCA, the highway bill—and then watching Senator ISAKSON as well, chairman of the Committee on Veterans' Affairs. I have the honor of sitting on that committee. He just went over the great work he has been leading on in terms of the Committee on Veterans' Affairs.

It has been a real honor to sit and watch Chairman INHOFE and Chairman ISAKSON, two amazing Members of this body. As a new Senator, it has been a privilege to be on both of the committees and watch their work. It is a real pleasure. Thank you.

NUCLEAR AGREEMENT WITH IRAN

Mr. SULLIVAN. Mr. President, I know there is a lot going on today: the spending bill, the budget. They are very critical to our country. There is certainly a lot of focus on that. A lot of people are spending a lot of time, myself included, digging into that agreement, but the news yesterday on Iran also deserves our attention. Reuters reported that Iran, according to the U.N. Security Council panel of experts, violated U.N. Security Council Resolution 1929 when it tested a ballistic missile capable of delivering a nuclear warhead in October. They said it was a violation of a U.N. Security Council resolution. They are looking at—and it is probably likely, what you see here—the Iranians also launched another ballistic missile in November. That is also another likely violation of a U.N. Security Council resolution.

I made some remarks on the floor a few days ago about Iran and about the nuclear deal. I reminded my colleagues that one of the selling points by the President and by Secretary Kerry about this deal was they were making the case that it was likely to improve Iran's behavior: bring them into the community of nations, get them to behave more like a normal country and not the world's largest sponsor of terrorism, which it currently is.

Since the signing of the nuclear deal, which we debated on this floor, Iran's behavior has only gotten worse. Examples are very numerous. Leaders of the country continue to hold rallies, chanting: ''Death to America,'' ''Death to Israel.'' Iran continues to fund Hezbollah—one of its terrorist proxies around the world—hundreds of millions of dollars. It violated U.N. Security Council resolutions that prevent the Quds Force commander, General Soleimani, from traveling. He actually traveled to Russia to meet with Mr. Putin to talk about arms trade, in likely a violation of another security council resolution.

The Chairman of the Joint Chiefs of Staff recently said that up to 2,000 Iranian troops are in Syria helping to keep the Assad regime in power, working with the Russians on that.

Something that we can never forget, probably the worst outrage that we have seen, all since the signing of the nuclear agreement a couple of months ago, is that in a direct affront to the United States and our citizens, Iran is still holding five Americans against their will. They took another American hostage since the signing of this agreement. One of them is a marine. One of them is a pastor. One of them is a Washington Post reporter. They are all fellow American citizens.

As we prepare for the holidays, when families come together, when friends come together, the President and Secretary Kerry should be working day and night on the phone, every instrument of American power, to try and release these Americans, but that certainly doesn't seem to be happening.

All of this has taken place since the signing of the agreement. All of this is proof enough that the Iran nuclear deal certainly didn't change Iran's behavior for the better. To the contrary, it is becoming increasingly clear that the Obama administration's deal with Iran has only emboldened Iran to take more provocative action against the United States, our citizens, and our allies.

Iran's leaders are testing us. It is clear they are testing us right now. How we respond to these tests is critical. As noted, Iran's missile launches on October 11 clearly violated U.N. Security Council Resolution 1921. The one on November 21 likely did as well. What does this mean? What does this mean for the current Iran nuclear deal that was recently signed? What are the implications on moving forward with that deal? What are the implications of this activity on moving forward with that deal?

I believe a strong argument can be made that these actions by Iran mean they are already violating the spirit and the intent of the nuclear agreement that this body just voted on a few months ago—already.

Former Secretary of State and former U.S. Senator Hillary Clinton actually predicted this just last week when she stated: They are going to violate it. They are going to violate the nuclear agreement, and when they do, we need to respond quickly and very harshly.

That was the former Secretary of State, former Member of this body. I think Secretary Clinton was right on this.

President Obama himself indicated that there is definitely a tie between the Iranian nuclear deal from his administration and Iran's use of ballistic missile activities. As a matter of fact, the President in a press conference clearly stated that the prohibitions on these activities were part of the nuclear agreement, when in July of this year, after the signing of the agreement, President Obama stated:

> What I said to our negotiators was . . . let's press for a longer extension of the arms embargo and the ballistic missile prohibitions. And we got that. We got five years in which, under this new agreement, arms coming in and out of Iran are prohibited, and we got eight years for the respective ballistic missiles.

This is the President talking about his nuclear agreement.

To look at another tie between ballistic missiles and the nuclear agreement, you need to look at the U.N. Security Council that implemented the Iran nuclear deal. That is U.N. Security Council Resolution 2231. That is replacing some of the other U.N. security council resolutions, and it is the legal framework for the nuclear deal that this body debated and approved. Here is what U.N. Security Council Resolution 2231 states: ''Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons . . . until the date eight years after the JCPOA adoption day.''

Again, plain English of the connection. The U.N. Security Council Resolution—that is the international framework for the nuclear deal—says: no ballistic missile activity by Iran.

Yet now we know in no uncertain terms because our U.N. Ambassador, Ambassador Power, just stated that this launch in October was what that U.N. Security Council resolution said Iran couldn't do. She said that launch was inherently capable of delivering a nuclear weapon. Those are a lot of U.N. Security Council resolutions. That is a lot of activity.

Where does that leave us with regard to the Iran nuclear deal? It is obviously clear that Iran just violated U.N. Security Council Resolution 1929. That has already been stated by the panel of experts, by Ambassador Power, and the language of the U.N. Security Council Resolution 2231—the implementation of the U.N. resolution of the Iranian U.N. deal.

This is what I mean when I say that Iran is already violating the spirit and the intent of the Iran nuclear deal. The deal that this body debated a couple of months ago is already being violated by the Iranians.

What should we do? Some of us have already taken action. Thirty-five Members of this body yesterday sent a letter to the President—written by my colleague from New Hampshire, Senator AYOTTE—and it said basically: Mr. President, given these ballistic missile activities, given that Iran is violating U.N. Security Council resolutions that relate to the nuclear agreement, you should not be lifting sanctions.

The Obama administration is talking about lifting sanctions as part of the

nuclear agreement as early as next month—tens of billions of dollars to the world's largest terrorist regime—sanctions are going to be lifted to allow them to continue their provocative activities against the United States, our allies, and our citizens.

What we are saying, one-third of the Members of this body, is that we shouldn't be doing that. The President should heed the advice of Senator AYOTTE's letter. Additionally, I think a strong argument—and people need to look at this issue—that can be made about Iran's recent behavior is that we cannot lift these sanctions pursuant to the terms of the nuclear deal. The nuclear agreement that was debated in this body states that before sanctions are lifted on implementation day, Iran must be in accord with U.N. Security Council Resolution 2231, which among other things calls upon Iran not to undertake activity related to ballistic missiles capable of delivering nuclear weapons.

Do you see how they are related? The nuclear agreement that this body agreed to, the implementation plan of the nuclear agreement, paragraph 34(3) says that Iran has to be in accord with this provision in order for sanctions to be lifted.

Iran is not in accord with this provision. The U.N. has said that. Ambassador Power said that. The bottom line is, if Iran is already violating this U.N. Security Council resolution, then under paragraph 34(3) of the implementation plan of the nuclear deal by the Obama administration, sanctions shouldn't be lifted.

Here is how the President put it when he was selling the deal. ''If Iran violates this deal, the sanctions we imposed that have helped cripple the Iranian economy—the sanctions that helped make this deal possible—would snap back into place promptly.''

I agree that is what we should be doing, but here is the key point. The President doesn't need to wait for the sanctions to snap back. He can and he should take action now, before it is too late, before billions of dollars flood into Iran—the world's largest state sponsor of terrorism.

That is why over one-third of the Members of this body wrote the President yesterday. I urge my colleagues—particularly my colleagues on the other side of the aisle who I know are concerned about these issues because I have had discussions with a number of them—that they should be writing the President as well. They should be telling the President the same thing: Mr. President, Iran is violating the agreement; don't lift the sanctions. He can and should act now.

The President should not lift sanctions against Iran. He needs to go back and reread his own nuclear agreement, and he needs to heed the advice of his former Secretary of State to ''act quickly and harshly against Iran'' when it violates the agreement by not allowing them access to tens of billions of dollars. The President needs to do that now.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

MAINTAINING AMERICA'S DEFENSE

Mr. HATCH. Mr. President, today I wish to pay tribute to a man who has dutifully served our Nation as a public servant for more than 30 years—Mr. John B. Johns. John will retire from his role as the Deputy Assistant Secretary of Defense for Maintenance Policy and Programs at the end of this year. We will miss his leadership, his tenacity in tackling the impossible, and his courage in the face of adversity.

I have had the privilege of knowing John for several years and have always been amazed at his commitment to our country and his devotion to our military. In his current role, he is responsible for the oversight of the Department of Defense's maintenance program that exceeds an annual budget of $80 billion. During his distinguished career, John has been deployed twice—first to Iraq in 2010, where he served as the director of the training and advisory mission and the director of logistics for the Iraqi Security Forces; and second to Afghanistan in 2013, where he served as the executive director of Afghan National Security Forces Sustainment for the International Security Assistance Force.

One of John's primary duties in his current position is to host the annual Department of Defense Maintenance Symposium that recognizes excellence in maintenance activities within the Armed Services and the Coast Guard. During this event, the Department recognizes leaders and organizations for the superior service they render to promote the readiness of the U.S. military. I wanted to read the remarks that John offered at this year's symposium last week. The title of John's address is ''Maintaining America's Defense.'' His words are as follows:

''For seven years this community has been very kind to me; you have been gracious and patient as I spoke from this stage. I now ask you to indulge me one last time as I speak of maintaining America's defense.

Brave warriors have fought and died, and their brothers and sisters stand watch today, in harm's way, to both secure and maintain peace, to deter and defeat forces that are committed to a future fundamentally different than the one you and I envision. The world is a complex, dangerous, and unstable place with evolving threats, both new and old. The reality is we are facing skilled, determined enemies that would just as soon strike at us as they would take a breath. They clearly do not share the same view on humanity, nor the value of life, as we do. This environment demands the flexibility, agility and lethality that only our United States Military can provide.

From the first shots that signaled the birth of our country, men at arms have served as an instrument of state, and their strength, as individuals and as a force, have enabled and secured both victory and peace. Today, the presence of United States Forces, controlling the battle space, conducting strike operations with the ability to see but remain unseen, to dominate the land, sea, and air, to rain fire and destruction, provide clarity to all those that contemplate harm to us or our interests. That aggression will not be tolerated. But, as you know, we have not always acted properly, nor responded with appropriate speed, to events in the world that have demanded our attention. We make many mistakes, and it is true we are slow to anger. But, once our limit has been breached and restraint abandoned, there is nothing on this planet, nor has there ever been, like the hell unleashed from coiled fury of the United States Military.

You should all be proud of the role you play in maintaining that capability—most recently, maintaining readiness of our forces over a decade of continuous combat, in two complex theaters, in unforgiving environments, while maintaining a credible presence throughout the rest of the world. You enabled this, and for that, you should be proud. All of you in this room know a ship not ready to sail, or an aircraft not ready to fly, has no value. And, since we have had the need for weapons, we have had the need for those that maintain them. This eternal bond is a covenant, a sacred promise, between those that generate readiness and those that apply it, and we seal this covenant with a commitment to excellence. All of you in this room, and those you represent, should be rightfully proud, an embodiment of this covenant and commitment, reminding any who mistakenly underestimate the power and will of our United States Military that we are capable of striking with speed and violence.

So where, then, should we expect the approach of danger; what will be its origin? I suggest our greatest enemy, our greatest threat, is not Russia; our greatest enemy is not ISIS, ISIL, DEASH, or whatever we are calling them now; it's not China, it's not North Korea, and it's certainly not climate change. Yes, of course, they are all threats; I would never say they're not. But they are born of something much more fundamental. I suggest our greatest threat is the dangerous mix of mediocrity, poor judgment, and tolerance—here, on our ground.

In his Lyceum address, Lincoln said, 'Shall we expect some transatlantic

military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth in their military chest, with a Bonaparte for a commander, could not by force, take a drink from the Ohio or make a track on the Blue Ridge, in a trial of a thousand years. At what point then is the approach of danger to be expected? I answer—If it ever reach us, it must spring up amongst us; it cannot come from abroad. If destruction be our lot, we must ourselves be its author, and finisher. As a nation of freemen, we must live through all time, or die by suicide.'

Our greatest enemy is the dangerous mix of tolerance and mediocrity—mediocrity fueled by those lacking honor, judgment, courage and determination, and the tyranny of tolerance characterized by slumbering apathy, a comfortable denial of reality, and paralyzing bureaucracy. This toxic mix, this deadly combination, creates or fuels all other threats, allowing what would be a simple challenge to evolve into danger. Our enemies demand greatness of us; our partners in the world, to which we have made commitments, demand greatness of us; our soldiers, sailors, airmen, marines, coastguardsmen demand greatness of us; those that have made the ultimate sacrifice demand greatness of us. And we should demand it from ourselves. But, absent clear and present danger, we approach greatness hesitantly and inefficiently, only when compelled, operating at the edge of greatness, at risk of losing it.

We have many examples of those who have achieved greatness. Some we will recognize tonight just as we have in the past. And we should continue to recognize those that rise above and achieve truly uncommon things, but contemplate that word ''uncommon.'' It means some stand on the pinnacle of true greatness and others do not. As hard as that is to accept, we all know it to be true, and the slope to that pinnacle of greatness is steep. Many never make it to the top, and many can't find a way to stay there. It takes much to climb and takes even more to remain there. Those that stand at the top, however, are those that change the world. They set an uncommon path to achieve uncommon things, and we see this greatness through their achievements and their character.

But let's be careful because they are not the only ones with claims on the future. Those at the bottom, and even those that occupy the middle ground, can also claim this power to change the world but, clearly, not in the same way as we desire. So what differentiates those that carry the banner of greatness? What allows those to scale that slope to the peak of performance? What robs those at the bottom from the ability to climb? What defines the middle ground of mediocrity? What do we need to know about standing on the pinnacle? And how do we avoid a fall from greatness?

For this I refer to four words used so well by John F. Kennedy in a speech to the Massachusetts State Legislature one month before he was inaugurated as President of the United States. He said, 'When the High Court of History sits in judgment of us all, no matter our station, our success or failure, will be measured by the answer to four questions. Were we truly men of honor? Were we truly men of judgment? Were we truly men of courage? And, were we truly men of determination?'

Honor—to do the right thing and treat others with respect. Judgment—to see the future and the path to get there. Courage—to take action and speak the truth. Determination—to produce required results and finish what we start. These are the words that define greatness; words that serve as our test that guide our every thought, our every decision, our every action; words that should determine who we consider friends with whom we surround ourselves and how we choose leaders; words that should fill both our minds and our hearts. And where we fall on the scale defined by these words will determine not only our success or failure as individuals but also our contribution to our organizations, our country, and the world. Where we fall on this scale will determine our legacy.

There is much at stake and we cannot afford to aspire to anything less than greatness. And we should remember our actions, or inaction, affect the strength of our military, the posture of our country, and the security of the world. I would not be speaking to you this way if they did not, if somehow the world spun on, immune to our words and behavior, but that is not the case. Every day we send soldiers, marines, sailors, airmen, and coastguardsmen into harm's way. We send them to defeat an enemy that tests the will of our United States Military. We send them to provide aid and comfort to those in need, and we send them to mature foreign security forces and governments struggling to shape their own destiny. In executing these missions they not only secure our liberty but also serve as the single greatest symbol of liberty in the world. Collectively, they are the most capable force that has ever existed. Every day they signal to a world at war that both the hand of compassion and the sword of justice extend across the world.

There is great honor in this, and many have worn that badge. Many of those are still with us, but too many are not, having paid the ultimate price, made the ultimate sacrifice in the service of our country. But, after all we have done and the price we have paid, the world remains a chaotic, complex, and dangerous place. To see this all you have to do is pay even a little attention to the situations in Iraq, Syria, Iran, Afghanistan, Russia, Ukraine, Western Pacific, Nigeria, Libya, in our board rooms, on our production floors, in our class rooms, on our televisions, and in our governments.

Now, I could say, let's just all work it out. Let's bring everybody together on any infinite number of problems, conflicts, disagreements, and just work through them. How simple that sounds. Surely that would work. But haven't we tried that before? How many times have we tried that before? And, yet, here we are still facing some of the most vexing problems we have ever faced. In fact, at times it seems that we are reliving some things we thought we had solved, only to see them reemerge. Among many questions we must ask—why has it taken over a decade to develop the sustainment strategy for our new strike fighter, figure out the basic rules that govern a global spares pool, and appropriately budget to stand up supporting depot maintenance capability? Why, after diligent collaboration and full transparency, could the Department, Industry, and Congress, with all our might, find ourselves incapable of passing commonsense revisions to the depot maintenance-related statutes that would have benefited all of us? Why, after over half a decade and endless debate, could we not implement an enterprise, performance-based approach integrating a collection of individually executed contracts across the Military Departments that would have offered greatly improved supply availability and reduced cost? Why have we seen nearly a decade-long decline in naval aviation readiness with misleading and confusing explanations for root causes and corrective actions, from denial that there even is a problem to the use of false narratives underlying recovery strategies? Why, after a completely integrated, multi-service team approach, taking nearly half a decade, can we not make a much-needed unmanned air system software depot source of repair assignment? And why, after a decade long effort to develop the capability and capacity of the Iraqi and Afghan Security Forces, have we seen the near complete disintegration of those forces in Iraq and Afghanistan, defying all comprehension, a failed supply system, and a dysfunctional maintenance strategy that violates all reasonable logic?

How is this possible? Why do we tolerate this? Some may think my thoughts lack sophistication or I simply don't understand. I'll acknowledge that we face complex situations, but I assure you, I understand all too well.

The fact is we tolerate too much. We tolerate mediocrity or even incompetence. We tolerate lies and half-truths. We tolerate irresponsible self-interest. We tolerate political expediency. We tolerate any other innumerable demonstrations of misbehavior. But let's not confuse tolerance with much needed compassion, empathy, and flexibility. Certainly, we need to see other perspectives and accept alternative paths. And we know empathy and flexibility are key ingredients in collaboration, but that doesn't mean we need to tolerate things that are fundamentally wrong, things that will

lead us down the path to ruin. I see no honor in this, no judgment, no courage.

In these cases, we must have absolutely no tolerance—no tolerance for incompetence, no tolerance for those without integrity, and no tolerance for self-interest that overrides the greater good. And, just to be clear, this is purely and simply an issue of leadership. Some may not see it. And some may be misled, burdened with the inability to differentiate between true leadership and those impersonating leaders. But those that are tired of political correctness, the endless pursuit of consensus, unprofessional behavior, and paralyzing bureaucracy, they understand.

And those that expect vision, those that expect strategy, those that expect executable plans, those that expect fairness, honor, judgment, courage, determination from our leaders, they understand. And we should certainly not tolerate the behaviors of the few with cavalier disregard of the facts, the few that masquerade as leaders, and those that can't recognize it or lack the will to deal with it as they should, those that are threatened by honesty and candor that send the signal that this is ok and that even reward it. Tolerance here is insidious and dangerous. It doesn't take many examples to poison a culture and affect generations. We cannot afford to let this happen. We cannot afford anything less than greatness. This is why I am speaking this way.

We must have the courage to recognize good performance, regardless of whether it is politically correct, and deal appropriately with bad performance. We must have the courage to speak truth to those below us, around us, and above us. Ambiguity, half-truths, misleading messages, and lies demonstrate poor judgment and lack of courage. Tolerance of this, at best, creates inefficiency and weakness, and at its worst, danger. We all should have the judgment and courage to recognize this, call it for what it is, and dedicate ourselves to eliminating it.

In this moment we require leaders. We require leaders that are capable of seeing new patterns in complexity and conflict and applying new methods to achieve unconventional and uncommon outcomes. We need leaders at all levels that have no tolerance for status quo and mediocrity. We need leaders with competence and courage, with the ability to learn and adapt quickly. We need leaders that are comfortable making decisions and taking action in the face of significant ambiguity, unclear guidance, and near impossible timelines. We need leaders that know how to generate both unity of command and unity of effort. It remains all our duty to recognize and contribute to the greater good. We must be able to understand the interests of others and exercise the flexibility and skill in accommodating those interests while protecting our own.

And just because we can see the need for collaboration doesn't mean we can just wish it into being. There is a science to collaboration and we must be well practiced at it. In fact, we should all be experts because we must accept the simple fact that no truly great thing is achievable without others. No great accomplishment was, or ever will be, possible without collaborative effort. In fact, the more complex a thing, the more challenges we face, the more disciplines are involved, the more integration is required, and the more collaboration is demanded. It is time for collaboration based on respect—respect for well-argued positions, respect for expertise, respect for remarkable performance. It is time for collaboration rooted in both art and science. It is time to put in place principles that bind us by covenants and not just contracts or legal documents. It is time to evolve from practitioners to experts and evangelists.

There is clearly science in this, but science is not enough. We need the 'artist.' We need the artist to apply the principals of this science. Like any great piece of art, it is not simply a collection of canvas and paint applied in the correct order. There is an ingredient that only the artist can provide, an ingredient that differentiates a common work from one that is uncommon. And what makes relationships so difficult is that more than one person is painting on the canvas at the same time and, still, the result must look as though only one artist held the brush. We need the artists; we need the leaders that know this and have the skill to execute it.

It is time, it is always the time, to carefully and ruthlessly choose these leaders—leaders that understand what I have just said; leaders that demonstrate extraordinary courage, honor, determination, and judgment; leaders that understand how to nurture and protect innovation; leaders that understand and can enable collaboration. For it will be only those leaders that will take us to new heights of performance and to deeper connections between all parties necessary to solve the most complex problems of our time. It will be only those leaders that will move us aggressively forward in the right direction, intolerant of misbehavior and relentless in the pursuit of excellence.

For us, we see this as our duty. We are determined to the produce results that are required by our military and our country—to fight and win on any battlefield, of any kind, at any time. The future is ours to shape. And make no mistake, the high court of history will hold each of us accountable with the lives of those we send to stand on future battlefields. I ask you to consider what I have just said.

In this job I have had the honor to see the work of patriots, those that generate readiness for those that apply it, to support and serve beside those that stand in harm's way, and to place coins in the hands of thousands that embody the words honor, judgment, courage, and determination. And what is left for me to do now is simply say thank you. Thank you to those that secure our freedom, no matter their position. Thank you to those for which I have great admiration and to which I will always be in debt.''

John's speech is a lesson to us all. I personally will strive to answer the call and live up to the virtues he praises: honor, judgment, courage, and determination. As I stated in a video message to this year's symposium attendees, I count myself fortunate and blessed to call John a friend and wish him continued success in his future endeavors.

Thank you.

TRIBUTE TO JORDAN SMITH

Mr. MCCONNELL. Mr. President, today I wish to give tribute to a Kentuckian who has become a local icon and a national celebrity. Jordan Smith from Harlan, KY, has risen to fame over the past few months for his astounding performances throughout this season of the television show The Voice. He sang his way into the hearts of Americans, and following his rendition of Queen's ''Somebody to Love'' on December 16, the show's viewers voted him to a first place win.

I know I speak for my fellow Kentuckians when I say we are so proud to have someone like Jordan representing our State. This proud Kentucky Wildcat fan not only clinched a first place win in the competition, he also rose to a No. 1 spot on iTunes for record sales, beating out superstars like Adele. I think we have so many talented individuals like Jordan in Kentucky, and I am so glad that everyone else thinks so, too.

A homecoming parade in Jordan's honor is scheduled for Monday, December 21, in his hometown. Kentucky is excited to welcome him home and even more so to see what he will do with his amazing talent in the future. I would like to congratulate Jordan Smith for all his success. I am certain we will be hearing much more from him in the years to come.

Mr. President, I ask unanimous consent that an article about Jordan's historic win from the Harlan Daily Enterprise be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Harlan Daily Enterprise, Dec. 15, 2015]

SMITH IS SEASON 9 VOICE WINNER

(By Reina P. Cunningham)

After months of show-stopping performances, Harlan native Jordan Smith has been announced as Season 9 winner of the hit reality television show 'The Voice,' winning $100,000 and a recording contract with Republic Records.

Going into the show, Smith was sitting pretty at the No. 1 spots on both 'The Voice' and the Top 100 iTunes charts with his most recent single, 'Mary Did You Know.' Sitting at the No. 1 spot is nothing new for the young man who beat out national singing

sensation Adele for the No. 1 spot on the Top 100 iTunes chart—he has entered most of the results rounds in the same situation. Additionally, going into the live results finale, Smith held half of the top 10 spots on 'The Voice' iTunes charts and had 10 singles ranking on 'The Voice' chart—no easy feat considering the criteria for doing so means the single must be ranked on the Top 200 iTunes chart.

In addition to performing with former contestants from this season, Smith performed with former Voice coach and world renowned singer Usher on Tuesday night's live results show. The duo sang Usher's hit 'Without You' with the crowd screaming and cheering throughout the performance as Smith showcased his broad range.

Throughout the show, Smith has remained humble as the judges continue to remark on his flawless performances, citing his perfection and ability to connect with the audience.

The judges are not the only ones raving about Smith. Fans are posting on social media about how much the young artist has inspired them through his music. In addition to purchasing iTunes and making social media posts, fans cannot get enough of Smith's performances. As of the finale show on Tuesday, Smith's YouTube performances on the show had an outstanding 55 million views to date.

Smith spoke about what the experience has meant to him in an interview that aired during the live finale. The young singer, who continuously stressed how important it is to him to make it acceptable to be who you are, echoed those sentiments again during the interview, saying if he won the show it would prove it.

''You can be exactly who you are . . . to be the winner of The Voice would just prove that,'' said Smith.

Later in the show, the top 4 performers were surprised with brand new vehicles—courtesy of the show's partners, Nissan.

Smith chose the Nissan Altima and expressed his gratitude for the vehicle, saying he would not have to borrow his parents' car anymore.

Smith was the only remaining contestant on coach Adam Levine's team and the coach was obviously thrilled for the young man who he says has inspired him throughout the show.

Smith will be making appearances on numerous upcoming television shows as a result of the win.

A homecoming celebration is planned on Monday in Smith's honor. A parade will begin at 2:30 p.m. in downtown Harlan followed by a program at 4 p.m. at the Harlan Center.

To continue following Smith, like his Facebook page and follow him on Twitter.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as we close the book on the first session of the 114th Congress, our attention is on the thousands of pages in the omnibus spending bill. But as the Republican leadership rushes to spin the press about what the Senate has accomplished in their 12 months in the majority, there is one Senate responsibility that should not get lost in the noise. That is our responsibility to equip our coequal branches of government, the Federal judiciary and the executive branch, with the confirmed public servants that both branches need to serve the American people.

Senate Republicans began the year by filibustering the nomination of the first Black woman to be nominated for the position of Attorney General of the United States. No other Attorney General nominee in our history has been met with a filibuster. That did not stop Republicans from holding up Loretta Lynch's nomination longer than the last seven Attorneys Generals combined. Our Nation's top law enforcement official deserved better treatment, but the fight to get her a confirmation vote previewed how difficult it would be to get votes scheduled on other crucial nominees. Republicans have blocked confirmation votes for the people nominated to serve as Ambassadors to some of our closest allies. They have blocked consideration of nominees who would help keep our country safe from terrorist threats, including a Treasury Department nominee who would lead an office that investigates terrorist financing.

By the end of this week, Senate Republicans will have also earned the dubious distinction of matching the record for confirming the fewest annual number of judicial nominees in more than half a century. Too many Americans who have sought justice in our Federal courts this year have instead found delays and empty courtrooms because of Senate Republicans' obstruction on judicial nominees. I am concerned that Republicans' treatment of our third branch risks politicizing it and diminishing the role that it was designed to play in our system of government.

For the first 6 years of President Obama's tenure in office, Senate Republicans pulled out every stop to obstruct confirmations on judicial nominees—systematically filibustering nominees and abandoning the Senate's tradition of confirming consensus judicial nominees before long recesses. While I was hopeful they would change course once they assumed the majority, they have instead taken their obstruction to unprecedented heights by virtually shutting down judicial confirmations.

Over the course of the entire year, Senate Republicans have allowed judicial confirmation votes for only 11 nominees. In stark contrast, when Senate Democrats were in the majority during the seventh year of the Bush Presidency, we confirmed 40 judges that year—more than triple the number of judges confirmed this year. The Senate has a constitutional duty to provide advice and consent on the President's nominees. It is part of the core duties we must fulfill as Senators, and a fully functioning Federal judiciary is dependent on us meeting this obligation.

I have urged the Republican leaders to allow confirmation votes on the uncontroversial judicial nominees before the end of the year. We have 19 judicial nominees still pending on the floor. Each of these nominees was voice voted out of the Judiciary Committee, and each has the support of their home State Senators. Traditionally, the Senate has confirmed such consensus nominees at the end of a session, but Republicans have repeatedly refused to do so during the Obama Presidency. This is the seventh year in a row that Senate Republicans are rejecting the Senate's practice of consenting to confirmation votes at the end of a session. At the end of 2009, Senate Republicans left 10 judicial nominees on the Senate floor without a vote. At the end of 2010 and again in 2011, Senate Republicans left 19 judicial nominees pending on the calendar as they left town. In 2012, it was 11 judicial nominees, and in 2013, it was nine that Senate Republicans left pending on the floor. Last year, Senate Republicans attempted to block 12 nominees on the floor in December. Fortunately, because Leader REID took seriously the Senate's duty to fill judicial vacancies and filed cloture on those nominees, we were able to get those nominees confirmed. In each of the last 2 years of the George W. Bush administration when Democrats were in the Senate majority, we confirmed all of President Bush's judicial nominees pending on the Executive Calendar in December before we left for the year. Contrast that with this year when Senate Republicans are leaving 19 judicial nominees pending on the floor as they head home.

The Republicans' double standard for President Obama's nominees will force the Senate to spend time next year doing work that should have been completed by now. For example, for the 19 nominations Senate Republicans left in 2010 and again in 2011, it took nearly half the following year in each case for the Senate to confirm these nominees. Perhaps Senate Republicans' real intent is to just run out the clock on the Obama administration—but these delays are not procedural abstractions without real world consequences. For the judicial nominees who have already made a commitment to public service in the Federal judiciary, the obstruction means they must continue to wait and keep their professional lives on hold wondering if the Senate will do its job.

The consequences for the judges currently serving in the Federal judiciary, as well as the litigants seeking justice before them, are also very real. Senate Republicans' treatment of judicial nominations has resulted in a dramatic increase in judicial vacancies this year. Since Republicans took over the majority in January, judicial vacancies have increased by more than 50 percent—from 42 to 66. These vacancies impact communities across America, and it is doing the most harm to States with at least one Republican Senator. Of the 66 current vacancies that exist, 47 of them—or more than 70 percent—are in States with at least one Republican Senator.

Of critical concern is the fact that judicial vacancies deemed to be ''emergency'' vacancies by the Administrative Office of the U.S. Courts have

more than doubled this year. These vacancies represent judicial districts where caseloads are unmanageably high, leading to lengthier delays for parties before those courts; yet, as we leave for the year, 9 of the 19 nominees pending on the floor that Senate Republicans refuse to confirm are judicial emergency vacancies in Pennsylvania, Tennessee, Minnesota, New Jersey, Iowa, New York, and California.

In addition to the article III nominees, there are five nominees to the U.S. Court of Federal Claims who were nominated well over a year ago. Each of these nominees was unanimously voice voted out of Committee last year and again this year. The Court of Federal Claims has been referred to as the ''keeper of the nation's conscience'' and ''the People's Court'' because it allows citizens with claims against the government to promptly seek justice. It is critically important that we confirm the five pending nominees to this court. However, they continue to be blocked by a single Republican Senator—the junior Senator of Arkansas.

Senator COTTON claims to have concerns that the court's caseload is not high enough and that the court should simply depend on senior judges coming out of retirement to hear cases. A recent letter to the committee from the chief judge of the Court of Federal Claims, however, indicates that only one of the nine senior judges is willing to be recalled for full-time duty and the other three would only agree to be recalled on a limited basis. Furthermore, the court's overall caseload has increased by 9 percent over the last year. No member of the Judiciary Committee raised caseload concerns when these nominees were unanimously approved by voice vote last year or again this year. There is no good reason for Senator COTTON to deprive Americans across the country of a fully functioning Court of Federal Claims by blocking the five highly qualified nominees from receiving an up-or-down vote. These nominees include Armando Bonilla, a Cuban American who has devoted his entire career to public service at the U.S. Department of Justice; Jeri Somers, an African-American woman who spent over two decades serving as a judge advocate general and as a military judge; and several others who would contribute to our justice system. As these nominees approach the 2-year mark of waiting for the Senate to take up their confirmations, I urge Senator COTTON to consider these well-qualified nominees on their merits.

I have heard some suggest that Republicans' glacial pace on judicial confirmations is political retribution for the change to Senate rules regarding nominations. This obstruction, however, does not hurt U.S. Senators—it hurts the American people. Behind the statistics on Republican obstruction—the number of nominees languishing without votes on the Senate floor, the rising number of judicial vacancies, and the dramatic increase in emergency vacancies—are the experiences of real people in our justice system—individuals and small businesses seeking justice in our Federal courts who end up waiting for years for overburdened courts to hear their claims.

The national press, including the Wall Street Journal and the Associated Press, has highlighted the devastating effects of the high number of judicial vacancies. The Wall Street Journal interviewed one of the Federal judges in a California district where a judgeship went unfilled for almost 3 years. Judge Lawrence J. O'Neill said, ''Over the years I've received several letters from people indicating, 'Even if I win this case now, my business has failed because of the delay. How is this justice?' And the simple answer, which I cannot give them, is this: It is not justice. We know it.''

Senate Republicans' obstruction on judicial nominees has also had another effect; it has halted the enormous progress needed in making the Federal judiciary better reflect the citizenry it serves. This progress increases public confidence in our justice system. I am proud of the fact that there are more women and minorities than ever before serving on our Federal bench.

Yet, as we conclude this session, the Senate is leaving several nominees of color with outstanding qualifications on the floor without votes. This includes Judge Luis Felipe Restrepo, who was nominated to a judicial emergency vacancy in the third circuit well over a year ago. When he is eventually confirmed, he will be the first Hispanic judge from Pennsylvania on the third circuit. Judge Restrepo has the strong support of the Hispanic National Bar Association and has bipartisan support from his home State Senators, Senator TOOMEY and Senator CASEY. Senator TOOMEY has said not only that he strongly supports Judge Restrepo's confirmation, but that he also recommended him to the President. Despite this overwhelming support for his nomination and the emergency vacancy that needs to be filled urgently, Republican leadership recently skipped over Judge Restrepo on the Executive Calendar to confirm a district court nominee from Tennessee for a nonemergency judgeship.

In addition to Judge Restrepo, Senate Republicans are adjourning for the year with four exceptional African-American district court nominees and an exceptional Hispanic district court nominee held up on the floor. Two of the African-American nominees—Waverly Crenshaw and Edward Stanton—have been nominated to district court positions in Tennessee. Both have the support of their home State Republican Senators and were unanimously approved by the Judiciary Committee by voice vote. The three other nominees of color—Justice Wilhelmina Wright to the District of Minnesota and John Vazquez and Julien Neals to the District of New Jersey—are all nominated to judicial emergency vacancies. All have the support of their home State Senators, and all were voted out of the Judiciary Committee by voice vote. The only reason all of these nominees could not be confirmed this week is that Senate Republicans would not allow it.

While there is no reason not to hold votes on these nominees today, I am glad that Republicans have consented to a bipartisan plan to confirm five well-qualified judicial nominees in the 5-week period after we return in the new year. Because of this agreement, the Senate will be on pace in the first 2 months of next year to confirm almost half the number of nominees it took us this entire year to confirm. Under the agreement, the Senate will hold confirmation votes for Judge Restrepo as well as four district court nominees: Justice Wilhelmina Wright to the district of Minnesota; John Vazquez to the district of New Jersey; Judge Rebecca Ebinger to the southern district of Iowa; and Judge Leonard Strand to the northern district of Iowa. Four of these nominees are nominated to fill emergency vacancies, and three are nominees of color. This agreement allows for good progress that the Senate must continue to build on, so that we reduce judicial vacancies to ensure that Americans can seek timely justice in our courts.

Federal judges serve an essential role in communities across the Nation. In 2 weeks, the Chief Justice of the United States will issue his end-of-year report. His predecessor often noted in such reports the impact of unfilled judicial vacancies on the functioning of the third branch. I hope that such a core resource matter will again be addressed in the upcoming report because the Republican majority's treatment of nominations this past year has been an historic disappointment.

I hope that, in the new year, the Senate will make progress on the judicial nominees pending in the Judiciary Committee as well as on additional nominees that we receive from the President. I was glad to hear the majority leader's remarks this week that he does not believe there should be a cutoff point for confirming qualified judicial nominees in an election year. The majority leader has been consistent on this view, and I commend him for it. In July 2008, the Senate Republican caucus held a hearing solely dedicated to arguing that the Thurmond rule does not exist. At that hearing, the senior Senator from Kentucky stated: ''I think it's clear that there is no Thurmond Rule. And I think the facts demonstrate that.'' Similarly, the Senator from Iowa, my friend who is now serving as chairman of the Judiciary Committee, stated at that hearing that the Thurmond rule was in his view ''plain bunk.'' He said: ''The reality is that the Senate has never stopped confirming judicial nominees during the last few months of a president's term.'' That was certainly the case when

Democrats were in the majority in the last 2 years of the George W. Bush administration. I served as chairman of the Judiciary Committee then, and I can tell you that Senate Democrats confirmed 22 of President Bush's judicial nominees in the second half of 2008.

The American people deserve to have judicial vacancies in their communities filled. Hard-working Americans across this country are counting on us to do our jobs as Senators. Our constituents call our offices and meet with us to let us know how they feel about the legislative issues before us. They should not also have to ask us to fulfill the bare minimum of our constitutional duties, such as the duty to consider nominees in a timely manner to keep the third branch of government fully functioning.

I sincerely hope the new year will bring a new approach from Senate Republicans and that we can move forward to confirm all of the pending judicial nominees without further delay.

REJECTING HATEFUL RHETORIC

Mr. LEAHY. Mr. President, for more than 235 years, the United States has served as a beacon of hope and opportunity for millions coming to our shores seeking a better life. Ours is a nation founded upon the ideal of freedom, and throughout our history, there have been moments when this most fundamental ideal has been challenged. The complicated history of our Nation is not without its dark moments, but at every turn, we have sought to recommit ourselves to our basic ideals and principles, always moving to be a more inclusive society.

Today, as some continue to espouse hate-filled views that demonize those of a certain faith, we need thoughtful voices to speak out and remind us all of what we stand for as Americans. In his column this weekend in the Rutland Herald, veteran journalist Barrie Dunsmore did just that. He reminded us that in the wake of the attacks on Pearl Harbor, our own government rushed to judge Japanese Americans and imprisoned them in internment camps out of fear they sought to do us harm. This was a deplorable response to a national tragedy that remains a stain on our history. Mr. Dunsmore reflected on how this fear was perpetuated by news media professionals who enabled these scare tactics through their reporting and the response by some elected leaders who also promulgated this fear through their own actions.

Fear is what drove the racist and unconstitutional response to Japanese Americans in the wake of the attacks on Pearl Harbor in 1941. And fear is what is encouraging some to recklessly hurl suspicion on Muslim Americans today in the wake of a terrorist attack in San Bernardino, CA, and unrest around the world. As Americans, we must categorically reject the divisive and corrosive rhetoric of fear that only serves to undermine us as a nation.

Americans cannot let themselves be coerced by the politics of fear today. If we do, then the terrorists and extremists will have won. Terrorists want us to be afraid, and they want us to be a nation divided. Groups like ISIS actively promote the narrative that Muslims are not welcome in the United States, and the xenophobic, hateful rhetoric espoused by some today plays into our enemies' hands. It also demeans us as a democratic nation founded on the principles of freedom, equality, and liberty. We should not let our country be defined by irresponsible fear-mongering. We are better than that.

Columns like the one written this weekend by Barrie Dunsmore are important reminders of just how far we have come as a nation. We cannot turn back now, and we cannot turn against our fellow Americans now.

Mr. President, I ask unanimous consent that a copy of Barrie Dunsmore's column from Sunday, December 13, 2015, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Dec. 13, 2015]

FEAR IN THE DRIVER'S SEAT

(By Barrie Dunsmore)

''Nothing in modern politics equates with the rhetoric from candidate Trump.'' So wrote Dan Balz this past week in The Washington Post.

Balz is the Post's veteran and scrupulously nonpartisan senior political correspondent. He also wrote: ''Trump's call for a ban on Muslims entering the United States marked a sudden and sizable escalation—and in this case one that sent shock waves around the world—in the inflammatory and sometimes demagogic rhetoric of the candidate who continues to lead virtually every national and state poll testing whom Republicans favor for their presidential candidate.'' Evidence of Trump's support can be seen in polls since the Muslim ban idea was proposed, in which a substantial majority evidently agrees with him.

In offering a defense for his latest scheme, Trump cited President Franklin Roosevelt's decision to intern thousands of Japanese-Americans shortly after the Japanese attack on Pearl Harbor in 1941. News reports this past week have mentioned this comparison—which was probably news to many Americans. When I was teaching a semester at Middlebury College, a senior who was an A student, told me he had never heard of the Japanese internment. That inspired me to give the subject extra attention in class, and to recall that period of history in this newspaper nearly a decade ago. What follows are elements of that column.

On Dec. 7, 1941, Japanese forces attacked Pearl Harbor, killing more than 2,000 people and destroying much of the U.S. Pacific fleet. On Feb. 19, 1942, President Roosevelt signed executive order No. 9066.

Over the next eight months, 120,000 individuals of Japanese descent were ordered to leave their homes in California, Washington, Oregon and Arizona. Two-thirds were American citizens representing almost 90 percent of all Japanese-Americans. No charges were brought against these individuals; there were no judicial hearings.

After being temporarily held in detention camps set up in converted race tracks and fairgrounds, the internees were transported to concentration camps in the deserts and swamplands of the Southwest. There, they were kept in overcrowded rooms with no furniture other than cots, surrounded by barbed wire and military police. There they remained for three years.

Why did this happen? In a word: fear. But it was a fear that was incited, encouraged and exploited by political players of many stripes. In the weeks that followed the attack on Pearl Harbor, California was teeming with rumors of sabotage and espionage. The mayor of Los Angeles, Fletcher Bowron, spread the story that Japanese fishermen and farmers had been seen mysteriously waving lights along the state's shoreline. The top American military commander for the region, General John DeWitt, reported as true rumors that enemy planes had passed over California—and claimed that 20,000 Japanese were about to stage an uprising in San Francisco. All of these stories were false.

The news media also did its share of rumor-mongering. The Hearst columnist Damon Runyon erroneously reported that a radio transmitter had been discovered in a rooming house that catered to Japanese residents. Even the respected national columnist Walter Lippmann warned of a likely major act of sabotage by ethnic Japanese.

It would not be long before virtually all West Coast newspapers, the American Legion, the L.A. Chamber of Commerce, a host of other business and fraternal organizations—not to mention the area's top political and military leaders—were demanding that all persons of Japanese ancestry be removed from the West Coast. Many of these demands were overtly racist, such as that of the attorney general of Idaho, who proclaimed all Japanese should ''be put into concentration camps for the remainder of the war . . . We want to keep this a white man's country.''

Professor Geoffrey Stone points out in his book, ''Perilous Times: Free Speech In Wartime,'' ''There was not a single documented act of espionage, sabotage or treasonable activity committed by an American citizen of Japanese descent or by a Japanese national residing on the West Coast.''

President Roosevelt was not being pushed by his own advisers to sign the order for the internment. Attorney General Francis Biddle opposed it. So did FBI Director J. Edgar Hoover who described the demands for mass evacuations as ''public hysteria.'' Secretary of War Henry Stimson thought internment was a ''tragedy'' and almost certainly unconstitutional.

Professor Stone concludes, ''Although Roosevelt explained the order in terms of military necessity, there is little doubt that domestic politics played a role in his thinking, particularly since 1942 was an election year.'' And, of course, the U.S. had been attacked and was now involved in another world war.

Those civil libertarians who opposed interment and thought that the Supreme Court would ultimately reverse Roosevelt's order would be disappointed. Two related cases eventually reached the court, and in both, the convictions were upheld.

Years later some of those directly involved would publicly express regret for their decisions in these cases. The famously liberal Justice William O. Douglas later confessed, ''I have always regretted that I bowed to my elders.'' The also noted liberal Chief Justice Earl Warren, who as attorney general of California played a pivotal role in the process, wrote in his memoirs in 1974 that internment ''was not in keeping with our American concept of freedom and the rights of citizens.''

On Feb. 19, 1976, as part of the national bicentennial, President Gerald Ford issued a proclamation noting that the anniversary of

Roosevelt's internment order was ''a sad day in American history'' because it was ''wrong.'' Ford concluded by calling upon the American people ''to affirm with me this promise: that we have learned from the tragedy of that long ago experience'' and ''resolve that this kind of action shall never again be repeated.''

But fast forward four decades: another war, another election. And many Americans seem perfectly willing to repeat what was resolved never again to be repeated. Once again, fear—dare I say—threatens to trump this country's better instincts.

RECOGNIZING DANFORTH PEWTER

Mr. LEAHY. Mr. President, I want to take a moment to celebrate the success of another Vermont business, Danforth Pewter, which this year celebrates 40 years of producing quality, hand-crafted pewter products. Danforth Pewter—owned and operated by Fred and Judi Danforth—opened for business in 1975 in Woodstock, VT. What started as a family business operating in a milk house in an old dairy barn has expanded to a workshop and flagship store in Middlebury and a network of retail stores in Burlington, Waterbury, and Woodstock, VT, and in Colonial Williamsburg, VA.

This rich history of Danforth Pewter, however, dates back more than two-and-a-half centuries, when Thomas Danforth II opened his pewter shop in Middletown, CT in 1755. Generations of Danforths followed in the patriarch's footsteps until 1873. A century later, Fred Danforth and his wife, Judi, also an artist, rekindled the family tradition and, following in the footsteps of his great-great-great-great-great-grandfather, reopened what is today a thriving business with a reputation for quality that extends far beyond the Green Mountains of Vermont. Fast forward to today, and the Danforth pewterer legacy lives on. Using the same techniques to cast pewter today as were originally used by Thomas Danforth II is an even greater testament to the longevity of fine craftsmanship and the quality of the goods produced at Danforth Pewter.

Every time Marcelle and I visit Danforth Pewter, we are impressed by the time and effort that goes into each piece. We shared the quality of this craftsmanship in 2008 when we shared palm stones crafted at Danforth Pewter with other delegates at the 2008 National Convention. Whenever we are in Middlebury, Marcelle and I try to stop in the store and see what new pieces are available. Our home in Vermont is dotted with Danforth Pewter pieces, and many hold special memories for us. These pieces are part of what makes our house in Vermont truly our home.

The Burlington Free Press recently ran an article highlighting the long history of Danforth Pewter, punctuated with images of some of the company's most historic pieces. I ask unanimous consent that this December 11, 2015, article entitled ''Inside the world of Danforth Pewter'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Dec. 11, 2015]

INSIDE THE WORLD OF DANFORTH PEWTER

(By Fred Danforth)

In his wonderful book ''The Connecticut,'' Walter Hard tells of the development of trade along the Connecticut River by the American colonists. In one chapter he describes itinerant peddlers with horse-drawn carts who were the first to distribute the wares of the 18th-century artisans of the Connecticut Valley.

Some of the wares on those carts were most likely pewter mugs and plates made by Thomas Danforth and his six sons in the late 1700s and early 1800s.

Thomas Danforth opened his pewter workshop in Middletown, Connecticut, on the banks of the Connecticut River, in 1755 and his sons, grandsons and great-grandsons continued crafting pewter in their respective workshops until 1873, when the last of the early American Danforth pewterers died. Some of the pewter pieces made by these Colonial and early American Danforths have made their way into the Smithsonian, the Museum of Fine Arts in Boston, the Winterthur Museum in Delaware, the DeWitt-Wallace Museum in Colonial Williamsburg, and many other American museums.

FRED AND JUDI CONNECT

In the middle of the 20th century, Judi Danforth, who was then Judi Whipple, also grew up on the shores of the Connecticut River, in Claremont. New Hampshire. Fred Danforth, whose father was the family genealogist, came to Vermont from Ohio to attend Middlebury College. When Fred and Judi met in Middlebury, they discovered that they not only liked each other a lot, but they had a common interest in pewter. Judi had studied silversmithing and pewtering at the school for American Craftsmen in Rochester, New York, and was determined to become a pewterer.

Fred aspired to fine woodworking and knew that the four pewter pieces on his family's mantle were made by his great-great-great-great-great grandfather Thomas Danforth and his family. With a little cajoling Fred shifted his creative interest from wood to pewter. After a short apprenticeship in the basic skills of pewtering and a brief stint working for an entrepreneur in Nova Scotia, the two returned to Vermont and found the perfect spot to follow their new passion in Woodstock, and 102 years after the last of the early American Danforths stopped working in pewter, the Danforth family pewter trade came to life again, once more in the Connecticut River Valley.

Using the rampant lion from Thomas Danforth's touchmark on their first sign, Fred and Judi Danforth opened their pewter shop in Woodstock, Vermont in 1975.

Fred says ''We were inspired by the burgeoning revival of the American Crafts movement in Vermont in the 1970s. We were brimming with design ideas and our goal was to make well-designed appealing functional pieces that people could use every day and enjoy for generations.'' The shop in Woodstock was in the milk house of an old dairy barn. The makeshift showroom was in their living room in a tired 1789 farm house.

'INTO THE WOODS'

After two years of successfully attracting both locals and visiting tourists to their fledgling business, they decided to move closer to friends in Addison County to begin raising their family and to pursue a new approach to their business.

''We moved into the woods,'' Fred continues, ''some might say back to the land, in Lincoln. This presented new challenges for our business and we had to work hard to make it succeed. In order to reach customers we began attending more craft fairs and selectively selling our growing product line to stores around Vermont including Frog Hollow. We created our first touchmark based on the same rampant lion of Thomas Danforth II.''

''And this was when Judi became a sculptor. She began carving wax into a whimsical range of buttons in the shapes of animals and flowers. They were immediately popular on the craft fair circuit, not to mention on the sweaters of our two beautiful young daughters.'' The business grew in new directions as the couple went to trade shows and sold their buttons and pins and then ornaments to stores all over the country.

EXPAND TO MIDDLEBURY

By 1988, they had 12 employees and had outgrown the workshop in the Danforths' barn in Lincoln. They built a new facility next to Woody Jackson's Holy Cow in Middlebury. Soon thereafter Judi's carving skill won them the license to make Winnie the Pooh pewter for Walt Disney, which led to another period of growth in a new direction.

In the late 1990s, the company returned to its roots and refocused its energies on Fred and Judi's original designs. In 1997 Danforth Pewter was honored by the SBA when Fred and Judi were the co-winners of the Vermont Small Business Person of the Year Award.

In 2006, the company took another big step, putting their flagship retail store in Middlebury into the same building as the workshop. One set of observation windows lets guests see 100–year-old lathes being used by skilled artisans to make oil lamps, candlesticks, baby cups and other holloware. Another set of windows gives a look into the casting shop where visitors can see molten pewter being carefully poured into some of the hundreds of vulcanized rubber molds the company uses to make jewelry, holiday ornaments and figurines.

NETWORK OF PEWTER STORES

Today, the company employs around 60 people, and the network of Danforth Pewter stores has grown to include a boutique on Middlebury's Main St; stores in Burlington, Waterbury, Woodstock, and Williamsburg, Virginia; a holiday kiosk in the University Mall in South Burlington in November and December; and several retail events around New England. The company also has a thriving online business at www.danforthpewter.com, as well as a national wholesale business. In addition, Danforth makes custom designs, such as the bottle stoppers for one of Whistlepig Whiskey's high-end offerings, and holiday ornaments for Life is Good.

A lot has changed since Thomas Danforth II opened his pewter workshop in 1755, but there are a lot of things that he'd recognize if he walked into Danforth's Middlebury workshop today. The process of casting pewter by pouring molten pewter into a mold is a technique he used that's still in use today.

Hopefully, he'd also recognize a passion for good design and for quality craftsmanship. And he'd certainly recognize some of the pieces of Colonial-era and early American Danforth pewter that are on display in each Danforth store, including one or two that he made himself all the way back in the 1700s.

OMNIBUS LEGISLATION

Mrs. BOXER. Mr. President, I support this bipartisan budget package

that is an important step forward for our country.

With this deal, we have avoided the devastating sequester cuts—which is incredibly important for our economy, for our workers, and for our businesses.

We did not allow the government to shut down over divisive issues—like taking away access to reproductive health care for millions of women.

We fought to protect investments that are vital to our families, children, seniors, veterans, women, college students, communities, and our environment.

By definition, no deal is ever perfect. No one will get everything they want—especially in a divided government, but this agreement is good for our country in many ways.

I will start with the extension of the clean energy investments included in this package.

Look at my State. We know what is at stake. Clean energy has proven to be a huge engine of economic growth in California.

So extending the wind and solar energy tax incentives will help create tens of thousands of clean energy jobs across the country that will benefit American families and the environment, increase our energy independence, and protect our children and grandchildren from dangerous pollution.

Extending the wind and solar tax incentives will eliminate over 10 times more carbon emissions than lifting the oil export ban will create. Combined, these incentives are expected to reduce annual carbon emissions equal to the emissions from 66 coal-fired power plants or 50 million passenger cars.

Extending the Investment Tax Credit, ITC, for solar would create an estimated 61,000 jobs in 2017 alone and avoid losing 80,000 solar jobs.

And extending the Production Tax Credit, PTC, would allow the wind industry to grow to over 100,000 jobs in 4 years and continue toward supporting 500,000 jobs by 2030.

These provisions are a game changer—and I am thrilled they were included.

I also strongly support the 9/11 First Responders provision. In this country, we take care of the people who put their lives on the line for us. These men and women answered the call of duty when our Nation was under attack.

I never understood why it took so long to do this, and it is a moral outrage that this program was allowed to expire in the first place. We should never have left them in limbo for health care.

We would never ever leave our wounded soldiers on the battlefield, and we should have never ever have given these brave first responders even a moment of doubt that we would be there for them.

I want to praise Senator GILLIBRAND, Senator SCHUMER, and Jon Stewart for putting this issue on the map—and getting these 9/11 heroes the health care they need—and deserve. And I want to say this: it was then-Senator Hillary Clinton who, as a member of EPW, called attention to the dangerous, dangerous toxic air pollutants at Ground Zero, and I praise her for that work. She secured millions for a health screening program for Ground Zero workers and first responders.

I am also thrilled this deal renews the Land and Water Conservation Fund, LWCF, for 3 years. The fund—our country's most successful conservation and recreation program—ensures that all Americans have access to our beautiful outdoor spaces.

Since 1964, the fund has created recreation opportunities in every single State and protected national parks, national wildlife refuges, national forests, and other Federal areas—and doing so has benefitted our economy. Outdoor recreation, conservation, and preservation pumps more than $1 trillion into the U.S. economy every year and supports 1 out of every 15 jobs in the U.S.

There are a number of other critical provisions in this package.

Veterans—this bill demonstrates our dedication to our veterans by providing $163 billion in funding for the Department of Veterans Affairs. A majority of this funding will go directly to medical care and medical research for our veterans.

Education—this legislation will also provide billions of dollars in funding to ensure more access to quality education for our students—including $22.5 billion for the Pell Grant Program—which when combined with mandatory funding will increase the maximum grant to $5,915 and ensure that more than 8 million low-income students can attend college in the next school year.

The bill also invests significant funding in title I grants and Head Start—which gives our youngest children more opportunities for educational success.

Afterschool—the bill boosts funding for afterschool programs by $15 million, expanding access to the critical programs for approximately 15,000 students.

Fighting the opioid epidemic—the bill also includes robust funding to fight the growing use of drugs in this country and increase awareness of the dangers of prescription drug abuse by providing $3.8 billion for Substance Abuse and Mental Health Services.

Preserving our national parks—the bill provides $2.8 billion to preserve and protect our beautiful national parks.

Drought—I want to thank Senator FEINSTEIN for including $271 million to help alleviate hazards caused by drought, floods, fires, windstorms, and other natural disasters. It also helps farmers and ranchers repair damage to farmlands caused by these natural disasters.

Included in this package are also important tax provisions that will help our families, our communities and our environment.

The tax extenders package made permanent the child tax credit, CTC, earned-income tax credit, EITC, and American opportunity tax credit for college expenses.

This will increase the tax refunds of working families by several hundred dollars per year, depending on the size of the family.

Other important tax extenders made permanent are the deduction for State and local sales taxes, the deduction for donations of property for conservation purposes, tax-free retirement plan distributions for charitable donations, and the deduction for teachers' out-of-pocket expenses, as well as parity for parking and transit subsidies. The bill also extends the favorable tax treatment of forgiven mortgages through 2016.

I am pleased that we were able to stop more than 100 poison pill riders.

We stopped Republicans from defunding Planned Parenthood and depriving nearly 3 million Americans of health care.

We stopped them from undermining the Food and Drug Administration's ability to protect Americans from the dangers of e-cigarettes.

We stopped them from restricting the authority of Health and Human Services, HHS, to administer and enforce the Affordable Care Act.

We stopped them from weakening the Department of Homeland Security's DACA program, which helps DREAMers succeed.

We stopped them from barring FEMA State and grant funds to sanctuary cities.

We stopped them from gutting the President's landmark Clean Power Plan and weakening the Endangered Species Act and destroying the Clean Water Act.

And we stopped them from eliminating the housing trust fund, which provides affordable housing for families across the country.

I am proud that Democrats stood together and fought against these dangerous provisions that would seriously hurt the American people.

Now, there were several provisions that ended up in the legislation that I do not support—measures that Republicans insisted on, such as lifting the oil export ban permanently, which I oppose.

I also do not support Republicans' decision to flat-fund the EPA—even though the EPA is incredibly popular with Americans.

And it doesn't provide the IRS with any new funds—which hurts our ability to administer the Affordable Care Act, as well as crack down on tax cheats and frauds.

The package also provides inadequate support for family planning—especially abroad.

At a time when we should be doing everything we can to prevent gun violence, this legislation does not overturn a prohibition on government-funded studies of gun violence.

I am also disappointed that the House's visa waiver language was accepted—rather than Senator FEINSTEIN's language that I supported.

But in the end, that is what a compromise is—and that is what it means to negotiate and to govern.

I want to praise Senator REID, Leader PELOSI, Senator MIKULSKI, and all of my fellow Democrats who fought so hard to make this the best agreement we could reach. I also praise their Republican counterparts.

I believe this is a good deal for the American people. It is good for our families, our children, our economy, and our environment, and I urge my colleagues to support it.

TOXIC SUBSTANCES CONTROL ACT

Mrs. BOXER. Mr. President, I am pleased to move forward with the Senate language on the Toxic Substances Control Act, TSCA, which has been a difficult, multiyear odyssey.

I did this for two reasons. First, the bill has been vastly improved over the original bill, which in my opinion would have been harmful to our families because it overrode our State laws and set up an ineffective and nonexistent way to regulate most toxic pollutants. Secondly, I have been assured that, as the House and Senate bills are merged into one, the voices of those who have been most deeply affected—including nurses, breast cancer survivors, asbestos victims, and children—will be heard. I will have the opportunity to be in the room at every step and express their views.

This is very important to me because the history of this bill has been so contentious. I want to assure my colleagues, my home State of California, and the people of this Nation that I will stay intimately involved as the bill moves forward, and I will share my views openly. I look forward to the work ahead, and I am optimistic that we can reach a fair and just conclusion.

THE INTERNATIONAL YEAR OF LIGHT AND LIGHT-BASED TECHNOLOGIES

Mr. COONS. Mr. President, as the year comes to a close, I would like to highlight a proclamation from the U.N. General Assembly recognizing 2015 as the International Year of Light and Light-Based Technologies. This global initiative is aimed at raising awareness of the vital role of light in our daily lives and its importance to 21st century technology and innovation. For centuries, light has transcended all boundaries from geography and gender, to age, culture, and race.

For centuries, light-based technologies have provided solutions to worldwide challenges in energy, agriculture, telecommunications, security, and health. To start, light has revolutionized medicine through technologies such as x ray imaging, laser surgery, and cancer treatments. Light has transformed international communication via the Internet, a tool we cannot imagine living without today. It has helped us improve safety through sensors in cars and aircraft, advanced infrastructure monitoring, and weather prediction. Furthermore, light has helped millions around the globe work, study, and play after dark through low-cost and sustainable light sources for families who do not have access to grid electricity. From agriculture to forensics to virtual reality, light and light-based technologies continue to fuel innovations and improvements that touch nearly every aspect of lives around the world.

In fact, the science of light is becoming increasingly critical in growing our economy and keeping American manufacturing competitive on a global scale. The contribution of light-based technologies to our economy starts with fundamental optics and photonics education and research. Look no further than the work being done in my home State at Delaware State University's Optical Science Center for Applied Research, OSCAR, where researchers are developing new detectors for night vision technologies, methods for determining the composition of complex materials, and technologies with applications in space exploration, to name just a few. These economic contributions continue with investments in manufacturing to increase the development and production of new optics and photonics applications and technologies, a market that supports more than 7.4 million jobs and $3 trillion in annual revenue in the United States.

The transformative value of light-based technologies was reaffirmed earlier this summer with the establishment of the American Institute for Manufacturing Integrated Photonics, AIM Photonics, as part of the National Network for Manufacturing Innovation. Continued investment in public-private partnerships like AIM Photonics accelerates research and development that leads to technologies like integrated photonic components and circuits. This vital work helps ensure that breakthroughs in related fields like biophotonics, high-resolution imaging, next generation wireless communications, and quantum computing will not only occur, but also be built right here in America.

The International Year of Light is also a real opportunity to provide the general public with a better understanding of the science of light; promote STEM education; and inspire the next generation of scientists, researchers, innovators, and entrepreneurs. This past year, optics and photonics organizations have held events around the United States such as the Light for a Better World symposium held in September in Washington, DC, that featured two Nobel prize winners as keynote speakers, Dr. Eric Betzig and Dr. Shuji Nakamura. In October, the University of Delaware also hosted Green Light: Prospects in Lighting Design and Technology, which brought together artists and scientists from around the world, while other groups across the country have hosted similar symposia through local sections and student chapters of organizations. Events such as these provide public outreach on the importance of optics and photonics, promote youth interest and engagement in science, and educate us all on the crucial role that light-based technologies play in the U.S. economy and in everyday life.

Events like these have been happening not just here in the United States, but all over the world throughout 2015. Across the globe, events have been organized to learn more about the science of light and to celebrate the innovation and imagination that has fueled incredible discoveries and inventions. The storied history of innovation in light dates back to the first studies of optics 1,000 years ago and continues today with breakthroughs in the field of optical communications.

These activities would not be possible without the hard work and dedication of people in the optics and photonics field, both in industry and in academia. This includes the optics and photonics based societies and organizations that have sponsored the initiative, including the Optical Society, the American Institute of Physics, the American Physical Society, the European Physical Society, the German Physical Society, the Abdus Salam International Centre of Theoretical Physics, the IEEE Photonics Society, the Institute of Physics, Light: Science and Applications, Lightsources.org, 1001 Inventions, and the International Society for Optics and Photonics. In fact, the International Year of Light has been endorsed by the International Council of Science, as well as several international scientific unions and professional societies, and has more than 100 partners from over 85 countries.

By highlighting the critical role light plays in our everyday lives and its unique potential to improve the world in ways we cannot yet imagine, celebrating the International Year of Light provides a valuable opportunity to inspire, educate, and connect all of those who are fighting to make the world even brighter. From scientific societies to educational institutions to trade groups, from nonprofit organizations to private sector partners, the global community has recognized 2015 as the International Year of Light not only to commemorate achievements past, but also to set the stage for technologies of the future.

ADDITIONAL STATEMENTS

RECOGNIZING THE CRAWFORD-SEBASTIAN COMMUNITY DEVELOPMENT COUNCIL

• Mr. BOOZMAN. Mr. President, it is my honor to congratulate the

Crawford-Sebastian Community Development Council, CSCDC, on its 50th anniversary of providing critical help for the people of western Arkansas. Since 1965, this community action agency has administered a wide range of Federal programs that help with housing, utilities, food and other basic needs.

This agency does not just process paperwork; it alleviates hunger, provides shelter, and gives hope to more than 50,000 Arkansans annually.

I have always been struck by the great kindness and care that the staff at the CSCDC provides. The team, including 1,600 volunteers, is passionate about helping people and improving the community. They consistently look for new ways to improve their services, and I am grateful for their tireless efforts to support the homeless, families facing difficult times, and those who are seeking to improve their lives.

I have had many opportunities to see their work in person, including helping a family celebrate their new home through the self-help housing program. The CSCDC is a leader in providing counseling for first-time and low-income home buyers and creating homes hand-in-hand with them that will stand the test of time. It also quietly helps those in greatest need each day with services such as utility assistance, emergency food, and a no-cost dental clinic.

This year, the CSCDC has proven that it intends to remain a leader in community support for many years to come. This agency joined efforts to create the new Hope Campus in Fort Smith, AR, that brings together a number of nonprofits and services for the homeless in one place. It is a place of hope, healing, and opportunity.●

TRIBUTE TO MARK GOLLINGER

● Mr. DAINES. Mr. President, I would like to honor Mark Gollinger for his faithful devotion to the veterans of Butte-Silver Bow, MT. Mark has tirelessly served countless veterans over the years by serving as a liaison between veterans and veteran providers.

Mark is a U.S. Navy retired senior chief who now runs the Disabled Veterans Outreach Program, DVOP, from the Butte Job Service. One of the chief responsibilities of his position is communicating with veterans in the area and keeping them informed of what is happening around the community. Some of his most recent efforts have included free tax preparation for veterans and Active-Duty military members, virtual career fairs with the Forest Service, and a career mini-summit.

Mark also hosts a quarterly veteran service provider, VSP, meetings in Butte, at which presentations are given with information to help veterans learn more about the providers in the area, in addition to sharing any other relevant information for veterans.

As a strong advocate for ensuring our veterans are cared and provided for, it is my honor to have someone like Mark Gollinger call Montana home. I am grateful for his exceptional work and look forward to hearing about the continued impact he is having in the Butte community.●

TRIBUTE TO GORDON BURGESS

● Mr. VITTER. Mr. President, today I wish to honor Tangipahoa Parish president Gordon Burgess. Gordon has selflessly served nearly 30 years as Tangipahoa's first and only parish president.

A graduate of Southern Arkansas University, Burgess served 2 years in the Nike Missile Anti-Aircraft Artillery Battery of the U.S. Army, as well as 4 years on Active Reserve in the National Guard. Following his service, Gordon owned and operated a successful oil service company for more than 20 years before becoming Tangipahoa Parish president in 1986. Gordon and his wife Margaret are both members of the First Baptist Church in Independence, LA, where he serves as a deacon and she in the music ministry.

As a staunch fiscal conservative, Gordon has fought to reduce taxes and to live with a balanced budget by implementing his now famous ''pay as you go'' approach. When first elected Tangipahoa Parish president, Gordon inherited a parish government nearly $12 million in the red. Under his leadership, all of that debt has been paid off, and 19 separate property taxes totaling over $96 million have been eliminated.

During his eight terms in office, Gordon strengthened Tangipahoa's highway system, upgraded the drainage systems, built new governmental facilities, and invested in a higher quality health system for his Parish's citizens.

Gordon's public service extends well beyond Tangipahoa Parish to State and Federal levels. His experience and vision have led to an appointment on Louisiana's Commerce and Industry Board and the Louisiana Police Jury Executive Board. On the Federal level, he serves as vice president of the Zachary Taylor Parkway Association.

Gordon is also an honorary cochairman and committee member of America's Wetland Storm Warning IV Committee. He is a member of the Louisiana Federal Property Advisory Board, a member of Parishes Against Coastal Erosion, the Amite Rotary Club, the Hammond Chamber of Commerce, as well as the Ponchatoula and Amite Area chambers. Additionally he is a member of the Louisiana Cattlemen's Association.

I am pleased to hereby honor parish president Gordon Burgess on his commitment to providing invaluable public service to the people of Tangipahoa Parish and the State of Louisiana.●

RECOGNIZING HARLOW'S DONUTS AND BAKERY

● Mr. VITTER. Mr. President, behind each of the millions of small businesses in the United States, there is an entrepreneur who is willing to put in the hard work necessary for success. In the heart of Pineville, LA, Roy W. Burr, Sr., exemplified this commitment by dedicating over 30 years to growing and maintaining this week's Small Business of the Week, Harlow's Donut and Bakery.

Harlow's Donut and Bakery has been a staple in Pineville since opening its doors in 1972. When Roy W. Burr, Sr., took over in 1984, he was determined to maintain the bakery's name and good reputation. With no prior experience in the food industry, Roy would regularly begin making donuts at 2:30 in the morning. In the decades since, three generations of Burrs have created an environment where locals could start their mornings with hot coffee and a fresh pastry, while catching up with their friends and neighbors. Harlow's Bakery is widely recognized as a staple in the community in large part due to the Burr family treating both their employees and customers as members of their extended family.

Over the years, Harlow's Donut and Bakery has been awarded statewide and national accolades. In 2011, Harlow's was featured as a Travelocity Local Secret, Big Find and more recently was honored by the North Rapides Business and Industry Alliance as a Small Business of the Month in March 2015.

This past November, Roy W. Burr, Sr., passed away after running Harlow's for over 30 years. In remembrance of Roy and his dedication to the Pineville community, Harlow's Donut and Bakery is officially recognized as Small Business of the Week.●

RECOGNIZING WETLAND RESOURCES, LLC

● Mr. VITTER. Mr. President, restoring, protecting, and preserving our vulnerable coastal habitats remain among the most important priorities for those of us in Louisiana. Coastal erosion has reduced our Nation's largest marsh by more than 2,000 square miles since 1930. We need to work toward effective solutions combating coastal erosion because it affects our homes, businesses, and daily lives. That is why I would like to recognize Wetland Resources, LLC, of Tickfaw, LA, as Small Business of the Week.

The threat of natural disaster will always remain for those of us living in Louisiana, and it is well known that coastal restoration goes hand-in-hand with storm protection. In the 10 years since Hurricane Katrina, which flooded 80 percent of New Orleans and displaced thousands across the country, we as a State have made great strides to protect our homes and communities, and our future is brighter than ever. But we are not done yet.

Husband and wife team Gary Shaffer and Demetra Kandelepas of Wetland Resources have stepped up to play a major role in coastal restoration and in

2009 began devising a way to rebuild and protect our coastline. Shaffer, a biology professor at Southeastern Louisiana University in Hammond, LA, and Kandelepas, an ecologist with a doctorate degree, have been growing hurricane-resistant plants, such as cypress and tupelo trees, along Louisiana's receding coast. This creates a natural barrier of healthy flora more likely to sustain vulnerable coastal habitats during strong storms. In order to reinvigorate the vegetation along Louisiana's coastline, Wetland Resources targets areas that are filled with treated sewerage and wastewater from nearby cities. These areas are nutrient rich and serve as ideal incubators for newly planted cypress and tupelo trees. These species of trees can live for hundreds of years, and their root systems grow laterally, which connect with adjacent trees to create an effective barrier from storm surges and gale force winds.

Today, Shaffer and Kandelepas are developing new ways to plant and protect their seeds. In addition to their most recent development, a biodegradable protective casing for their seedlings that allows 4,000 trees to be planted each day, Wetland Resources, LLC, has received numerous awards.

Congratulations to Wetlands Resources, LLC, of Tickfaw, LA, this week's Small Business of the Week. I look forward to seeing the ongoing impact of your innovative ideas in restoring our coastline and protecting our families and homes.●

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1090. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for broadcasting facilities to receive certain disaster assistance, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3654. An act to require a report on United States strategy to combat terrorist use of social media, and for other purposes.

H.R. 3750. An act to waive the passport fees for first responders proceeding abroad to aid a foreign country suffering from a natural disaster.

H.R. 3878. An act to enhance cybersecurity information sharing and coordination at ports in the United States, and for other purposes.

H.R. 4239. An act to require intelligence community reporting on foreign fighter flows to and from terrorist safe havens abroad, and for other purposes.

H.R. 4246. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The message further announced that the House agrees to the amendment of the Senate to the text of the bill (H.R. 2297) to prevent Hezbollah and associated entities from gaining access to international financial and other institutions, and for other purposes, and agrees to the amendment of the Senate to the title of the bill.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2820) to reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes.

ENROLLED BILLS SIGNED

At 5:07 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1090. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for broadcasting facilities to receive certain disaster assistance, and for other purposes.

H.R. 2297. An act to prevent Hizballah and associated entities from gaining access to international financial and other institutions, and for other purposes.

H.R. 2820. An act to reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes.

H.R. 3831. An act to amend title XVIII of the Social Security Act to extend the annual comment period for payment rates under Medicare Advantage.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3189. An act to amend the Federal Reserve Act to establish requirements for policy rules and blackout periods of the Federal Open Market Committee, to establish requirements for certain activities of the Board of Governors of the Federal Reserve System, and to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3654. An act to require a report on United States strategy to combat terrorist use of social media, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3750. An act to waive the passport fees for first responders proceeding abroad to aid a foreign country suffering from a natural disaster; to the Committee on Foreign Relations.

H.R. 3878. An act to enhance cybersecurity information sharing and coordination at ports in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4239. An act to require intelligence community reporting on foreign fighter flows to and from terrorist safe havens abroad, and for other purposes; to the Select Committee on Intelligence.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 17, 2015, she had presented to the President of the United States the following enrolled bill:

S. 1090. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for broadcasting facilities to receive certain disaster assistance, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself and Ms. COLLINS):

S. 2410. A bill to promote transparency in the oversight of cybersecurity risks at publicly traded companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINRICH (for himself and Mr. FLAKE):

S. 2411. A bill to permit the Secretary of Homeland Security to search open source information to determine if an alien is inadmissible to the United States and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2412. A bill to establish the Tule Lake National Historic Site in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 2413. A bill to prohibit unfair or deceptive acts or practices relating to the prices of products and services sold online, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself and Mr. MCCAIN):

S. 2414. A bill to decrease the frequency of sports blackouts, and for other purposes; to the Committee on the Judiciary.

By Mr. FLAKE (for himself, Mr. CORNYN, and Mr. SCHUMER):

S. 2415. A bill to implement integrity measures to strengthen the EB–5 Regional Center Program in order to promote and reform foreign capital investment and job creation in American communities; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 2416. A bill to amend titles XVIII and XIX of the Social Security Act to require the use of electronic visit verification systems for home health services under the Medicare program and personal care services and home health care services under the Medicaid program; to the Committee on Finance.

By Mr. THUNE (for himself and Mr. ROUNDS):

S. 2417. A bill to amend the Indian Health Care Improvement Act to allow the Indian Health Service to cover the cost of a copayment of an Indian or Alaska Native veteran receiving medical care or services from the Department of Veterans Affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. BOOKER (for himself and Mr. JOHNSON):

S. 2418. A bill to authorize the Secretary of Homeland Security to establish university labs for student-developed technology-based solutions for countering online recruitment of violent extremists; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED (for himself and Mr. CASEY):

S. 2419. A bill to improve quality and accountability for educator preparation programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. MARKEY, Ms. BALDWIN, Mr. SANDERS, and Mrs. BOXER):

S. 2420. A bill to amend the Food and Nutrition Act of 2008 to modify the exception to the work requirement; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. 2421. A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL:

S. Res. 337. A resolution expressing support for the designation of February 12, 2016, as ''Darwin Day'' and recognizing the importance of science in the betterment of humanity; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 50, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

S. 551

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 551, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 678

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 678, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

S. 706

At the request of Mrs. BOXER, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 706, a bill to amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

S. 779

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 779, a bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 1141

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small businesses.

S. 1169

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 1169, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 1455

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 1455, a bill to provide access to medication-assisted therapy, and for other purposes.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1697

At the request of Ms. HEITKAMP, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1697, a bill to provide an exception from certain group health plan requirements to allow small businesses to use pre-tax dollars to assist employees in the purchase of policies in the individual health insurance market, and for other purposes.

S. 1849

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1849, a bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and eligible professionals to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits.

S. 1867

At the request of Mr. TOOMEY, his name was added as a cosponsor of S. 1867, a bill to protect children from exploitation by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

S. 2067

At the request of Mr. WICKER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2152

At the request of Mr. CORKER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2152, a bill to establish a comprehensive United States Government policy to encourage the efforts of countries in sub-Saharan Africa to develop an appropriate mix of power solutions, including renewable energy, for more broadly distributed electricity access in order to support poverty reduction, promote development outcomes, and drive economic growth, and for other purposes.

S. 2200

At the request of Mrs. FISCHER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2200, a bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

S. 2201

At the request of Mr. CORKER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2201, a bill to promote international trade, and for other purposes.

S. 2291

At the request of Mr. KIRK, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2291, a bill to amend title 38, United States Code, to establish procedures within the Department of Veterans Affairs for the processing of whistleblower complaints, and for other purposes.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2407

At the request of Mr. MARKEY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. 2407, a bill to posthumously award the Congressional

Gold Medal to each of J. Christopher Stevens, Glen Doherty, Tyrone Woods, and Sean Smith in recognition of their contributions to the Nation.

S. 2409

At the request of Mr. WYDEN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2409, a bill to amend titles XVIII and XIX of the Social Security Act to improve payments for hospital outpatient department services and complex rehabilitation technology and to improve program integrity, and for other purposes.

S.J. RES. 25

At the request of Mr. FLAKE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S.J. Res. 25, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Administrator of the Environmental Protection Agency relating to ''National Ambient Air Quality Standards for Ozone''.

S. RES. 327

At the request of Mr. BLUMENTHAL, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 327, a resolution condemning violence that targets healthcare for women.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Ms. COLLINS):

S. 2410. A bill to promote transparency in the oversight of cybersecurity risks at publicly traded companies; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am pleased to be introducing the Cybersecurity Disclosure Act of 2015 with Senator COLLINS. In response to data breaches by various companies, which exposed the personal information of millions of customers, this bill asks each publicly traded company to include, in Securities and Exchange Commission, SEC, disclosures to investors, information on whether any member of the Board of Directors is a cybersecurity expert, and if not, why having this expertise on the Board of Directors is not necessary because of other cybersecurity steps taken by the publicly traded company. The legislation does not require companies to take any actions other than to provide this disclosure to its investors.

Many investors may be surprised to learn that board directors who participated in National Association of Corporate Directors roundtable discussions on cybersecurity late in 2013 admitted that ''the lack of adequate knowledge of information technology risk has made it challenging for them to 'effectively oversee management's cybersecurity activities.' Participating board members also suggested that 'without sound knowledge of—or adequate sensitivity to—the topic, directors cannot easily draw the line between oversight and management,' and that once in the technical 'weeds,' directors 'find it difficult to assess the appropriate level of [the board's] involvement in risk management.' ''

Investors and customers deserve a clear understanding of whether publicly traded companies are not only prioritizing cybersecurity, but also have the capacity to protect investors and customers from cyber related attacks. This bill aims to provide a better understanding of these issues through improved SEC disclosure.

While this legislation is a matter for consideration by the Banking Committee, of which I am a member, this bill is also informed by my service on the Armed Services Committee. It is through this dual Banking-Armed Services perspective that I see that our economic security is indeed a matter of our national security, and this is particularly the case as our economy becomes increasingly reliant on technology and the Internet.

For example, James Clapper, Director of National Intelligence, recently appeared before the Armed Services Committee on September 29, 2015, and testified that ''cyber threats to the U.S. national and economic security are increasing in frequency, scale, sophistication and severity of impact.'' He further said that ''[b]ecause of our heavy dependence on the Internet, nearly all information communication technologies and I.T. networks and systems will be perpetually at risk.''

With mounting cyber threats and concerns over the capabilities of corporate directors, we all need to be more proactive in ensuring our Nation's cybersecurity before there are additional serious breaches. This legislation seeks to take one step towards that goal by encouraging publicly traded companies to be more transparent to its investors and customers on whether and how their Boards of Directors are prioritizing cybersecurity.

I thank Harvard Law School Professor John Coates, MIT Professor Simon Johnson, Columbia Law School Professor John Coffee, and the Consumer Federation of America for their support, and I urge my colleagues to join Senator COLLINS and me in supporting this legislation.

By Mr. REED (for himself and Mr. CASEY):

S. 2419. A bill to improve quality and accountability for educator preparation programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, we know that the quality of teachers and principals are two of the most important in-school factors related to student achievement. If we want to improve our schools, it is essential that teachers, principals, and other educators have a comprehensive system that supports their professional growth and development, starting on day one and continuing throughout their careers. Senator CASEY and I introduced the Better Education Support and Training Act to create such a system, and many key provisions of this legislation were included in the Every Student Succeeds Act that passed the Senate with an overwhelming bipartisan vote and was signed into law last week.

However, our work is not done. We need to make sure that educator preparation programs help teachers, principals, librarians, and other school leaders develop the skills and knowledge to be profession-ready. There is a looming shortage of fully-prepared teachers. Earlier this month, the Washington Post reported that many high poverty schools struggle to fill their teaching positions and rely on a ''rotating cast of substitutes.'' We must do better by our students and our schools.

Today, I am reintroducing the Educator Preparation Reform Act and am pleased to be joined by Senator CASEY in offering this approach to improving how we prepare teachers, principals, and other educators so that they can be effective right from the start.

The Educator Preparation Reform Act builds on the success of the Teacher Quality Partnership Program, which I helped author in the 1998 reauthorization of the Higher Education Act.

Among the key changes this new bill makes is specific attention and emphasis on principals, with the addition of a residency program for new principals. Improving instruction is a team effort, with principals at the helm. This bill better connects teacher preparation with principal preparation. The Educator Preparation Reform Act will also allow partnerships to develop preparation programs for other areas of instructional need, such as for school librarians, counselors, or other academic support professionals.

The bill streamlines the accountability and reporting requirements for teacher preparation programs to provide greater transparency on key quality measures such as admissions standards, requirements for clinical practice, placement of graduates, retention in the field of teaching, and teacher performance, including student learning outcomes. All programs—whether traditional or alternative routes to certification—will be asked to report on the same measures.

Under our legislation, states will be required to identify at-risk and low-performing programs and provide them with technical assistance and a timeline for improvement. States would be encouraged to close programs that do not improve.

We have been fortunate to work with many stakeholders on this legislation. Organizations that have endorsed the Educator Preparation Reform Act include: the Alliance for Excellent Education, American Association of Colleges for Teacher Education, American

Association of State Colleges and Universities, American Council on Education, Association of American Universities, Association of Jesuit Colleges and Universities, Association of Public and Land-grant Universities, Council for Christian Colleges and Universities, First Focus Campaign for Children, Higher Education Consortium for Special Education, Hispanic Association of Colleges and Universities, National Association of Elementary School Principals, National Association of Independent Colleges and Universities, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Center for Learning Disabilities, National Education Association, National Disabilities Rights Network, Public Advocacy for Kids, Rural School and Community Trust, and the Teacher Education Division of the Council for Exceptional Children.

I look forward to working to incorporate this legislation into the upcoming reauthorization of the Higher Education Act. I urge my colleagues to join us in this effort and support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 337—EXPRESSING SUPPORT FOR THE DESIGNATION OF FEBRUARY 12, 2016, AS ''DARWIN DAY'' AND RECOGNIZING THE IMPORTANCE OF SCIENCE IN THE BETTERMENT OF HUMANITY

Mr. BLUMENTHAL submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 337

Whereas Charles Darwin developed the theory of evolution by the mechanism of natural selection, which, together with the monumental amount of scientific evidence Charles Darwin compiled to support the theory, provides humanity with a logical and intellectually compelling explanation for the diversity of life on Earth;

Whereas the validity of the theory of evolution by natural selection developed by Charles Darwin is further strongly supported by the modern understanding of the science of genetics;

Whereas it has been the human curiosity and ingenuity exemplified by Charles Darwin that has promoted new scientific discoveries that have helped humanity solve many problems and improve living conditions;

Whereas the advancement of science must be protected from those unconcerned with the adverse impacts of global warming and climate change;

Whereas the teaching of creationism in some public schools compromises the scientific and academic integrity of the education systems of the United States;

Whereas Charles Darwin is a worthy symbol of scientific advancement on which to focus and around which to build a global celebration of science and humanity intended to promote a common bond among all the people of the Earth; and

Whereas February 12, 2016, is the anniversary of the birth of Charles Darwin in 1809 and would be an appropriate date to designate as ''Darwin Day'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of ''Darwin Day''; and

(2) recognizes Charles Darwin as a worthy symbol on which to celebrate the achievements of reason, science, and the advancement of human knowledge.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2932. Mr. INHOFE (for himself, Mr. UDALL, and Mr. VITTER) proposed an amendment to the bill H.R. 2576, to modernize the Toxic Substances Control Act, and for other purposes.

SA 2933. Mr. MCCONNELL (for Mr. ALEXANDER) proposed an amendment to the bill S. 227, to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement.

SA 2934. Mr. MCCONNELL (for Mr. KIRK) proposed an amendment to the resolution S. Res. 148, condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

SA 2935. Mr. MCCONNELL (for Mr. KIRK) proposed an amendment to the resolution S. Res. 148, supra.

SA 2936. Mr. MCCONNELL (for Mr. CORKER (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 515, to protect children and others from sexual abuse and exploitation, including sex trafficking and sex tourism, by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes.

SA 2937. Mr. MCCONNELL (for Mr. CARDIN) proposed an amendment to the bill S. 284, to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes.

TEXT OF AMENDMENTS

SA 2932. Mr. INHOFE (for himself, Mr. UDALL, and Mr. VITTER) proposed an amendment to the bill H.R. 2576, to modernize the Toxic Substances Control Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Frank R. Lautenberg Chemical Safety for the 21st Century Act''.

SEC. 2. FINDINGS, POLICY, AND INTENT.

Section 2(c) of the Toxic Substances Control Act (15 U.S.C. 2601(c)) is amended—

(1) by striking ''It is the intent'' and inserting the following:

''(1) ADMINISTRATION.—It is the intent'';

(2) in paragraph (1) (as so redesignated), by inserting '', as provided under this Act'' before the period at the end; and

(3) by adding at the end the following:

''(2) REFORM.—This Act, including reforms in accordance with the amendments made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act—

''(A) shall be administered in a manner that—

''(i) protects the health of children, pregnant women, the elderly, workers, consumers, the general public, and the environment from the risks of harmful exposures to chemical substances and mixtures; and

''(ii) ensures that appropriate information on chemical substances and mixtures is available to public health officials and first responders in the event of an emergency; and

''(B) shall not displace or supplant common law rights of action or remedies for civil relief.''.

SEC. 3. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) as paragraphs (5), (6), (7), (8), (9), (10), (12), (13), (17), (18), and (19), respectively;

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

''(4) CONDITIONS OF USE.—The term 'conditions of use' means the intended, known, or reasonably foreseeable circumstances the Administrator determines a chemical substance is manufactured, processed, distributed in commerce, used, or disposed of.'';

(3) by inserting after paragraph (10) (as so redesignated) the following:

''(11) POTENTIALLY EXPOSED OR SUSCEPTIBLE POPULATION.—The term 'potentially exposed or susceptible population' means 1 or more groups—

''(A) of individuals within the general population who may be—

''(i) differentially exposed to chemical substances under the conditions of use; or

''(ii) susceptible to greater adverse health consequences from chemical exposures than the general population; and

''(B) that when identified by the Administrator may include such groups as infants, children, pregnant women, workers, and the elderly.''; and

(4) by inserting after paragraph (13) (as so redesignated) the following:

''(14) SAFETY ASSESSMENT.—The term 'safety assessment' means an assessment of the risk posed by a chemical substance under the conditions of use, integrating hazard, use, and exposure information regarding the chemical substance.

''(15) SAFETY DETERMINATION.—The term 'safety determination' means a determination by the Administrator as to whether a chemical substance meets the safety standard under the conditions of use.

''(16) SAFETY STANDARD.—The term 'safety standard' means a standard that ensures, without taking into consideration cost or other nonrisk factors, that no unreasonable risk of injury to health or the environment will result from exposure to a chemical substance under the conditions of use, including no unreasonable risk of injury to—

''(A) the general population; or

''(B) any potentially exposed or susceptible population that the Administrator has identified as relevant to the safety assessment and safety determination for a chemical substance.''.

SEC. 4. POLICIES, PROCEDURES, AND GUIDANCE.

The Toxic Substances Control Act is amended by inserting after section 3 (15 U.S.C. 2602) the following:

''SEC. 3A. POLICIES, PROCEDURES, AND GUIDANCE.

''(a) DEFINITION OF GUIDANCE.—In this section, the term 'guidance' includes any significant written guidance of general applicability prepared by the Administrator.

''(b) DEADLINE.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop, after providing public notice and an

opportunity for comment, any policies, procedures, and guidance the Administrator determines to be necessary to carry out sections 4, 4A, 5, and 6, including the policies, procedures, and guidance required by this section.

''(c) USE OF SCIENCE.—

''(1) IN GENERAL.—The Administrator shall establish policies, procedures, and guidance on the use of science in making decisions under sections 4, 4A, 5, and 6.

''(2) GOAL.—A goal of the policies, procedures, and guidance described in paragraph (1) shall be to make the basis of decisions clear to the public.

''(3) REQUIREMENTS.—The policies, procedures, and guidance issued under this section shall ensure that—

''(A) decisions made by the Administrator—

''(i) are based on information, procedures, measures, methods, and models employed in a manner consistent with the best available science;

''(ii) take into account the extent to which—

''(I) assumptions and methods are clearly and completely described and documented;

''(II) variability and uncertainty are evaluated and characterized; and

''(III) the information has been subject to independent verification and peer review; and

''(iii) are based on the weight of the scientific evidence, by which the Administrator considers all information in a systematic and integrative framework to consider the relevance of different information;

''(B) to the extent practicable and if appropriate, the use of peer review, standardized test design and methods, consistent data evaluation procedures, and good laboratory practices will be encouraged;

''(C) a clear description of each individual and entity that funded the generation or assessment of information, and the degree of control those individuals and entities had over the generation, assessment, and dissemination of information (including control over the design of the work and the publication of information) is made available; and

''(D) if appropriate, the recommendations in reports of the National Academy of Sciences that provide advice regarding assessing the hazards, exposures, and risks of chemical substances are considered.

''(d) EXISTING EPA POLICIES, PROCEDURES, AND GUIDANCE.—The policies, procedures, and guidance described in subsection (b) shall incorporate existing relevant policies, procedures, and guidance, as appropriate and consistent with this Act.

''(e) REVIEW.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 5 years thereafter, the Administrator shall—

''(1) review the adequacy of any policies, procedures, and guidance developed under this section, including animal, nonanimal, and epidemiological test methods and procedures for assessing and determining risk under this Act; and

''(2) after providing public notice and an opportunity for comment, revise the policies, procedures, and guidance if necessary to reflect new scientific developments or understandings.

''(f) SOURCES OF INFORMATION.—In carrying out sections 4, 4A, 5, and 6, the Administrator shall take into consideration information relating to a chemical substance, including hazard and exposure information, under the conditions of use that is reasonably available to the Administrator, including information that is—

''(1) submitted to the Administrator pursuant to any rule, consent agreement, order, or other requirement of this Act, or on a voluntary basis, including pursuant to any request made under this Act, by—

''(A) manufacturers or processors of a substance;

''(B) the public;

''(C) other Federal departments or agencies; or

''(D) the Governor of a State or a State agency with responsibility for protecting health or the environment;

''(2) submitted to a governmental entity in any jurisdiction pursuant to a governmental requirement relating to the protection of health or the environment; or

''(3) identified through an active search by the Administrator of information sources that are publicly available or otherwise accessible by the Administrator.

''(g) TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.—

''(1) IN GENERAL.—The Administrator shall establish policies, procedures, and guidance for the testing of chemical substances or mixtures under section 4.

''(2) GOAL.—A goal of the policies, procedures, and guidance established under paragraph (1) shall be to make the basis of decisions clear to the public.

''(3) CONTENTS.—The policies, procedures, and guidance established under paragraph (1) shall—

''(A) address how and when the exposure level or exposure potential of a chemical substance would factor into decisions to require new testing, subject to the condition that the Administrator shall not interpret the lack of exposure information as a lack of exposure or exposure potential; and

''(B) describe the manner in which the Administrator will determine that additional information is necessary to carry out this Act, including information relating to potentially exposed or susceptible populations.

''(4) EPIDEMIOLOGICAL STUDIES.—Before prescribing epidemiological studies of employees, the Administrator shall consult with the Director of the National Institute for Occupational Safety and Health.

''(h) SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.—

''(1) SCHEDULE.—

''(A) IN GENERAL.—The Administrator shall inform the public regarding the schedule and the resources necessary for the completion of each safety assessment and safety determination as soon as practicable after designation as a high-priority substance pursuant to section 4A.

''(B) DIFFERING TIMES.—The Administrator may allot different times for different chemical substances in the schedules under this paragraph, subject to the condition that all schedules shall comply with the deadlines established under section 6.

''(C) ANNUAL PLAN.—

''(i) IN GENERAL.—At the beginning of each calendar year, the Administrator shall publish an annual plan.

''(ii) INCLUSIONS.—The annual plan shall—

''(I) identify the substances subject to safety assessments and safety determinations to be completed that year;

''(II) describe the status of each safety assessment and safety determination that has been initiated but not yet completed, including milestones achieved since the previous annual report; and

''(III) if the schedule for completion of a safety assessment and safety determination prepared pursuant to subparagraph (A) has changed, include an updated schedule for that safety assessment and safety determination.

''(2) POLICIES AND PROCEDURES FOR SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.—

''(A) IN GENERAL.—The Administrator shall establish, by rule, policies and procedures regarding the manner in which the Administrator shall carry out section 6.

''(B) GOAL.—A goal of the policies and procedures under this paragraph shall be to make the basis of decisions of the Administrator clear to the public.

''(C) MINIMUM REQUIREMENTS.—The policies and procedures under this paragraph shall, at a minimum—

''(i) describe—

''(I) the manner in which the Administrator will identify informational needs and seek that information from the public;

''(II) the information (including draft safety assessments) that may be submitted by interested individuals or entities, including States; and

''(III) the criteria by which information submitted by interested individuals or entities will be evaluated;

''(ii) require that each draft and final safety assessment and safety determination of the Administrator include a description of—

''(I)(aa) the scope of the safety assessment and safety determination to be conducted under section 6, including the hazards, exposures, and conditions of use of the chemical substance, and potentially exposed and susceptible populations that the Administrator has identified as relevant; and

''(bb) the basis for the scope of the safety assessment and safety determination;

''(II) the manner in which aggregate exposures, or significant subsets of exposures, to a chemical substance under the conditions of use were considered, and the basis for that consideration;

''(III) the weight of the scientific evidence of risk; and

''(IV) the information regarding the impact on health and the environment of the chemical substance that was used to make the assessment or determination, including, as available, mechanistic, animal toxicity, and epidemiology studies;

''(iii) establish a timely and transparent process for evaluating whether new information submitted or obtained after the date of a final safety assessment or safety determination warrants reconsideration of the safety assessment or safety determination; and

''(iv) when relevant information is provided or otherwise made available to the Administrator, require the Administrator to consider the extent of Federal regulation under other Federal laws.

''(D) GUIDANCE.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop guidance to assist interested persons in developing their own draft safety assessments and other information for submission to the Administrator, which may be considered by the Administrator.

''(ii) REQUIREMENT.—The guidance shall, at a minimum, address the quality of the information submitted and the process to be followed in developing a draft safety assessment for consideration by the Administrator.

''(i) PUBLICLY AVAILABLE INFORMATION.—Subject to section 14, the Administrator shall—

''(1) make publicly available a nontechnical summary, and the final version, of each safety assessment and safety determination;

''(2) provide public notice and an opportunity for comment on each proposed safety assessment and safety determination; and

''(3) make public in a final safety assessment and safety determination—

''(A) the list of studies considered by the Administrator in carrying out the safety assessment or safety determination; and

''(B) the list of policies, procedures, and guidance that were followed in carrying out the safety assessment or safety determination.

''(j) CONSULTATION WITH SCIENCE ADVISORY COMMITTEE ON CHEMICALS.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish an advisory committee, to be known as the 'Science Advisory Committee on Chemicals' (referred to in this subsection as the 'Committee').

''(2) PURPOSE.—The purpose of the Committee shall be to provide independent advice and expert consultation, on the request of the Administrator, with respect to the scientific and technical aspects of issues relating to the implementation of this title.

''(3) COMPOSITION.—The Committee shall be composed of representatives of such science, government, labor, public health, public interest, animal protection, industry, and other groups as the Administrator determines to be advisable, including, at a minimum, representatives that have specific scientific expertise in the relationship of chemical exposures to women, children, and other potentially exposed or susceptible populations.

''(4) SCHEDULE.—The Administrator shall convene the Committee in accordance with such schedule as the Administrator determines to be appropriate, but not less frequently than once every 2 years.

''(5) RELATIONSHIP TO OTHER LAW.—All proceedings and meetings of the Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 5. TESTING OF CHEMICAL SUBSTANCES OR MIXTURES.

(a) IN GENERAL.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) by striking subsections (a), (b), (c), (d), (e), and (g);

(2) in subsection (f)—

(A) in the first sentence—

(i) by striking ''from cancer, gene mutations, or birth defects''; and

(ii) by inserting '', without taking into account cost or other nonrisk factors'' before the period at the end; and

(B) by striking the last sentence; and

(3) by inserting before subsection (f) the following:

''(a) DEVELOPMENT OF NEW INFORMATION ON CHEMICAL SUBSTANCES AND MIXTURES.—

''(1) IN GENERAL.—The Administrator may require the development of new information relating to a chemical substance or mixture in accordance with this section if the Administrator determines that the information is necessary—

''(A) to review a notice under section 5(d) or to perform a safety assessment or safety determination under section 6;

''(B) to implement a requirement imposed in a consent agreement or order issued under section 5(d)(4) or under a rule promulgated under section 6(d)(3);

''(C) pursuant to section 12(a)(4); or

''(D) at the request of the implementing authority under another Federal law, to meet the regulatory testing needs of that authority.

''(2) LIMITED TESTING FOR PRIORITIZATION PURPOSES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may require the development of new information for the purposes of section 4A.

''(B) PROHIBITION.—Testing required under subparagraph (A) shall not be required for the purpose of establishing or implementing a minimum information requirement.

''(C) LIMITATION.—The Administrator may require the development of new information pursuant to subparagraph (A) only if the Administrator determines that additional information is necessary to establish the priority of a chemical substance.

''(3) FORM.—The Administrator may require the development of information described in paragraph (1) or (2) by—

''(A) promulgating a rule;

''(B) entering into a testing consent agreement; or

''(C) issuing an order.

''(4) CONTENTS.—

''(A) IN GENERAL.—A rule, testing consent agreement, or order issued under this subsection shall include—

''(i) identification of the chemical substance or mixture for which testing is required;

''(ii) identification of the persons required to conduct the testing;

''(iii) test protocols and methodologies for the development of information for the chemical substance or mixture, including specific reference to any reliable nonanimal test procedures; and

''(iv) specification of the period within which individuals and entities required to conduct the testing shall submit to the Administrator the information developed in accordance with the procedures described in clause (iii).

''(B) CONSIDERATIONS.—In determining the procedures and period to be required under subparagraph (A), the Administrator shall take into consideration—

''(i) the relative costs of the various test protocols and methodologies that may be required;

''(ii) the reasonably foreseeable availability of facilities and personnel required to perform the testing; and

''(iii) the deadlines applicable to the Administrator under section 6(a).

''(5) CONSIDERATION OF FEDERAL AGENCY RECOMMENDATIONS.—The Administrator shall consider the recommendations of other Federal agencies regarding the chemical substances and mixtures to which the Administrator shall give priority consideration under this section.

''(b) STATEMENT OF NEED.—

''(1) IN GENERAL.—In promulgating a rule, entering into a testing consent agreement, or issuing an order for the development of additional information (including information on exposure or exposure potential) pursuant to this section, the Administrator shall—

''(A) identify the need intended to be met by the rule, agreement, or order;

''(B) explain why information reasonably available to the Administrator at that time is inadequate to meet that need, including a reference, as appropriate, to the information identified in paragraph (2)(B); and

''(C) explain the basis for any decision that requires the use of vertebrate animals.

''(2) EXPLANATION IN CASE OF ORDER.—

''(A) IN GENERAL.—If the Administrator issues an order under this section, the Administrator shall issue a statement providing a justification for why issuance of an order is warranted instead of promulgating a rule or entering into a testing consent agreement.

''(B) CONTENTS.—A statement described in subparagraph (A) shall contain a description of—

''(i) information that is readily accessible to the Administrator, including information submitted under any other provision of law;

''(ii) the extent to which the Administrator has obtained or attempted to obtain the information through voluntary submissions; and

''(iii) any information relied on in safety assessments for other chemical substances relevant to the chemical substances that would be the subject of the order.

''(c) REDUCTION OF TESTING ON VERTEBRATES.—

''(1) IN GENERAL.—The Administrator shall minimize, to the extent practicable, the use of vertebrate animals in testing of chemical substances or mixtures, by—

''(A) prior to making a request or adopting a requirement for testing using vertebrate animals, taking into consideration, as appropriate and to the extent practicable, reasonably available—

''(i) toxicity information;

''(ii) computational toxicology and bioinformatics;

''(iii) high-throughput screening methods and the prediction models of those methods; and

''(iv) scientifically reliable and relevant alternatives to tests on animals that would provide equivalent information;

''(B) encouraging and facilitating—

''(i) the use of integrated and tiered testing and assessment strategies;

''(ii) the use of best available science in existence on the date on which the test is conducted;

''(iii) the use of test methods that eliminate or reduce the use of animals while providing information of high scientific quality;

''(iv) the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of a chemical substance would provide reliable and useful information on other chemical substances in the category;

''(v) the formation of industry consortia to jointly conduct testing to avoid unnecessary duplication of tests; and

''(vi) the submission of information from—

''(I) animal-based studies; and

''(II) emerging methods and models; and

''(C) funding research and validation studies to reduce, refine, and replace the use of animal tests in accordance with this subsection.

''(2) IMPLEMENTATION OF ALTERNATIVE TESTING METHODS.—To promote the development and timely incorporation of new testing methods that are not based on vertebrate animals, the Administrator shall—

''(A) not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, develop a strategic plan to promote the development and implementation of alternative test methods and testing strategies to generate information under this title that can reduce, refine, or replace the use of vertebrate animals, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high-throughput screening;

''(B) as practicable, ensure that the strategic plan developed under subparagraph (A) is reflected in the development of requirements for testing under this section;

''(C) identify in the strategic plan developed under subparagraph (A) particular alternative test methods or testing strategies that do not require new vertebrate animal testing and are scientifically reliable, relevant, and capable of providing information of equivalent scientific reliability and quality to that which would be obtained from vertebrate animal testing;

''(D) provide an opportunity for public notice and comment on the contents of the plan developed under subparagraph (A), including the criteria for considering scientific reliability, relevance, and equivalent information and the test methods and strategies identified in subparagraph (C);

''(E) beginning on the date that is 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act and every 5 years thereafter, submit to Congress a report that describes

the progress made in implementing this subsection and goals for future alternative test methods implementation;

''(F) fund and carry out research, development, performance assessment, and translational studies to accelerate the development of test methods and testing strategies that reduce, refine, or replace the use of vertebrate animals in any testing under this title; and

''(G) identify synergies with the related information requirements of other jurisdictions to minimize the potential for additional or duplicative testing.

''(3) CRITERIA FOR ADAPTING OR WAIVING ANIMAL TESTING REQUIREMENTS.—On request from a manufacturer or processor that is required to conduct testing of a chemical substance or mixture on vertebrate animals under this section, the Administrator may adapt or waive the requirement, if the Administrator determines that—

''(A) there is sufficient evidence from several independent sources of information to support a conclusion that a chemical substance or mixture has, or does not have, a particular property if the information from each individual source alone is insufficient to support the conclusion;

''(B) as a result of 1 or more physical or chemical properties of the chemical substance or mixture or other toxicokinetic considerations—

''(i) the substance cannot be absorbed; or

''(ii) testing for a specific endpoint is technically not practicable to conduct; or

''(C) a chemical substance or mixture cannot be tested in vertebrate animals at concentrations that do not result in significant pain or distress, because of physical or chemical properties of the chemical substance or mixture, such as a potential to cause severe corrosion or severe irritation to the tissues of the animal.

''(4) VOLUNTARY TESTING.—

''(A) IN GENERAL.—Any person developing information for submission under this title on a voluntary basis and not pursuant to any request or requirement by the Administrator shall first attempt to develop the information by means of an alternative or non-animal test method or testing strategy that the Administrator has determined under paragraph (2)(C) to be scientifically reliable, relevant, and capable of providing equivalent information, before conducting new animal testing.

''(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph—

''(i) requires the Administrator to review the basis on which the person is conducting testing described in subparagraph (A);

''(ii) prohibits the use of other test methods or testing strategies by any person for purposes other than developing information for submission under this title on a voluntary basis; or

''(iii) prohibits the use of other test methods or testing strategies by any person, subsequent to the attempt to develop information using the test methods and testing strategies identified by the Administrator under paragraph (2)(C).

''(d) TESTING REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator may require the development of information by—

''(A) manufacturers and processors of the chemical substance or mixture; and

''(B) persons that begin to manufacture or process the chemical substance or mixture after the effective date of the rule, testing consent agreement, or order.

''(2) DESIGNATION.—The Administrator may permit 2 or more persons identified in subparagraph (A) or (B) of paragraph (1) to designate 1 of the persons or a qualified third party—

''(A) to develop the information; and

''(B) to submit the information on behalf of the persons making the designation.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—A person otherwise subject to a rule, testing consent agreement, or order under this section may submit to the Administrator an application for an exemption on the basis that submission of information by the applicant on the chemical substance or mixture would be duplicative of—

''(i) information on the chemical substance or mixture that—

''(I) has been submitted to the Administrator pursuant to a rule, consent agreement, or order under this section; or

''(II) is being developed by a person designated under paragraph (2); or

''(ii) information on an equivalent chemical substance or mixture that—

''(I) has been submitted to the Administrator pursuant to a rule, consent agreement, or order under this section; or

''(II) is being developed by a person designated under paragraph (2).

''(B) FAIR AND EQUITABLE REIMBURSEMENT TO DESIGNEE.—

''(i) IN GENERAL.—If the Administrator accepts an application submitted under subparagraph (A), before the end of the reimbursement period described in clause (iii), the Administrator shall direct the applicant to provide to the person designated under paragraph (2) fair and equitable reimbursement, as agreed to between the applicant and the designee.

''(ii) ARBITRATION.—If the applicant and a person designated under paragraph (2) cannot reach agreement on the amount of fair and equitable reimbursement, the amount shall be determined by arbitration.

''(iii) REIMBURSEMENT PERIOD.—For the purposes of this subparagraph, the reimbursement period for any information for a chemical substance or mixture is a period—

''(I) beginning on the date the information is submitted in accordance with a rule, testing consent agreement, or order under this section; and

''(II) ending on the later of—

''(aa) 5 years after the date referred to in subclause (I); or

''(bb) the last day of the period that begins on the date referred to in subclause (I) and that is equal to the period that the Administrator determines was necessary to develop the information.

''(C) TERMINATION.—If, after granting an exemption under this paragraph, the Administrator determines that no person designated under paragraph (2) has complied with the rule, testing consent agreement, or order, the Administrator shall—

''(i) by order, terminate the exemption; and

''(ii) notify in writing each person that received an exemption of the requirements with respect to which the exemption was granted.

''(4) TIERED TESTING.—

''(A) IN GENERAL.—Except as provided in subparagraph (D), the Administrator shall employ a tiered screening and testing process, under which the results of screening-level tests or assessments of available information inform the decision as to whether 1 or more additional tests are necessary.

''(B) SCREENING-LEVEL TESTS.—

''(i) IN GENERAL.—The screening-level tests required for a chemical substance or mixture may include tests for hazard (which may include in silico, in vitro, and in vivo tests), environmental and biological fate and transport, and measurements or modeling of exposure or exposure potential, as appropriate.

''(ii) USE.—Screening-level tests shall be used—

''(I) to screen chemical substances or mixtures for potential adverse effects; and

''(II) to inform a decision of the Administrator regarding whether more complex or targeted additional testing is necessary.

''(C) ADDITIONAL TESTING.—If the Administrator determines under subparagraph (B) that additional testing is necessary to provide more definitive information for safety assessments or safety determinations, the Administrator may require more advanced tests for potential health or environmental effects or exposure potential.

''(D) ADVANCED TESTING WITHOUT SCREENING.—The Administrator may require more advanced testing without conducting screening-level testing when other information available to the Administrator justifies the advanced testing, pursuant to guidance developed by the Administrator under this section.

''(e) TRANSPARENCY.—Subject to section 14, the Administrator shall make available to the public all testing consent agreements and orders and all information submitted under this section.''.

(b) CONFORMING AMENDMENT.—Section 104(i)(5)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(5)(A)) is amended in the third sentence by inserting ''(as in effect on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act)'' after ''Toxic Substances Control Act''.

SEC. 6. PRIORITIZATION SCREENING.

The Toxic Substances Control Act is amended by inserting after section 4 (15 U.S.C. 2603) the following:

''SEC. 4A. PRIORITIZATION SCREENING.

''(a) PRIORITIZATION SCREENING PROCESS AND LIST OF SUBSTANCES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish, by rule, a risk-based screening process and criteria for identifying existing chemical substances that are—

''(A) a high priority for a safety assessment and safety determination under section 6 (referred to in this Act as 'high-priority substances'); and

''(B) a low priority for a safety assessment and safety determination (referred to in this Act as 'low-priority substances').

''(2) INITIAL AND SUBSEQUENT LISTS OF HIGH- AND LOW-PRIORITY SUBSTANCES.—

''(A) IN GENERAL.—Before the date of promulgation of the rule under paragraph (1) and not later than 180 days after the date of enactment of this section, the Administrator shall publish an initial list of high-priority substances and low-priority substances.

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—The initial list of chemical substances shall contain at least 10 high-priority substances, at least 5 of which are drawn from the list of chemical substances identified by the Administrator in the October 2014 TSCA Work Plan and subsequent updates, and at least 10 low-priority substances.

''(ii) SUBSEQUENTLY IDENTIFIED SUBSTANCES.—Insofar as possible, at least 50 percent of all substances subsequently identified by the Administrator as high-priority substances shall be drawn from the list of chemical substances identified by the Administrator in the October 2014 TSCA Work Plan and subsequent updates, until all Work Plan chemicals have been designated under this subsection.

''(iii) PREFERENCES.—

''(I) IN GENERAL.—In developing the initial list and in identifying additional high-priority substances, the Administrator shall give preference to—

''(aa) chemical substances that, with respect to persistence and bioaccumulation,

score high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012; and

''(bb) chemical substances listed in the October 2014 TSCA Work Plan and subsequent updates that are known human carcinogens and have high acute and chronic toxicity.

''(II) METALS AND METAL COMPOUNDS.—In prioritizing and assessing metals and metal compounds, the Administrator shall use the Framework for Metals Risk Assessment of the Office of the Science Advisor, Risk Assessment Forum, and dated March 2007 (or a successor document), and may use other applicable information consistent with the best available science.

''(C) ADDITIONAL CHEMICAL REVIEWS.—The Administrator shall, as soon as practicable and not later than—

''(i) 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, add additional high-priority substances sufficient to ensure that at least a total of 20 high-priority substances have undergone or are undergoing the process established in section 6(a), and additional low-priority substances sufficient to ensure that at least a total of 20 low-priority substances have been designated; and

''(ii) 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, add additional high-priority substances sufficient to ensure that at least a total of 25 high-priority substances have undergone or are undergoing the process established in section 6(a), and additional low-priority substances sufficient to ensure that at least a total of 25 low-priority substances have been designated.

''(3) IMPLEMENTATION.—

''(A) CONSIDERATION OF ACTIVE AND INACTIVE SUBSTANCES.—

''(i) ACTIVE SUBSTANCES.—In implementing the prioritization screening process established under paragraph (1), the Administrator shall take into consideration active substances, as determined under section 8, which may include chemical substances on the interim list of active substances established under that section.

''(ii) INACTIVE SUBSTANCES.—In implementing the prioritization screening process established under paragraph (1), the Administrator may take into consideration inactive substances, as determined under section 8, that the Administrator determines—

''(I)(aa) have not been subject to a regulatory or other enforceable action by the Administrator to ban or phase out the substances; and

''(bb) have the potential for high hazard and widespread exposure; or

''(II)(aa) have been subject to a regulatory or other enforceable action by the Administrator to ban or phase out the substances; and

''(bb) with respect to which there exists the potential for residual high hazards or widespread exposures not otherwise addressed by the regulatory or other action.

''(iii) REPOPULATION.—

''(I) IN GENERAL.—On the completion of a safety determination under section 6 for a chemical substance, the Administrator shall remove the chemical substance from the list of high-priority substances established under this subsection.

''(II) ADDITIONS.—The Administrator shall add at least 1 chemical substance to the list of high-priority substances for each chemical substance removed from the list of high-priority substances established under this subsection, until a safety assessment and safety determination is completed for all chemical substances not designated as high-priority.

''(B) TIMELY COMPLETION OF PRIORITIZATION SCREENING PROCESS.—

''(i) IN GENERAL.—The Administrator shall—

''(I) except as provided under paragraph (2), not later than 180 days after the effective date of the final rule under paragraph (1), begin the prioritization screening process; and

''(II) make every effort to complete the designation of all active substances as high-priority substances or low-priority substances in a timely manner.

''(ii) DECISIONS ON SUBSTANCES SUBJECT TO TESTING FOR PRIORITIZATION PURPOSES.—Not later than 90 days after the date of receipt of information regarding a chemical substance complying with a rule, testing consent agreement, or order issued under section 4(a)(2), the Administrator shall designate the chemical substance as a high-priority substance or low-priority substance.

''(iii) CONSIDERATION.—

''(I) IN GENERAL.—The Administrator shall screen substances and designate high-priority substances consistent with the ability of the Administrator to schedule and complete safety assessments and safety determinations under section 6 in accordance with the deadlines under subsection (a) of that section.

''(II) ANNUAL GOAL.—The Administrator shall publish an annual goal for the number of chemical substances to be subject to the prioritization screening process.

''(C) SCREENING OF CATEGORIES OF SUBSTANCES.—The Administrator may screen categories of chemical substances to ensure an efficient prioritization screening process to allow for timely and adequate designations of high-priority substances and low-priority substances and safety assessments and safety determinations for high-priority substances.

''(D) PUBLICATION OF LIST OF CHEMICAL SUBSTANCES.—The Administrator shall keep current and publish a list of chemical substances that includes and identifies substances—

''(i) that are being considered in the prioritization screening process and the status of the substances in the prioritization process;

''(ii) for which prioritization decisions have been postponed pursuant to subsection (b)(5), including the basis for the postponement; and

''(iii) that are designated as high-priority substances or low-priority substances, including the bases for such designations.

''(4) CRITERIA.—The criteria described in paragraph (1) shall account for—

''(A) the recommendation of the Governor of a State or a State agency with responsibility for protecting health or the environment from chemical substances appropriate for prioritization screening;

''(B) the hazard and exposure potential of the chemical substance (or category of substances), including persistence, bioaccumulation, and specific scientific classifications and designations by authoritative governmental entities;

''(C) the conditions of use or significant changes in the conditions of use of the chemical substance;

''(D) evidence and indicators of exposure potential to humans or the environment from the chemical substance, including potentially exposed or susceptible populations and storage near significant sources of drinking water;

''(E) the volume of a chemical substance manufactured or processed;

''(F) whether the volume of a chemical substance as reported pursuant to a rule promulgated pursuant to section 8(a) has significantly increased or decreased;

''(G) the availability of information regarding potential hazards and exposures required for conducting a safety assessment or safety determination, with limited availability of relevant information to be a sufficient basis for designating a chemical substance as a high-priority substance, subject to the condition that limited availability shall not require designation as a high-priority substance; and

''(H) the extent of Federal or State regulation of the chemical substance or the extent of the impact of State regulation of the chemical substance on the United States, with existing Federal or State regulation of any uses evaluated in the prioritization screening process as a factor in designating a chemical substance to be a high-priority or a low-priority substance.

''(b) PRIORITIZATION SCREENING PROCESS AND DECISIONS.—

''(1) IN GENERAL.—In implementing the prioritization screening process developed under subsection (a), the Administrator shall—

''(A) identify the chemical substances being considered for prioritization;

''(B) request interested persons to supply information regarding the chemical substances being considered;

''(C) apply the criteria identified in subsection (a)(4); and

''(D) subject to paragraph (5) and using the information available to the Administrator at the time of the decision, identify a chemical substance as a high-priority substance or a low-priority substance.

''(2) REASONABLY AVAILABLE INFORMATION.—The prioritization screening decision regarding a chemical substance shall consider any hazard and exposure information relating to the chemical substance that is reasonably available to the Administrator.

''(3) IDENTIFICATION OF HIGH-PRIORITY SUBSTANCES.—The Administrator—

''(A) shall identify as a high-priority substance a chemical substance that, relative to other active chemical substances, the Administrator determines has the potential for significant hazard and significant exposure;

''(B) may identify as a high-priority substance a chemical substance that, relative to other active chemical substances, the Administrator determines has the potential for significant hazard or significant exposure; and

''(C) may identify as a high-priority substance an inactive substance, as determined under subsection (a)(3)(A)(ii) and section 8(b), that the Administrator determines warrants a safety assessment and safety determination under section 6.

''(4) IDENTIFICATION OF LOW-PRIORITY SUBSTANCES.—The Administrator shall identify as a low-priority substance a chemical substance that the Administrator concludes has information sufficient to establish that the chemical substance is likely to meet the safety standard.

''(5) POSTPONING A DECISION.—If the Administrator determines that additional information is needed to establish the priority of a chemical substance under this section, the Administrator may postpone a prioritization screening decision for a reasonable period—

''(A) to allow for the submission of additional information by an interested person and for the Administrator to evaluate the additional information; or

''(B) to require the development of information pursuant to a rule, testing consent agreement, or order issued under section 4(a)(2).

''(6) DEADLINES FOR SUBMISSION OF INFORMATION.—If the Administrator requests the development or submission of information under this section, the Administrator shall

establish a deadline for submission of the information.

''(7) NOTICE AND COMMENT.—The Administrator shall—

''(A) publish, including in the Federal Register, the proposed decisions made under paragraphs (3), (4), and (5) and the basis for the decisions;

''(B) identify the information and analysis on which the decisions are based; and

''(C) provide 90 days for public comment.

''(8) REVISIONS OF PRIOR DESIGNATIONS.—

''(A) IN GENERAL.—At any time, the Administrator may revise the designation of a chemical substance as a high-priority substance or a low-priority substance based on information available to the Administrator after the date of the determination under paragraph (3) or (4).

''(B) LIMITED AVAILABILITY.—If limited availability of relevant information was a basis in the designation of a chemical substance as a high-priority substance, the Administrator shall reevaluate the prioritization screening of the chemical substance on receiving the relevant information.

''(9) OTHER INFORMATION RELEVANT TO PRIORITIZATION.—

''(A) IN GENERAL.—If, after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a State proposes an administrative action or enacts a statute or takes an administrative action to prohibit or otherwise restrict the manufacturing, processing, distribution in commerce, or use of a chemical substance that the Administrator has not designated as a high-priority substance, the Governor or State agency with responsibility for implementing the statute or administrative action shall notify the Administrator.

''(B) REQUESTS FOR INFORMATION.—Following receipt of a notification provided under subparagraph (A), the Administrator may request any available information from the Governor or the State agency with respect to—

''(i) scientific evidence related to the hazards, exposures and risks of the chemical substance under the conditions of use which the statute or administrative action is intended to address;

''(ii) any State or local conditions which warranted the statute or administrative action;

''(iii) the statutory or administrative authority on which the action is based; and

''(iv) any other available information relevant to the prohibition or other restriction, including information on any alternatives considered and their hazards, exposures, and risks.

''(C) PRIORITIZATION SCREENING.—The Administrator shall conduct a prioritization screening under this subsection for all substances that—

''(i) are the subject of notifications received under subparagraph (A); and

''(ii) the Administrator determines—

''(I) are likely to have significant health or environmental impacts;

''(II) are likely to have significant impact on interstate commerce; or

''(III) have been subject to a prohibition or other restriction under a statute or administrative action in 2 or more States.

''(D) POST-PRIORITIZATION NOTICE.—If, after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a State proposes or takes an administrative action or enacts a statute to prohibit or otherwise restrict the manufacturing, processing, distribution in commerce, or use of a high-priority substance, after the date on which the deadline established pursuant to subsection (a) of section 6 for completion of the safety determination under that subsection expires but before the date on which the Administrator publishes the safety determination under that subsection, the Governor or State agency with responsibility for implementing the statute or administrative action shall—

''(i) notify the Administrator; and

''(ii) provide the scientific and legal basis for the action.

''(E) AVAILABILITY TO PUBLIC.—Subject to section 14 and any applicable State law regarding the protection of confidential information provided to the State or to the Administrator, the Administrator shall make information received from a Governor or State agency under subparagraph (A) publicly available.

''(F) EFFECT OF PARAGRAPH.—Nothing in this paragraph shall preempt a State statute or administrative action, require approval of a State statute or administrative action, or apply section 15 to a State.

''(10) REVIEW.—Not less frequently than once every 5 years after the date on which the process under this subsection is established, the Administrator shall—

''(A) review the process on the basis of experience and taking into consideration resources available to efficiently and effectively screen and prioritize chemical substances; and

''(B) if necessary, modify the prioritization screening process.

''(11) EFFECT.—Subject to section 18, a designation by the Administrator under this section with respect to a chemical substance shall not affect—

''(A) the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance; or

''(B) the regulation of those activities.

''(c) ADDITIONAL PRIORITIES FOR SAFETY ASSESSMENTS AND DETERMINATIONS.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—The rule promulgated under subsection (a) shall—

''(i) include a process by which a manufacturer or processor of an active chemical substance that has not been designated a high-priority substance or is not in the process of a prioritization screening by the Administrator, may request that the Administrator designate the substance as an additional priority for a safety assessment and safety determination, subject to the payment of fees pursuant to section 26(b)(3)(D);

''(ii) specify the information to be provided in such requests; and

''(iii) specify the criteria (which may include criteria identified in subsection (a)(4)) that the Administrator shall use to determine whether or not to grant such a request, which shall include whether the substance is subject to restrictions imposed by statutes enacted or administrative actions taken by 1 or more States on the manufacture, processing, distribution in commerce, or use of the substance.

''(B) PREFERENCE.—Subject to paragraph (2), in deciding whether to grant requests under this subsection the Administrator shall give a preference to requests concerning substances for which the Administrator determines that restrictions imposed by 1 or more States have the potential to have a significant impact on interstate commerce or health or the environment.

''(C) EXCEPTIONS.—Chemical substances for which requests have been granted under this subsection shall not be subject to subsection (a)(3)(A)(iii) or section 18(b).

''(2) LIMITATIONS.—In considering whether to grant a request submitted under paragraph (1), the Administrator shall ensure that—

''(A) the number of substances designated to undergo safety assessments and safety determinations under the process and criteria pursuant to paragraph (1) is not less than 25 percent, or more than 30 percent, of the cumulative number of substances designated to undergo safety assessments and safety determinations under subsections (a)(2) and (b)(3) (except that if less than 25 percent are received by the Administrator, the Administrator shall grant each request that meets the requirements of paragraph (1));

''(B) the resources allocated to conducting safety assessments and safety determinations for additional priorities designated under this subsection are proportionate to the number of such substances relative to the total number of substances currently designated to undergo safety assessments and safety determinations under this section; and

''(C) the number of additional priority requests stipulated under subparagraph (A) is in addition to the total number of high-priority substances identified under subsections (a)(2) and (b)(3).

''(3) ADDITIONAL REVIEW OF WORK PLAN CHEMICALS FOR SAFETY ASSESSMENT AND SAFETY DETERMINATION.—In the case of a request under paragraph (1) with respect to a chemical substance identified by the Administrator in the October 2014 TSCA Work Plan—

''(A) the 30-percent cap specified in paragraph (2)(A) shall not apply and the addition of Work Plan chemicals shall be at the discretion of the Administrator; and

''(B) notwithstanding paragraph (1)(C), requests for additional Work Plan chemicals under this subsection shall be considered high-priority chemicals subject to section 18(b) but not subsection (a)(3)(A)(iii).

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—The public shall be provided notice and an opportunity to comment on requests submitted under this subsection.

''(B) DECISION BY ADMINISTRATOR.—Not later than 180 days after the date on which the Administrator receives a request under this subsection, the Administrator shall decide whether or not to grant the request.

''(C) ASSESSMENT AND DETERMINATION.—If the Administrator grants a request under this subsection, the safety assessment and safety determination—

''(i) shall be conducted in accordance with the deadlines and other requirements of sections 3A(i) and 6; and

''(ii) shall not be expedited or otherwise subject to special treatment relative to high-priority substances designated pursuant to subsection (b)(3) that are undergoing safety assessments and safety determinations.''.

SEC. 7. NEW CHEMICALS AND SIGNIFICANT NEW USES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 5. NEW CHEMICALS AND SIGNIFICANT NEW USES.'';

(2) by striking subsection (b);

(3) by redesignating subsection (a) as subsection (b);

(4) by redesignating subsection (i) as subsection (a) and moving the subsection so as to appear at the beginning of the section;

(5) in subsection (b) (as so redesignated)—

(A) in the subsection heading, by striking ''IN GENERAL'' and inserting ''NOTICES'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsection (h)'' and inserting ''paragraph (3) and subsection (h)''; and

(ii) in the matter following subparagraph (B)—

(I) by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(II) by striking ''and such person complies with any applicable requirement of subsection (b)''; and

(C) by adding at the end the following:

''(3) ARTICLE CONSIDERATION.—The Administrator may require notification under this section for the import or processing of a chemical substance as part of an article or category of articles under paragraph (1)(B) if the Administrator makes an affirmative finding in a rule under paragraph (2) that the reasonable potential for exposure to the chemical substance through the article or category of articles subject to the rule warrants notification.'';

(6) by redesignating subsections (c) and (d) as subsections (d) and (c), respectively, and moving subsection (c) (as so redesigned) so as appear after subsection (b) (as redesignated by paragraph (3));

(7) in subsection (c) (as so redesignated)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The notice required by subsection (b) shall include, with respect to a chemical substance—

''(A) the information required by sections 720.45 and 720.50 of title 40, Code of Federal Regulations (or successor regulations); and

''(B) all known or reasonably ascertainable information regarding conditions of use and reasonably anticipated exposures.'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(II) by striking ''or of data under subsection (b)'';

(ii) in subparagraph (A), by adding ''and'' after the semicolon at the end;

(iii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iv) by striking subparagraph (C); and

(C) in paragraph (3), by striking ''subsection (a) and for which the notification period prescribed by subsection (a), (b), or (c)'' and inserting ''subsection (b) and for which the notification period prescribed by subsection (b) or (d)'';

(8) by striking subsection (d) (as redesignated by paragraph (6)) and inserting the following:

''(d) REVIEW OF NOTICE.—

''(1) INITIAL REVIEW.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of receipt of a notice submitted under subsection (b), the Administrator shall—

''(i) conduct an initial review of the notice;

''(ii) as needed, develop a profile of the relevant chemical substance and the potential for exposure to humans and the environment; and

''(iii) make a determination under paragraph (3).

''(B) EXTENSION.—Except as provided in paragraph (5), the Administrator may extend the period described in subparagraph (A) for good cause for 1 or more periods, the total of which shall be not more than 90 days.

''(2) INFORMATION SOURCES.—In evaluating a notice under paragraph (1), the Administrator shall take into consideration—

''(A) any relevant information identified in subsection (c)(1); and

''(B) any other relevant additional information available to the Administrator.

''(3) DETERMINATIONS.—Before the end of the applicable period for review under paragraph (1), based on the information described in paragraph (2), and subject to section 18(g), the Administrator shall determine that—

''(A) the relevant chemical substance or significant new use is not likely to meet the safety standard, in which case the Administrator shall take appropriate action under paragraph (4);

''(B) the relevant chemical substance or significant new use is likely to meet the safety standard, in which case the Administrator shall allow the review period to expire without additional restrictions; or

''(C) additional information is necessary in order to make a determination under subparagraph (A) or (B), in which case the Administrator shall take appropriate action under paragraphs (4) and (5).

''(4) RESTRICTIONS.—

''(A) DETERMINATION BY ADMINISTRATOR.—

''(i) IN GENERAL.—If the Administrator makes a determination under subparagraph (A) or (C) of paragraph (3) with respect to a notice submitted under subsection (b)—

''(I) the Administrator, before the end of the applicable period for review under paragraph (1) and by consent agreement or order, as appropriate, shall prohibit or otherwise restrict the manufacture, processing, use, distribution in commerce, or disposal (as applicable) of the chemical substance, or of the chemical substance for a significant new use, without compliance with the restrictions specified in the consent agreement or order that the Administrator determines are sufficient to ensure that the chemical substance or significant new use is likely to meet the safety standard; and

''(II) no person may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, except in compliance with the restrictions specified in the consent agreement or order.

''(ii) LIKELY TO MEET STANDARD.—If the Administrator makes a determination under subparagraph (B) of paragraph (3) with respect to a chemical substance or significant new use for which a notice was submitted under subsection (b), then notwithstanding any remaining portion of the applicable period for review under paragraph (1), the submitter of the notice may commence manufacture for commercial purposes of the chemical substance or manufacture or processing of the chemical substance for a significant new use.

''(B) REQUIREMENTS.—Not later than 90 days after issuing a consent agreement or order under subparagraph (A), the Administrator shall—

''(i) consider whether to promulgate a rule pursuant to subsection (b)(2) that identifies as a significant new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance that does not conform to the restrictions imposed by the consent agreement or order; and

''(ii)(I) initiate a rulemaking described in clause (i); or

''(II) publish a statement describing the reasons of the Administrator for not initiating a rulemaking.

''(C) INCLUSIONS.—A prohibition or other restriction under subparagraph (A) may include, as appropriate—

''(i) subject to section 18(g), a requirement that a chemical substance shall be marked with, or accompanied by, clear and adequate minimum warnings and instructions with respect to use, distribution in commerce, or disposal, or any combination of those activities, with the form and content of the minimum warnings and instructions to be prescribed by the Administrator

''(ii) a requirement that manufacturers or processors of the chemical substance shall—

''(I) make and retain records of the processes used to manufacture or process, as applicable, the chemical substance; or

''(II) monitor or conduct such additional tests as are reasonably necessary to address potential risks from the manufacture, processing, distribution in commerce, use, or disposal, as applicable, of the chemical substance, subject to section 4;

''(iii) a restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce—

''(I) in general; or

''(II) for a particular use;

''(iv) a prohibition or other restriction of—

''(I) the manufacture, processing, or distribution in commerce of the chemical substance for a significant new use;

''(II) any method of commercial use of the chemical substance; or

''(III) any method of disposal of the chemical substance; or

''(v) a prohibition or other restriction on the manufacture, processing, or distribution in commerce of the chemical substance—

''(I) in general; or

''(II) for a particular use.

''(D) PERSISTENT AND BIOACCUMULATIVE SUBSTANCES.—For a chemical substance the Administrator determines, with respect to persistence and bioaccumulation, scores high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012, the Administrator shall, in selecting among prohibitions and other restrictions that the Administrator determines are sufficient to ensure that the chemical substance is likely to meet the safety standard, reduce potential exposure to the substance to the maximum extent practicable.

''(E) WORKPLACE EXPOSURES.—To the extent practicable, the Administrator shall consult with the Assistant Secretary of Labor for Occupational Safety and Health prior to adopting any prohibition or other restriction under this subsection to address workplace exposures.

''(F) DEFINITION OF REQUIREMENT.—For purposes of this Act, the term 'requirement' as used in this section does not displace common law.

''(5) ADDITIONAL INFORMATION.—If the Administrator determines under paragraph (3)(C) that additional information is necessary to conduct a review under this subsection, the Administrator—

''(A) shall provide an opportunity for the submitter of the notice to submit the additional information;

''(B) may, by agreement with the submitter, extend the review period for a reasonable time to allow the development and submission of the additional information;

''(C) may promulgate a rule, enter into a testing consent agreement, or issue an order under section 4 to require the development of the information; and

''(D) on receipt of information the Administrator finds supports the determination under paragraph (3), shall promptly make the determination.'';

(9) by striking subsections (e) through (g) and inserting the following:

''(e) NOTICE OF COMMENCEMENT.—

''(1) IN GENERAL.—Not later than 30 days after the date on which a manufacturer that has submitted a notice under subsection (b) commences nonexempt commercial manufacture of a chemical substance, the manufacturer shall submit to the Administrator a notice of commencement that identifies—

''(A) the name of the manufacturer; and

''(B) the initial date of nonexempt commercial manufacture.

''(2) WITHDRAWAL.—A manufacturer or processor that has submitted a notice under subsection (b), but that has not commenced nonexempt commercial manufacture or processing of the chemical substance, may withdraw the notice.

''(f) FURTHER EVALUATION.—The Administrator may review a chemical substance under section 4A at any time after the Administrator receives—

''(1) a notice of commencement for a chemical substance under subsection (e); or

''(2) new information regarding the chemical substance.

''(g) TRANSPARENCY.—Subject to section 14, the Administrator shall make available to the public—

''(1) all notices, determinations, consent agreements, rules, and orders submitted under this section or made by the Administrator under this section; and

''(2) all information submitted or issued under this section.''; and

(10) in subsection (h)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(a) or''; and

(ii) in subparagraph (A), by inserting '', without taking into account cost or other nonrisk factors'' after ''the environment'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(D) in paragraph (2) (as so redesignated), in the matter preceding subparagraph (A), by striking ''subsections (a) and (b)'' and inserting ''subsection (b)'';

(E) in paragraph (3) (as so redesignated)—

(i) in the first sentence, by striking ''will not present an unreasonable risk of injury to health or the environment'' and inserting ''will meet the safety standard''; and

(ii) by striking the second sentence;

(F) in paragraph (4) (as so redesignated), by striking ''subsections (a) and (b)'' and inserting ''subsection (b)''; and

(G) in paragraph (5) (as so redesignated), in the first sentence, by striking ''paragraph (1) or (5)'' and inserting ''paragraph (1) or (4)''.

SEC. 8. SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 6. SAFETY ASSESSMENTS AND SAFETY DETERMINATIONS.'';

(2) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

''(a) IN GENERAL.—The Administrator—

''(1) shall conduct a safety assessment and make a safety determination of each high-priority substance in accordance with subsections (b) and (c);

''(2) shall, as soon as practicable and not later than 6 months after the date on which a chemical substance is designated as a high-priority substance, define and publish the scope of the safety assessment and safety determination to be conducted pursuant to this section, including the hazards, exposures, conditions of use, and potentially exposed or susceptible populations that the Administrator expects to consider;

''(3) as appropriate based on the results of a safety determination, shall establish restrictions pursuant to subsection (d);

''(4) shall complete and publish a safety assessment and safety determination not later than 3 years after the date on which a chemical substance is designated as a high-priority substance;

''(5) shall promulgate any necessary final rule pursuant to subsection (d) by not later than 2 years after the date on which the safety determination is completed;

''(6) may extend any deadline under paragraph (4) for not more than 1 year, if information relating to the high-priority substance, required to be developed in a rule, order, or consent agreement under section 4—

''(A) has not yet been submitted to the Administrator; or

''(B) was submitted to the Administrator—

''(i) within the time specified in the rule, order, or consent agreement pursuant to section 4(a)(4)(A)(iv); and

''(ii) on or after the date that is 120 days before the expiration of the deadline described in paragraph (4); and

''(7) may extend the deadline under paragraph (5) for not more than 2 years, subject to the condition that the aggregate length of all extensions of deadlines under this subsection does not exceed 2 years.

''(b) PRIOR ACTIONS AND NOTICE OF EXISTING INFORMATION.—

''(1) PRIOR-INITIATED ASSESSMENTS.—

''(A) IN GENERAL.—Nothing in this Act prevents the Administrator from initiating a safety assessment or safety determination regarding a chemical substance, or from continuing or completing such a safety assessment or safety determination, prior to the effective date of the policies, procedures, and guidance required to be established by the Administrator under section 3A or 4A.

''(B) INTEGRATION OF PRIOR POLICIES AND PROCEDURES.—As policies and procedures under section 3A and 4A are established, to the maximum extent practicable, the Administrator shall integrate the policies and procedures into ongoing safety assessments and safety determinations.

''(2) ACTIONS COMPLETED PRIOR TO COMPLETION OF POLICIES AND PROCEDURES.—Nothing in this Act requires the Administrator to revise or withdraw a completed safety assessment, safety determination, or rule solely because the action was completed prior to the completion of a policy or procedure established under section 3A or 4A, and the validity of a completed assessment, determination, or rule shall not be determined based on the content of such a policy or procedure.

''(3) NOTICE OF EXISTING INFORMATION.—

''(A) IN GENERAL.—The Administrator shall, where such information is available, take notice of existing information regarding hazard and exposure published by other Federal agencies and the National Academies and incorporate the information in safety assessments and safety determinations with the objective of increasing the efficiency of the safety assessments and safety determinations.

''(B) INCLUSION OF INFORMATION.—Existing information described in subparagraph (A) should be included to the extent practicable and where the Administrator determines the information is relevant and scientifically reliable.

''(c) SAFETY DETERMINATIONS.—

''(1) IN GENERAL.—Based on a review of the information available to the Administrator, including draft safety assessments submitted by interested persons pursuant to section 3A(h)(2)(D), and subject to section 18(g), the Administrator shall determine—

''(A) by order, that the relevant chemical substance meets the safety standard;

''(B) that the relevant chemical substance does not meet the safety standard, in which case the Administrator shall, by rule under subsection (d)—

''(i) impose restrictions necessary to ensure that the chemical substance meets the safety standard under the conditions of use; or

''(ii) if the safety standard cannot be met with the application of other restrictions under subsection (d)(3), ban or phase out the chemical substance, as appropriate; or

''(C) that additional information is necessary in order to make a determination under subparagraph (A) or (B), in which case the Administrator shall take appropriate action under paragraph (2).

''(2) ADDITIONAL INFORMATION.—If the Administrator determines that additional information is necessary to make a safety assessment or safety determination for a high-priority substance, the Administrator—

''(A) shall provide an opportunity for interested persons to submit the additional information;

''(B) may promulgate a rule, enter into a testing consent agreement, or issue an order under section 4 to require the development of the information;

''(C) may defer, for a reasonable period consistent with the deadlines described in subsection (a), a safety assessment and safety determination until after receipt of the information; and

''(D) consistent with the deadlines described in subsection (a), on receipt of information the Administrator finds supports the safety assessment and safety determination, shall make a determination under paragraph (1).

''(3) ESTABLISHMENT OF DEADLINE.—In requesting the development or submission of information under this section, the Administrator shall establish a deadline for the submission of the information.

''(d) RULE.—

''(1) IMPLEMENTATION.—If the Administrator makes a determination under subsection (c)(1)(B) with respect to a chemical substance, the Administrator shall promulgate a rule establishing restrictions necessary to ensure that the chemical substance meets the safety standard.

''(2) SCOPE.—

''(A) IN GENERAL.—The rule promulgated pursuant to this subsection—

''(i) may apply to mixtures containing the chemical substance, as appropriate;

''(ii) shall include dates by which compliance is mandatory, which—

''(I) shall be as soon as practicable, but not later than 4 years after the date of promulgation of the rule, except in the case of a use exempted under paragraph (5);

''(II) in the case of a ban or phase-out of the chemical substance, shall implement the ban or phase-out in as short a period as practicable;

''(III) as determined by the Administrator, may vary for different affected persons; and

''(IV) following a determination by the Administrator that compliance is technologically or economically infeasible within the timeframe specified in subclause (I), shall provide up to an additional 18 months for compliance to be mandatory;

''(iii) shall exempt replacement parts that are manufactured prior to the effective date of the rule for articles that are first manufactured prior to the effective date of the rule unless the Administrator finds the replacement parts contribute significantly to the identified risk;

''(iv) shall, in selecting among prohibitions and other restrictions, apply such prohibitions or other restrictions to an article or category of articles containing the chemical substance only to the extent necessary to address the identified risks from exposure to the chemical substance from the article or category of articles, in order to determine that the chemical substance meets the safety standard; and

''(v) shall, when the Administrator determines that the chemical substance does not meet the safety standard for a potentially exposed or susceptible population, apply prohibitions or other restrictions necessary to ensure that the substance meets the safety standard for that population.

''(B) PERSISTENT AND BIOACCUMULATIVE SUBSTANCES.—For a chemical substance the Administrator determines, with respect to persistence and bioaccumulation, scores high for 1 and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by

the Administrator in February 2012, the Administrator shall, in selecting among prohibitions and other restrictions that the Administrator determines are sufficient to ensure that the chemical substance meets the safety standard, reduce exposure to the substance to the maximum extent practicable.

''(C) WORKPLACE EXPOSURES.—The Administrator shall consult with the Assistant Secretary of Labor for Occupational Safety and Health before adopting any prohibition or other restriction under this subsection to address workplace exposures.

''(D) DEFINITION OF REQUIREMENT.—For the purposes of this Act, the term 'requirement' as used in this section does not displace common law.

''(3) RESTRICTIONS.—Subject to section 18, a restriction under paragraph (1) may include, as appropriate—

''(A) a requirement that a chemical substance shall be marked with, or accompanied by, clear and adequate minimum warnings and instructions with respect to use, distribution in commerce, or disposal, or any combination of those activities, with the form and content of the minimum warnings and instructions to be prescribed by the Administrator;

''(B) a requirement that manufacturers or processors of the chemical substance shall—

''(i) make and retain records of the processes used to manufacture or process the chemical substance;

''(ii) describe and apply the relevant quality control procedures followed in the manufacturing or processing of the substance; or

''(iii) monitor or conduct tests that are reasonably necessary to ensure compliance with the requirements of any rule under this subsection;

''(C) a restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce;

''(D) a requirement to ban or phase out, or otherwise restrict the manufacture, processing, or distribution in commerce of the chemical substance for—

''(i) a particular use;

''(ii) a particular use at a concentration in excess of a level specified by the Administrator; or

''(iii) all uses;

''(E) a restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce for—

''(i) a particular use; or

''(ii) a particular use at a concentration in excess of a level specified by the Administrator;

''(F) a requirement to ban, phase out, or otherwise restrict any method of commercial use of the chemical substance;

''(G) a requirement to ban, phase out, or otherwise restrict any method of disposal of the chemical substance or any article containing the chemical substance; and

''(H) a requirement directing manufacturers or processors of the chemical substance to give notice of the Administrator's determination under subsection (c)(1)(B) to distributors in commerce of the chemical substance and, to the extent reasonably ascertainable, to other persons in the chain of commerce in possession of the chemical substance.

''(4) ANALYSIS FOR RULEMAKING.—

''(A) CONSIDERATIONS.—In deciding which restrictions to impose under paragraph (3) as part of developing a rule under paragraph (1), the Administrator shall take into consideration, to the extent practicable based on reasonably available information, the quantifiable and nonquantifiable costs and benefits of the proposed regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator.

''(B) ALTERNATIVES.—As part of the analysis, the Administrator shall review any 1 or more technically and economically feasible alternatives to the chemical substance that the Administrator determines are relevant to the rulemaking.

''(C) PUBLIC AVAILABILITY.—In proposing a rule under paragraph (1), the Administrator shall make publicly available any analysis conducted under this paragraph.

''(D) STATEMENT REQUIRED.—In making final a rule under paragraph (1), the Administrator shall include a statement describing how the analysis considered under subparagraph (A) was taken into account.

''(5) EXEMPTIONS.—

''(A) IN GENERAL.—The Administrator may, as part of a rule promulgated under paragraph (1) or in a separate rule, exempt 1 or more uses of a chemical substance from any restriction in a rule promulgated under paragraph (1) if the Administrator determines that—

''(i) the restriction cannot be complied with, without—

''(I) harming national security;

''(II) causing significant disruption in the national economy due to the lack of availability of a chemical substance; or

''(III) interfering with a critical or essential use for which no technically and economically feasible safer alternative is available, taking into consideration hazard and exposure; or

''(ii) the use of the chemical substance, as compared to reasonably available alternatives, provides a substantial benefit to health, the environment, or public safety.

''(B) EXEMPTION ANALYSIS.—In proposing a rule under this paragraph, the Administrator shall make publicly available any analysis conducted under this paragraph to assess the need for the exemption.

''(C) STATEMENT REQUIRED.—In making final a rule under this paragraph, the Administrator shall include a statement describing how the analysis considered under subparagraph (B) was taken into account.

''(D) ANALYSIS IN CASE OF BAN OR PHASE-OUT.—In determining whether an exemption should be granted under this paragraph for a chemical substance for which a ban or phase-out is included in a proposed or final rule under paragraph (1), the Administrator shall take into consideration, to the extent practicable based on reasonably available information, the quantifiable and nonquantifiable costs and benefits of the 1 or more alternatives to the chemical substance the Administrator determines to be technically and economically feasible and most likely to be used in place of the chemical substance under the conditions of use.

''(E) CONDITIONS.—As part of a rule promulgated under this paragraph, the Administrator shall include conditions, including reasonable recordkeeping, monitoring, and reporting requirements, to the extent that the Administrator determines the conditions are necessary to protect health and the environment while achieving the purposes of the exemption.

''(F) DURATION.—

''(i) IN GENERAL.—The Administrator shall establish, as part of a rule under this paragraph, a time limit on any exemption for a time to be determined by the Administrator as reasonable on a case-by-case basis.

''(ii) AUTHORITY OF ADMINISTRATOR.—The Administrator, by rule, may extend, modify, or eliminate an exemption if the Administrator determines, on the basis of reasonably available information and after adequate public justification, the exemption warrants extension or is no longer necessary.

''(iii) CONSIDERATIONS.—

''(I) IN GENERAL.—Subject to subclause (II), the Administrator shall issue exemptions and establish time periods by considering factors determined by the Administrator to be relevant to the goals of fostering innovation and the development of alternatives that meet the safety standard.

''(II) LIMITATION.—Any renewal of an exemption in the case of a rule under paragraph (1) requiring the ban or phase-out of a chemical substance shall not exceed 5 years.

''(e) IMMEDIATE EFFECT.—The Administrator may declare a proposed rule under subsection (d)(1) to be effective on publication of the rule in the Federal Register and until the effective date of final action taken respecting the rule, if—

''(1) the Administrator determines that—

''(A) the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture subject to the proposed rule or any combination of those activities is likely to result in a risk of serious or widespread injury to health or the environment before the effective date; and

''(B) making the proposed rule so effective is necessary to protect the public interest; and

''(2) in the case of a proposed rule to prohibit the manufacture, processing, or distribution in commerce of a chemical substance or mixture because of the risk determined under paragraph (1)(A), a court has granted relief in an action under section 7 with respect to that risk associated with the chemical substance or mixture.

''(f) FINAL AGENCY ACTION.—Under this section and subject to section 18—

''(1) a safety determination, and the associated safety assessment, for a chemical substance that the Administrator determines under subsection (c) meets the safety standard, shall be considered to be a final agency action, effective beginning on the date of issuance of the final safety determination; and

''(2) a final rule promulgated under subsection (d)(1), and the associated safety assessment and safety determination that a chemical substance does not meet the safety standard, shall be considered to be a final agency action, effective beginning on the date of promulgation of the final rule.

''(g) EXTENSION OF DEADLINES FOR CERTAIN CHEMICAL SUBSTANCES.—The Administrator may not extend any deadline under subsection (a) for a chemical substance designated as a high priority that is listed in the 2014 update of the TSCA Work Plan without adequate public justification that demonstrates, following a review of the information reasonably available to the Administrator, that the Administrator cannot adequately complete a safety assessment and safety determination, or a final rule pursuant to subsection (d), without additional information regarding the chemical substance.''; and

(4) in subsection (h) (as redesignated by paragraph (2))—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

SEC. 9. IMMINENT HAZARDS.

Section 7 of the Toxic Substances Control Act (15 U.S.C. 2606) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) CIVIL ACTIONS.—

''(1) IN GENERAL.—The Administrator may commence a civil action in an appropriate United States district court for—

''(A) seizure of an imminently hazardous chemical substance or mixture or any article containing the chemical substance or mixture;

''(B) relief (as authorized by subsection (b)) against any person that manufactures, processes, distributes in commerce, uses, or disposes of, an imminently hazardous chemical

substance or mixture or any article containing the chemical substance or mixture; or

''(C) both seizure described in subparagraph (A) and relief described in subparagraph (B).

''(2) RULE, ORDER, OR OTHER PROCEEDING.—A civil action may be commenced under this paragraph, notwithstanding—

''(A) the existence of a decision, rule, consent agreement, or order by the Administrator under section 4, 4A, 5, or 6 or title IV or VI; or

''(B) the pendency of any administrative or judicial proceeding under any provision of this Act.'';

(2) in subsection (b)(1), by striking ''unreasonable'';

(3) in subsection (d), by striking ''section 6(a)'' and inserting ''section 6(d)''; and

(4) in subsection (f), in the first sentence, by striking ''and unreasonable''.

SEC. 10. INFORMATION COLLECTION AND REPORTING.

Section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (A)(ii)(I)—

(I) by striking ''5(b)(4)'' and inserting ''5'';

(II) by inserting ''section 4 or'' after ''in effect under''; and

(III) by striking ''5(e),'' and inserting ''5(d)(4);''; and

(ii) by adding at the end the following:

''(C) Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and not less frequently than once every 10 years thereafter, the Administrator, after consultation with the Administrator of the Small Business Administration, shall—

''(i) review the adequacy of the standards prescribed according to subparagraph (B);

''(ii) after providing public notice and an opportunity for comment, make a determination as to whether revision of the standards is warranted; and

''(iii) revise the standards if the Administrator so determines.''; and

(B) by adding at the end the following:

''(4) RULES.—

''(A) DEADLINE.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall promulgate rules requiring the maintenance of records and the reporting of additional information known or reasonably ascertainable by the person making the report, including rules applicable to processors so that the Administrator has the information necessary to carry out this title.

''(ii) MODIFICATION OF PRIOR RULES.—In carrying out this subparagraph, the Administrator may modify, as appropriate, rules promulgated before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(B) CONTENTS.—The rules promulgated pursuant to subparagraph (A)—

''(i) may impose different reporting and recordkeeping requirements on manufacturers and processors; and

''(ii) shall include the level of detail necessary to be reported, including the manner by which use and exposure information may be reported.

''(C) ADMINISTRATION.—In implementing the reporting and recordkeeping requirements under this paragraph, the Administrator shall take measures—

''(i) to limit the potential for duplication in reporting requirements;

''(ii) to minimize the impact of the rules on small manufacturers and processors; and

''(iii) to apply any reporting obligations to those persons likely to have information relevant to the effective implementation of this title.'';

(2) in subsection (b), by adding at the end the following:

''(3) NOMENCLATURE.—

''(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

''(i) maintain the use of Class 2 nomenclature in use on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act;

''(ii) maintain the use of the Soap and Detergent Association Nomenclature System, published in March 1978 by the Administrator in section 1 of addendum III of the document entitled 'Candidate List of Chemical Substances', and further described in the appendix A of volume I of the 1985 edition of the Toxic Substances Control Act Substances Inventory (EPA Document No. EPA–560/7–85–002a); and

''(iii) treat all components of categories that are considered to be statutory mixtures under this Act as being included on the list published under paragraph (1) under the Chemical Abstracts Service numbers for the respective categories, including, without limitation—

''(I) cement, Portland, chemicals, CAS No. 65997–15–1;

''(II) cement, alumina, chemicals, CAS No. 65997–16–2;

''(III) glass, oxide, chemicals, CAS No. 65997–17–3;

''(IV) frits, chemicals, CAS No. 65997–18–4;

''(V) steel manufacture, chemicals, CAS No. 65997–19–5; and

''(VI) ceramic materials and wares, chemicals, CAS No. 66402–68–4.

''(B) MULTIPLE NOMENCLATURE CONVENTIONS.—

''(i) IN GENERAL.—If an existing guidance allows for multiple nomenclature conventions, the Administrator shall—

''(I) maintain the nomenclature conventions for substances; and

''(II) develop new guidance that—

''(aa) establishes equivalency between the nomenclature conventions for chemical substances on the list published under paragraph (1); and

''(bb) permits persons to rely on the new guidance for purposes of determining whether a chemical substance is on the list published under paragraph (1).

''(ii) MULTIPLE CAS NUMBERS.—For any chemical substance appearing multiple times on the list under different Chemical Abstracts Service numbers, the Administrator shall develop guidance recognizing the multiple listings as a single chemical substance.

''(4) CHEMICAL SUBSTANCES IN COMMERCE.—

''(A) RULES.—

''(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator, by rule, shall require manufacturers and processors to notify the Administrator, by not later than 180 days after the date of promulgation of the rule, of each chemical substance on the list published under paragraph (1) that the manufacturer or processor, as applicable, has manufactured or processed for a nonexempt commercial purpose during the 10-year period ending on the day before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

''(ii) ACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which notices are received under clause (i) to be active substances on the list published under paragraph (1).

''(iii) INACTIVE SUBSTANCES.—The Administrator shall designate chemical substances for which no notices are received under clause (i) to be inactive substances on the list published under paragraph (1).

''(B) CONFIDENTIAL CHEMICAL SUBSTANCES.—In promulgating the rule established pursuant to subparagraph (A), the Administrator shall—

''(i) maintain the list under paragraph (1), which shall include a confidential portion and a nonconfidential portion consistent with this section and section 14;

''(ii) require a manufacturer or processor that is submitting a notice pursuant to subparagraph (A) for a chemical substance on the confidential portion of the list published under paragraph (1) to indicate in the notice whether the manufacturer or processor seeks to maintain any existing claim for protection against disclosure of the specific identity of the substance as confidential pursuant to section 14; and

''(iii) require the substantiation of those claims pursuant to section 14 and in accordance with the review plan described in subparagraph (C).

''(C) REVIEW PLAN.—Not later than 1 year after the date on which the Administrator compiles the initial list of active substances pursuant to subparagraph (A), the Administrator shall promulgate a rule that establishes a plan to review all claims to protect the specific identities of chemical substances on the confidential portion of the list published under paragraph (1) that are asserted pursuant to subparagraph (B).

''(D) REQUIREMENTS OF REVIEW PLAN.—Under the review plan under subparagraph (C), the Administrator shall—

''(i) require, at the time requested by the Administrator, all manufacturers or processors asserting claims under subparagraph (B) to substantiate the claim unless the manufacturer or processor has substantiated the claim in a submission made to the Administrator during the 5-year period ending on the date of the request by the Administrator;

''(ii) in accordance with section 14—

''(I) review each substantiation—

''(aa) submitted pursuant to clause (i) to determine if the claim warrants protection from disclosure; and

''(bb) submitted previously by a manufacturer or processor and relied on in lieu of the substantiation required pursuant to clause (i), if the substantiation has not been previously reviewed by the Administrator, to determine if the claim warrants protection from disclosure;

''(II) approve, modify, or deny each claim; and

''(III) except as provided in this section and section 14, protect from disclosure information for which the Administrator approves such a claim for a period of 10 years, unless, prior to the expiration of the period—

''(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(bb) the Administrator otherwise becomes aware that the need for protection from disclosure can no longer be substantiated, in which case the Administrator shall take the actions described in section 14(g)(2); and

''(iii) encourage manufacturers or processors that have previously made claims to protect the specific identities of chemical substances identified as inactive pursuant to subsection (f)(2) to review and either withdraw or substantiate the claims.

''(E) TIMELINE FOR COMPLETION OF REVIEWS.—

''(i) IN GENERAL.—The Administrator shall implement the review plan so as to complete reviews of all claims specified in subparagraph (C) not later than 5 years after the date on which the Administrator compiles

the initial list of active substances pursuant to subparagraph (A).

''(ii) CONSIDERATIONS.—

''(I) IN GENERAL.—The Administrator may extend the deadline for completion of the reviews for not more than 2 additional years, after an adequate public justification, if the Administrator determines that the extension is necessary based on the number of claims needing review and the available resources.

''(II) ANNUAL REVIEW GOAL AND RESULTS.—At the beginning of each year, the Administrator shall publish an annual goal for reviews and the number of reviews completed in the prior year.

''(5) ACTIVE AND INACTIVE SUBSTANCES.—

''(A) IN GENERAL.—The Administrator shall maintain and keep current designations of active substances and inactive substances on the list published under paragraph (1).

''(B) CHANGE TO ACTIVE STATUS.—

''(i) IN GENERAL.—Any person that intends to manufacture or process for a nonexempt commercial purpose a chemical substance that is designated as an inactive substance shall notify the Administrator before the date on which the inactive substance is manufactured or processed.

''(ii) CONFIDENTIAL CHEMICAL IDENTITY CLAIMS.—If a person submitting a notice under clause (i) for an inactive substance on the confidential portion of the list published under paragraph (1) seeks to maintain an existing claim for protection against disclosure of the specific identity of the inactive substance as confidential, the person shall—

''(I) in the notice submitted under clause (i), assert the claim; and

''(II) by not later than 30 days after providing the notice under clause (i), substantiate the claim.

''(iii) ACTIVE STATUS.—On receiving a notification under clause (i), the Administrator shall—

''(I) designate the applicable chemical substance as an active substance;

''(II) pursuant to section 14, promptly review any claim and associated substantiation submitted pursuant to clause (ii) for protection against disclosure of the specific identity of the chemical substance and approve, modify, or deny the claim;

''(III) except as provided in this section and section 14, protect from disclosure the specific identity of the chemical substance for which the Administrator approves a claim under subclause (II) for a period of 10 years, unless, prior to the expiration of the period—

''(aa) the person notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(bb) the Administrator otherwise becomes aware that the need for protection from disclosure can no longer be substantiated, in which case the Administrator shall take the actions described in section 14(g)(2); and

''(IV) pursuant to section 4A, review the priority of the chemical substance as the Administrator determines to be necessary.

''(C) CATEGORY STATUS.—The list of inactive substances shall not be considered to be a category for purposes of section 26(c).

''(6) INTERIM LIST OF ACTIVE SUBSTANCES.—Prior to the promulgation of the rule required under paragraph (4)(A), the Administrator shall designate the chemical substances reported under part 711 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act), during the reporting period that most closely preceded the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, as the interim list of active substances for the purposes of section 4A.

''(7) PUBLIC INFORMATION.—Subject to this subsection, the Administrator shall make available to the public—

''(A) the specific identity of each chemical substance on the nonconfidential portion of the list published under paragraph (1) that the Administrator has designated as—

''(i) an active substance; or

''(ii) an inactive substance;

''(B) the accession number, generic name, and, if applicable, premanufacture notice case number for each chemical substance on the confidential portion of the list published under paragraph (1) for which a claim of confidentiality was received; and

''(C) subject to subsections (f) and (g) of section 14, the specific identity of any active substance for which—

''(i) a claim for protection against disclosure of the specific identity of the active chemical substance was not asserted, as required under this subsection or subsection (d) or (f) of section 14;

''(ii) a claim for protection against disclosure of the specific identity of the active substance has been denied by the Administrator; or

''(iii) the time period for protection against disclosure of the specific identity of the active substance has expired.

''(8) LIMITATION.—No person may assert a new claim under this subsection for protection from disclosure of a specific identity of any active or inactive chemical substance for which a notice is received under paragraph (4)(A)(i) or (5)(C)(i) that is not on the confidential portion of the list published under paragraph (1).

''(9) CERTIFICATION.—Under the rules promulgated under this subsection, manufacturers and processors shall be required—

''(A) to certify that each notice or substantiation the manufacturer or processor submits complies with the requirements of the rule, and that any confidentiality claims are true and correct; and

''(B) to retain a record supporting the certification for a period of 5 years beginning on the last day of the submission period.'';

(3) in subsection (e)—

(A) by striking ''Any person'' and inserting the following:

''(1) IN GENERAL.—Any person''; and

(B) by adding at the end the following:

''(2) ADDITIONAL INFORMATION.—Any person may submit to the Administrator information reasonably supporting the conclusion that a chemical substance or mixture presents, will present, or does not present a substantial risk of injury to health and the environment.''; and

(4) in subsection (f), by striking ''For purposes of this section, the'' and inserting the following: ''In this section:

''(1) ACTIVE SUBSTANCE.—The term 'active substance' means a chemical substance—

''(A) that has been manufactured or processed for a nonexempt commercial purpose at any point during the 10-year period ending on the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act;

''(B) that is added to the list published under subsection (b)(1) after that date of enactment; or

''(C) for which a notice is received under subsection (b)(5)(C).

''(2) INACTIVE SUBSTANCE.—The term 'inactive substance' means a chemical substance on the list published under subsection (b)(1) that does not meet any of the criteria described in paragraph (1).

''(3) MANUFACTURE; PROCESS.—The''.

SEC. 11. RELATIONSHIP TO OTHER FEDERAL LAWS.

Section 9 of the Toxic Substances Control Act (15 U.S.C. 2608) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence—

(i) by striking ''presents or will present an unreasonable risk to health or the environment'' and inserting ''does not or will not meet the safety standard''; and

(ii) by striking ''such risk'' the first place it appears and inserting ''the risk posed by the substance or mixture'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''within the time period specified by the Administrator in the report'' after ''issues an order'';

(ii) in subparagraph (B), by inserting ''responds within the time period specified by the Administrator in the report and'' before ''initiates, within 90 days''; and

(iii) in the matter following subparagraph (B), by striking ''section 6 or 7'' and inserting ''section 6(d) or section 7'';

(C) by redesignating paragraph (3) as paragraph (6);

(D) in paragraph (6) (as so redesignated), by striking ''section 6 or 7'' and inserting ''section 6(d) or 7''; and

(E) by inserting after paragraph (2) the following:

''(3) The Administrator shall take the actions described in paragraph (4) if the Administrator makes a report under paragraph (1) with respect to a chemical substance or mixture and the agency to which the report was made does not—

''(A) issue the order described in paragraph (2)(A) within the time period specified by the Administrator in the report; or

''(B)(i) respond under paragraph (1) within the time frame specified by the Administrator in the report; and

''(ii) initiate action within 90 days of publication in the Federal Register of the response described in clause (i).

''(4) If an agency to which a report under paragraph (1) does not take the actions described in subparagraphs (A) or (B) of paragraph (3), the Administrator shall—

''(A) if a safety assessment and safety determination for the substance under section 6 has not been completed, complete the safety assessment and safety determination;

''(B) if the Administrator has determined or determines that the chemical substance does not meet the safety standard, initiate action under section 6(d) with respect to the risk; or

''(C) take any action authorized or required under section 7, as appropriate.

''(5) This subsection shall not relieve the Administrator of any obligation to complete a safety assessment and safety determination or take any required action under section 6(d) or 7 to address risks from the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or any combination of those activities, that are not identified in a report issued by the Administrator under paragraph (1).'';

(2) in subsection (d), in the first sentence, by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services''; and

(3) by adding at the end the following:

''(e) EXPOSURE INFORMATION.—If the Administrator obtains information related to exposures or releases of a chemical substance that may be prevented or reduced under another Federal law, including laws not administered by the Administrator, the Administrator shall make such information available to the relevant Federal agency or office of the Environmental Protection Agency.''.

SEC. 12. RESEARCH, DEVELOPMENT, COLLECTION, DISSEMINATION, AND UTILIZATION OF DATA.

Section 10 of the Toxic Substances Control Act (15 U.S.C. 2609) is amended by striking ''Health, Education, and Welfare'' each place

it appears and inserting ''Health and Human Services''.

SEC. 13. EXPORTS.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) EXCEPTION.—Paragraph (1) shall not apply to—

''(A) any new chemical substance that the Administrator determines is likely to present an unreasonable risk of injury to health within the United States or to the environment of the United States, without taking into account cost or other non-risk factors;

''(B) any chemical substance that the Administrator determines presents or will present an unreasonable risk of injury to health within the United States or to the environment of the United States, without taking into account cost or other non-risk factors; or

''(C) any chemical substance that—

''(i) the Administrator determines is likely to present an unreasonable risk of injury to health within the United States or to the environment of the United States, without taking into account cost or other non-risk factors; and

''(ii) is subject to restriction under section 5(d)(4).

''(3) WAIVERS FOR CERTAIN MIXTURES AND ARTICLES.—For a mixture or article containing a chemical substance described in paragraph (2), the Administrator may—

''(A) determine that paragraph (1) shall not apply to the mixture or article; or

''(B) establish a threshold concentration in a mixture or article at which paragraph (1) shall not apply.

''(4) TESTING.—The Administrator may require testing under section 4 of any chemical substance or mixture exempted from this Act under paragraph (1) for the purpose of determining whether the chemical substance meets the safety standard within the United States.'';

(2) by striking subsection (b) and inserting the following:

''(b) NOTICE.—

''(1) IN GENERAL.—A person shall notify the Administrator that the person is exporting or intends to export to a foreign country—

''(A) a chemical substance or a mixture containing a chemical substance that the Administrator has determined under section 5 is not likely to meet the safety standard and for which a prohibition or other restriction has been proposed or established under that section;

''(B) a chemical substance or a mixture containing a chemical substance that the Administrator has determined under section 6 does not meet the safety standard and for which a prohibition or other restriction has been proposed or established under that section;

''(C) a chemical substance for which the United States is obligated by treaty to provide export notification;

''(D) a chemical substance or mixture containing a chemical substance subject to a proposed or promulgated significant new use rule, or a prohibition or other restriction pursuant to a rule, order, or consent agreement in effect under this Act;

''(E) a chemical substance or mixture for which the submission of information is required under section 4; or

''(F) a chemical substance or mixture for which an action is pending or for which relief has been granted under section 7.

''(2) RULES.—

''(A) IN GENERAL.—The Administrator shall promulgate rules to carry out paragraph (1).

''(B) CONTENTS.—The rules promulgated pursuant to subparagraph (A) shall—

''(i) include such exemptions as the Administrator determines to be appropriate, which may include exemptions identified under section 5(h); and

''(ii) indicate whether, or to what extent, the rules apply to articles containing a chemical substance or mixture described in paragraph (1).

''(3) NOTIFICATION.—The Administrator shall submit to the government of each country to which a chemical substance or mixture is exported—

''(A) for a chemical substance or mixture described in subparagraph (A), (B), (D), or (F) of paragraph (1), a notice of the determination, rule, order, consent agreement, action, relief, or requirement;

''(B) for a chemical substance described in paragraph (1)(C), a notice that satisfies the obligation of the United States under the applicable treaty; and

''(C) for a chemical substance or mixture described in paragraph (1)(E), a notice of availability of the information on the chemical substance or mixture submitted to the Administrator.''; and

(3) in subsection (c), by striking paragraph (3).

SEC. 14. CONFIDENTIAL INFORMATION.

Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613) is amended to read as follows:

''SEC. 14. CONFIDENTIAL INFORMATION.

''(a) IN GENERAL.—Except as otherwise provided in this section, the Administrator shall not disclose information that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, under subsection (b)(4) of that section—

''(1) that is reported to, or otherwise obtained by, the Administrator under this Act; and

''(2) for which the requirements of subsection (d) are met.

''(b) INFORMATION GENERALLY PROTECTED FROM DISCLOSURE.—The following information specific to, and submitted by, a manufacturer, processor, or distributor that meets the requirements of subsections (a) and (d) shall be presumed to be protected from disclosure, subject to the condition that nothing in this Act prohibits the disclosure of any such information, or information that is the subject of subsection (g)(3), through discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law:

''(1) Specific information describing the processes used in manufacture or processing of a chemical substance, mixture, or article.

''(2) Marketing and sales information.

''(3) Information identifying a supplier or customer.

''(4) Details of the full composition of a mixture and the respective percentages of constituents.

''(5) Specific information regarding the use, function, or application of a chemical substance or mixture in a process, mixture, or product.

''(6) Specific production or import volumes of the manufacturer.

''(7) Specific aggregated volumes across manufacturers, if the Administrator determines that disclosure of the specific aggregated volumes would reveal confidential information.

''(8) Except as otherwise provided in this section, the specific identity of a chemical substance prior to the date on which the chemical substance is first offered for commercial distribution, including the chemical name, molecular formula, Chemical Abstracts Service number, and other information that would identify a specific chemical substance, if the specific identity was claimed as confidential information at the time it was submitted in a notice under section 5.

''(c) INFORMATION NOT PROTECTED FROM DISCLOSURE.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the following information shall not be protected from disclosure:

''(A) INFORMATION FROM HEALTH AND SAFETY STUDIES.—

''(i) IN GENERAL.—Subject to clause (ii)—

''(I) any health and safety study that is submitted under this Act with respect to—

''(aa) any chemical substance or mixture that, on the date on which the study is to be disclosed, has been offered for commercial distribution; or

''(bb) any chemical substance or mixture for which—

''(AA) testing is required under section 4; or

''(BB) a notification is required under section 5; or

''(II) any information reported to, or otherwise obtained by, the Administrator from a health and safety study relating to a chemical substance or mixture described in item (aa) or (bb) of subclause (I).

''(ii) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph authorizes the release of any information that discloses—

''(I) a process used in the manufacturing or processing of a chemical substance or mixture; or

''(II) in the case of a mixture, the portion of the mixture comprised by any chemical substance in the mixture.

''(B) OTHER INFORMATION NOT PROTECTED FROM DISCLOSURE.—

''(i) For information submitted after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the specific identity of a chemical substance as of the date on which the chemical substance is first offered for commercial distribution, if the person submitting the information does not meet the requirements of subsection (d).

''(ii) A safety assessment developed, or a safety determination made, under section 6.

''(iii) Any general information describing the manufacturing volumes, expressed as specific aggregated volumes or, if the Administrator determines that disclosure of specific aggregated volumes would reveal confidential information, expressed in ranges.

''(iv) A general description of a process used in the manufacture or processing and industrial, commercial, or consumer functions and uses of a chemical substance, mixture, or article containing a chemical substance or mixture, including information specific to an industry or industry sector that customarily would be shared with the general public or within an industry or industry sector.

''(2) MIXED CONFIDENTIAL AND NONCONFIDENTIAL INFORMATION .—Any information that is eligible for protection under this section and is submitted with information described in this subsection shall be protected from disclosure, if the submitter complies with subsection (d), subject to the condition that information in the submission that is not eligible for protection against disclosure shall be disclosed.

''(3) BAN OR PHASE-OUT.—If the Administrator promulgates a rule pursuant to section 6(d) that establishes a ban or phase-out of the manufacture, processing, or distribution in commerce of a chemical substance, subject to paragraphs (2), (3), and (4) of subsection (g), any protection from disclosure provided under this section with respect to the specific identity of the chemical substance and other information relating to the chemical substance shall no longer apply.

''(4) CERTAIN REQUESTS.—If a request is made to the Administrator under section 552(a) of title 5, United States Code, for information that is subject to disclosure under this subsection, the Administrator may not deny the request on the basis of section 552(b)(4) of title 5, United States Code.

''(d) REQUIREMENTS FOR CONFIDENTIALITY CLAIMS.—

''(1) ASSERTION OF CLAIMS.—

''(A) IN GENERAL.—A person seeking to protect any information submitted under this Act from disclosure (including information described in subsection (b)) shall assert to the Administrator a claim for protection concurrent with submission of the information, in accordance with such rules regarding a claim for protection from disclosure as the Administrator has promulgated or may promulgate pursuant to this title.

''(B) INCLUSION.—An assertion of a claim under subparagraph (A) shall include a statement that the person has—

''(i) taken reasonable measures to protect the confidentiality of the information;

''(ii) determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;

''(iii) a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of the person; and

''(iv) a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

''(C) SPECIFIC CHEMICAL IDENTITY.—In the case of a claim under subparagraph (A) for protection against disclosure of a specific chemical identity, the claim shall include a structurally descriptive generic name for the chemical substance that the Administrator may disclose to the public, subject to the condition that the generic name shall—

''(i) be consistent with guidance issued by the Administrator under paragraph (3)(A); and

''(ii) describe the chemical structure of the substance as specifically as practicable while protecting those features of the chemical structure—

''(I) that are considered to be confidential; and

''(II) the disclosure of which would be likely to cause substantial harm to the competitive position of the person.

''(D) PUBLIC INFORMATION.—No person may assert a claim under this section for protection from disclosure of information that is already publicly available.

''(2) ADDITIONAL REQUIREMENTS FOR CONFIDENTIALITY CLAIMS.—Except for information described in subsection (b), a person asserting a claim to protect information from disclosure under this Act shall substantiate the claim, in accordance with the rules promulgated and consistent with the guidance issued by the Administrator.

''(3) GUIDANCE.—The Administrator shall develop guidance regarding—

''(A) the determination of structurally descriptive generic names, in the case of claims for the protection against disclosure of specific chemical identity; and

''(B) the content and form of the statements of need and agreements required under paragraphs (4), (5), and (6) of subsection (e).

''(4) CERTIFICATION.—An authorized official of a person described in paragraph (1)(A) shall certify that the statement required to assert a claim submitted pursuant to paragraph (1)(B) and any information required to substantiate a claim submitted pursuant to paragraph (2) are true and correct.

''(e) EXCEPTIONS TO PROTECTION FROM DISCLOSURE.—Information described in subsection (a)—

''(1) shall be disclosed if the information is to be disclosed to an officer or employee of the United States in connection with the official duties of the officer or employee—

''(A) under any law for the protection of health or the environment; or

''(B) for a specific law enforcement purpose;

''(2) shall be disclosed if the information is to be disclosed to a contractor of the United States and employees of that contractor—

''(A) if, in the opinion of the Administrator, the disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States for the performance of work in connection with this Act; and

''(B) subject to such conditions as the Administrator may specify;

''(3) shall be disclosed if the Administrator determines that disclosure is necessary to protect health or the environment;

''(4) shall be disclosed if the information is to be disclosed to a State or political subdivision of a State, on written request, for the purpose of development, administration, or enforcement of a law, if 1 or more applicable agreements with the Administrator that are consistent with the guidance issued under subsection (d)(3)(B) ensure that the recipient will take appropriate measures, and has adequate authority, to maintain the confidentiality of the information in accordance with procedures comparable to the procedures used by the Administrator to safeguard the information;

''(5) shall be disclosed if a health or environmental professional employed by a Federal or State agency or a treating physician or nurse in a nonemergency situation provides a written statement of need and agrees to sign a written confidentiality agreement with the Administrator, subject to the conditions that—

''(A) the statement of need and confidentiality agreement are consistent with the guidance issued under subsection (d)(3)(B);

''(B) the written statement of need shall be a statement that the person has a reasonable basis to suspect that—

''(i) the information is necessary for, or will assist in—

''(I) the diagnosis or treatment of 1 or more individuals; or

''(II) responding to an environmental release or exposure; and

''(ii) 1 or more individuals being diagnosed or treated have been exposed to the chemical substance concerned, or an environmental release or exposure has occurred; and

''(C) the confidentiality agreement shall provide that the person will not use the information for any purpose other than the health or environmental needs asserted in the statement of need, except as otherwise may be authorized by the terms of the agreement or by the person submitting the information to the Administrator, except that nothing in this Act prohibits the disclosure of any such information through discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law;

''(6) shall be disclosed if in the event of an emergency, a treating physician, nurse, agent of a poison control center, public health or environmental official of a State or political subdivision of a State, or first responder (including any individual duly authorized by a Federal agency, State, or political subdivision of a State who is trained in urgent medical care or other emergency procedures, including a police officer, firefighter, or emergency medical technician) requests the information, subject to the conditions that—

''(A) the treating physician, nurse, agent, public health or environmental official of a State or a political subdivision of a State, or first responder shall have a reasonable basis to suspect that—

''(i) a medical or public health or environmental emergency exists;

''(ii) the information is necessary for, or will assist in, emergency or first-aid diagnosis or treatment; or

''(iii) 1 or more individuals being diagnosed or treated have likely been exposed to the chemical substance concerned, or a serious environmental release of or exposure to the chemical substance concerned has occurred;

''(B) if requested by the person submitting the information to the Administrator, the treating physician, nurse, agent, public health or environmental official of a State or a political subdivision of a State, or first responder shall, as described in paragraph (5)—

''(i) provide a written statement of need; and

''(ii) agree to sign a confidentiality agreement; and

''(C) the written confidentiality agreement or statement of need shall be submitted as soon as practicable, but not necessarily before the information is disclosed;

''(7) may be disclosed if the Administrator determines that disclosure is relevant in a proceeding under this Act, subject to the condition that the disclosure shall be made in such a manner as to preserve confidentiality to the maximum extent practicable without impairing the proceeding;

''(8) shall be disclosed if the information is to be disclosed, on written request of any duly authorized congressional committee, to that committee; or

''(9) shall be disclosed if the information is required to be disclosed or otherwise made public under any other provision of Federal law.

''(f) DURATION OF PROTECTION FROM DISCLOSURE.—

''(1) IN GENERAL.—

''(A) INFORMATION NOT SUBJECT TO TIME LIMIT FOR PROTECTION FROM DISCLOSURE.—Subject to paragraph (2), the Administrator shall protect from disclosure information described in subsection (b) that meets the requirements of subsections (a) and (d), unless—

''(i) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(ii) the Administrator otherwise becomes aware that the information does not qualify or no longer qualifies for protection against disclosure under subsection (a), in which case the Administrator shall take any actions required under subsection (g)(2).

''(B) INFORMATION SUBJECT TO TIME LIMIT FOR PROTECTION FROM DISCLOSURE.—Subject to paragraph (2), the Administrator shall protect from disclosure information, other than information described in subsection (b), that meets the requirements of subsections (a) and (d) for a period of 10 years, unless, prior to the expiration of the period—

''(i) the person that asserted the claim notifies the Administrator that the person is withdrawing the claim, in which case the Administrator shall promptly make the information available to the public; or

''(ii) the Administrator otherwise becomes aware that the information does not qualify or no longer qualifies for protection against disclosure under subsection (a), in which case the Administrator shall take any actions required under subsection (g)(2).

''(C) EXTENSIONS.—

''(i) IN GENERAL.—Not later than the date that is 60 days before the expiration of the period described in subparagraph (B), the Administrator shall provide to the person that

asserted the claim a notice of the impending expiration of the period.

''(ii) STATEMENT.—

''(I) IN GENERAL.—Not later than the date that is 30 days before the expiration of the period described in subparagraph (B), a person reasserting the relevant claim shall submit to the Administrator a request for extension substantiating, in accordance with subsection (d)(2), the need to extend the period.

''(II) ACTION BY ADMINISTRATOR.—Not later than the date of expiration of the period described in subparagraph (B), the Administrator shall, in accordance with subsection (g)(1)(C)—

''(aa) review the request submitted under subclause (I);

''(bb) make a determination regarding whether the claim for which the request was submitted continues to meet the relevant criteria established under this section; and

''(cc)(AA) grant an extension of 10 years; or

''(BB) deny the request.

''(D) NO LIMIT ON NUMBER OF EXTENSIONS.—There shall be no limit on the number of extensions granted under subparagraph (C), if the Administrator determines that the relevant request under subparagraph (C)(ii)(I)—

''(i) establishes the need to extend the period; and

''(ii) meets the requirements established by the Administrator.

''(2) REVIEW AND RESUBSTANTIATION.—

''(A) DISCRETION OF ADMINISTRATOR.—The Administrator may review, at any time, a claim for protection of information against disclosure under subsection (a) and require any person that has claimed protection for that information, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to withdraw or reassert and substantiate or resubstantiate the claim in accordance with this section—

''(i) after the chemical substance is identified as a high-priority substance under section 4A;

''(ii) for any chemical substance for which the Administrator has made a determination under section 6(c)(1)(C);

''(iii) for any inactive chemical substance identified under section 8(b)(5); or

''(iv) in limited circumstances, if the Administrator determines that disclosure of certain information currently protected from disclosure would assist the Administrator in conducting safety assessments and safety determinations under subsections (b) and (c) of section 6 or promulgating rules pursuant to section 6(d).

''(B) REVIEW REQUIRED.—The Administrator shall review a claim for protection of information against disclosure under subsection (a) and require any person that has claimed protection for that information, whether before, on, or after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to withdraw or reassert and substantiate or resubstantiate the claim in accordance with this section—

''(i) as necessary to determine whether the information qualifies for an exemption from disclosure in connection with a request for information received by the Administrator under section 552 of title 5, United States Code;

''(ii) if the Administrator has a reasonable basis to believe that the information does not qualify for protection against disclosure under subsection (a); or

''(iii) for any substance for which the Administrator has made a determination under section 6(c)(1)(B).

''(C) ACTION BY RECIPIENT.—If the Administrator makes a request under subparagraph (A) or (B), the recipient of the request shall—

''(i) reassert and substantiate or resubstantiate the claim; or

''(ii) withdraw the claim.

''(D) PERIOD OF PROTECTION.—Protection from disclosure of information subject to a claim that is reviewed and approved by the Administrator under this paragraph shall be extended for a period of 10 years from the date of approval, subject to any subsequent request by the Administrator under this paragraph.

''(3) UNIQUE IDENTIFIER.—The Administrator shall—

''(A)(i) develop a system to assign a unique identifier to each specific chemical identity for which the Administrator approves a request for protection from disclosure, other than a specific chemical identity or structurally descriptive generic term; and

''(ii) apply that identifier consistently to all information relevant to the applicable chemical substance;

''(B) annually publish and update a list of chemical substances, referred to by unique identifier, for which claims to protect the specific chemical identity from disclosure have been approved, including the expiration date for each such claim;

''(C) ensure that any nonconfidential information received by the Administrator with respect to such a chemical substance during the period of protection from disclosure—

''(i) is made public; and

''(ii) identifies the chemical substance using the unique identifier; and

''(D) for each claim for protection of specific chemical identity that has been denied by the Administrator or expired, or that has been withdrawn by the submitter, provide public access to the specific chemical identity clearly linked to all nonconfidential information received by the Administrator with respect to the chemical substance.

''(g) DUTIES OF ADMINISTRATOR.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—Except as provided in subsection (b), the Administrator shall, subject to subparagraph (C), not later than 90 days after the receipt of a claim under subsection (d), and not later than 30 days after the receipt of a request for extension of a claim under subsection (f), review and approve, modify, or deny the claim or request.

''(B) REASONS FOR DENIAL OR MODIFICATION.—If the Administrator denies or modifies a claim or request under subparagraph (A), the Administrator shall provide to the person that submitted the claim or request a written statement of the reasons for the denial or modification of the claim or request.

''(C) SUBSETS.—The Administrator shall—

''(i) except for claims described in subsection (b)(8), review all claims or requests under this section for the protection against disclosure of the specific identity of a chemical substance; and

''(ii) review a representative subset, comprising at least 25 percent, of all other claims or requests for protection against disclosure.

''(D) EFFECT OF FAILURE TO ACT.—The failure of the Administrator to make a decision regarding a claim or request for protection against disclosure or extension under this section shall not be the basis for denial or elimination of a claim or request for protection against disclosure.

''(2) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsections (c), (e), and (f), if the Administrator denies or modifies a claim or request under paragraph (1), intends to release information pursuant to subsection (e), or promulgates a rule under section 6(d) establishing a ban or phase-out of a chemical substance, the Administrator shall notify, in writing and by certified mail, the person that submitted the claim of the intent of the Administrator to release the information.

''(B) RELEASE OF INFORMATION.—Except as provided in subparagraph (C), the Administrator shall not release information under this subsection until the date that is 30 days after the date on which the person that submitted the request receives notification under subparagraph (A).

''(C) EXCEPTIONS.—

''(i) IN GENERAL.—For information under paragraph (3) or (8) of subsection (e), the Administrator shall not release that information until the date that is 15 days after the date on which the person that submitted the claim or request receives a notification, unless the Administrator determines that release of the information is necessary to protect against an imminent and substantial harm to health or the environment, in which case no prior notification shall be necessary.

''(ii) NOTIFICATION AS SOON AS PRACTICABLE.—For information under paragraphs (4) and (6) of subsection (e), the Administrator shall notify the person that submitted the information that the information has been disclosed as soon as practicable after disclosure of the information.

''(iii) NO NOTIFICATION REQUIRED.—Notification shall not be required—

''(I) for the disclosure of information under paragraph (1), (2), (7), or (9) of subsection (e); or

''(II) for the disclosure of information for which—

''(aa) a notice under subsection (f)(1)(C)(i) was received; and

''(bb) no request was received by the Administrator on or before the date of expiration of the period for which protection from disclosure applies.

''(3) REBUTTABLE PRESUMPTION.—

''(A) IN GENERAL.—With respect to notifications provided by the Administrator under paragraph (2) with respect to information pertaining to a chemical substance subject to a rule as described in subsection (c)(3), there shall be a rebuttable presumption that the public interest in disclosing confidential information related to a chemical substance subject to a rule promulgated under section 6(d) that establishes a ban or phase-out of the manufacture, processing, or distribution in commerce of the substance outweighs the proprietary interest in maintaining the protection from disclosure of that information.

''(B) REQUEST FOR NONDISCLOSURE.—A person that receives a notification under paragraph (2) with respect to the information described in subparagraph (A) may submit to the Administrator, before the date on which the information is to be released pursuant to paragraph (2)(B), a request with supporting documentation describing why the person believes some or all of that information should not be disclosed.

''(C) DETERMINATION BY ADMINISTRATOR.—

''(i) IN GENERAL.—Not later than 30 days after the Administrator receives a request under subparagraph (B), the Administrator shall determine whether the documentation provided by the person making the request rebuts or does not rebut the presumption described in subparagraph (A), for all or a portion of the information that the person has requested not be disclosed.

''(ii) OBJECTIVE.—The Administrator shall make the determination with the objective of ensuring that information relevant to protection of health and the environment is disclosed to the maximum extent practicable.

''(D) TIMING.—Not later than 30 days after making the determination described in subparagraph (C), the Administrator shall make public the information the Administrator has determined is not to be protected from disclosure.

''(E) NO TIMELY REQUEST RECEIVED.—If the Administrator does not receive, before the date on which the information described in subparagraph (A) is to be released pursuant to paragraph (2)(B), a request pursuant to subparagraph (B), the Administrator shall promptly make public all of the information.

''(4) APPEALS.—

''(A) IN GENERAL.—If a person receives a notification under paragraph (2) and believes disclosure of the information is prohibited under subsection (a), before the date on which the information is to be released pursuant to paragraph (2)(B), the person may bring an action to restrain disclosure of the information in—

''(i) the United States district court of the district in which the complainant resides or has the principal place of business; or

''(ii) the United States District Court for the District of Columbia.

''(B) NO DISCLOSURE.—The Administrator shall not disclose any information that is the subject of an appeal under this section before the date on which the applicable court rules on an action under subparagraph (A).

''(5) REQUEST AND NOTIFICATION SYSTEM.—The Administrator, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop a request and notification system that allows for expedient and swift access to information disclosed pursuant to paragraphs (5) and (6) of subsection (e) in a format and language that is readily accessible and understandable.

''(h) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—

''(1) OFFICERS AND EMPLOYEES OF UNITED STATES.—

''(A) IN GENERAL.—Subject to paragraph (2), a current or former officer or employee of the United States described in subparagraph (B) shall be guilty of a misdemeanor and fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(B) DESCRIPTION.—A current or former officer or employee of the United States referred to in subparagraph (A) is a current or former officer or employee of the United States who—

''(i) by virtue of that employment or official position has obtained possession of, or has access to, material the disclosure of which is prohibited by subsection (a); and

''(ii) knowing that disclosure of that material is prohibited by subsection (a), willfully discloses the material in any manner to any person not entitled to receive that material.

''(2) OTHER LAWS.—Section 1905 of title 18, United States Code, shall not apply with respect to the publishing, divulging, disclosure, making known of, or making available, information reported or otherwise obtained under this Act.

''(3) CONTRACTORS.—For purposes of this subsection, any contractor of the United States that is provided information in accordance with subsection (e)(2), including any employee of that contractor, shall be considered to be an employee of the United States.

''(i) APPLICABILITY.—

''(1) IN GENERAL.—Except as otherwise provided in this section, section 8, or any other applicable Federal law, the Administrator shall have no authority—

''(A) to require the substantiation or resubstantiation of a claim for the protection from disclosure of information reported to or otherwise obtained by the Administrator under this Act before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act; or

''(B) to impose substantiation or resubstantiation requirements under this Act that are more extensive than those required under this section.

''(2) ACTIONS PRIOR TO PROMULGATION OF RULES.—Nothing in this Act prevents the Administrator from reviewing, requiring substantiation or resubstantiation for, or approving, modifying or denying any claim for the protection from disclosure of information before the effective date of such rules applicable to those claims as the Administrator may promulgate after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.''.

SEC. 15. PROHIBITED ACTS.

Section 15 of the Toxic Substances Control Act (15 U.S.C. 2614) is amended by striking paragraph (1) and inserting the following:

''(1) fail or refuse to comply with—

''(A) any rule promulgated, consent agreement entered into, or order issued under section 4;

''(B) any requirement under section 5 or 6;

''(C) any rule promulgated, consent agreement entered into, or order issued under section 5 or 6; or

''(D) any requirement of, or any rule promulgated or order issued pursuant to title II;''.

SEC. 16. PENALTIES.

Section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking ''$25,000'' and inserting ''$37,500''; and

(B) in the second sentence, by striking'' violation of section 15 or 409'' and inserting ''violation of this Act''; and

(2) in subsection (b)—

(A) by striking ''Any person who'' and inserting the following:

''(1) IN GENERAL.—Any person that'';

(B) by striking ''$25,000'' and inserting ''$50,000''; and

(C) by adding at the end the following:

''(2) IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.—

''(A) IN GENERAL.—Any person that knowingly or willfully violates any provision of section 15 or 409, and that knows at the time of the violation that the violation places an individual in imminent danger of death or serious bodily injury, shall be subject on conviction to a fine of not more than $250,000, or imprisonment for not more than 15 years, or both.

''(B) ORGANIZATIONS.—An organization that commits a violation described in subparagraph (A) shall be subject on conviction to a fine of not more than $1,000,000 for each violation.

''(C) INCORPORATION OF CORRESPONDING PROVISIONS.—Subparagraphs (B) through (F) of section 113(c)(5) of the Clean Air Act (42 U.S.C. 7413(c)(5)) shall apply to the prosecution of a violation under this paragraph.''.

SEC. 17. STATE-FEDERAL RELATIONSHIP.

Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OR ENFORCEMENT.—Except as provided in subsections (c), (d), (e), (f), and (g), and subject to paragraph (2), no State or political subdivision of a State may establish or continue to enforce any of the following:

''(A) TESTING.—A statute or administrative action to require the development of information on a chemical substance or category of substances that is reasonably likely to produce the same information required under section 4, 5, or 6 in—

''(i) a rule promulgated by the Administrator;

''(ii) a testing consent agreement entered into by the Administrator; or

''(iii) an order issued by the Administrator.

''(B) CHEMICAL SUBSTANCES FOUND TO MEET THE SAFETY STANDARD OR RESTRICTED.—A statute or administrative action to prohibit or otherwise restrict the manufacture, processing, or distribution in commerce or use of a chemical substance—

''(i) found to meet the safety standard and consistent with the scope of the determination made under section 6; or

''(ii) found not to meet the safety standard, after the effective date of the rule issued under section 6(d) for the substance, consistent with the scope of the determination made by the Administrator.

''(C) SIGNIFICANT NEW USE.—A statute or administrative action requiring the notification of a use of a chemical substance that the Administrator has specified as a significant new use and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

''(2) EFFECTIVE DATE OF PREEMPTION.—Under this subsection, Federal preemption of statutes and administrative actions applicable to specific substances shall not occur until the effective date of the applicable action described in paragraph (1) taken by the Administrator.

''(b) NEW STATUTES OR ADMINISTRATIVE ACTIONS CREATING PROHIBITIONS OR OTHER RESTRICTIONS.—

''(1) IN GENERAL.—Except as provided in subsections (c), (d), (e), (f), and (g), beginning on the date on which the Administrator defines and publishes the scope of a safety assessment and safety determination under section 6(a)(2) and ending on the date on which the deadline established pursuant to section 6(a) for completion of the safety determination expires, or on the date on which the Administrator publishes the safety determination under section 6(a), whichever is earlier, no State or political subdivision of a State may establish a statute or administrative action prohibiting or restricting the manufacture, processing, distribution in commerce or use of a chemical substance that is a high-priority substance designated under section 4A.

''(2) EFFECT OF SUBSECTION.—

''(A) IN GENERAL.—This subsection does not restrict the authority of a State or political subdivision of a State to continue to enforce any statute enacted, or administrative action taken, prior to the date on which the Administrator defines and publishes the scope of a safety assessment and safety determination under section 6(a)(2).

''(B) LIMITATION.—Subparagraph (A) does not allow a State or political subdivision of a State to enforce any new prohibition or restriction under a statute or administrative action described in that subparagraph, if the prohibition or restriction is established after the date described in that subparagraph.

''(c) SCOPE OF PREEMPTION.—Federal preemption under subsections (a) and (b) of statutes and administrative actions applicable to specific substances shall apply only to—

''(1) the chemical substances or category of substances subject to a rule, order, or consent agreement under section 4;

''(2) the hazards, exposures, risks, and uses or conditions of use of such substances that are identified by the Administrator as subject to review in a safety assessment and included in the scope of the safety determination made by the Administrator for the substance, or of any rule the Administrator promulgates pursuant to section 6(d); or

''(3) the uses of such substances that the Administrator has specified as significant new uses and for which the Administrator has required notification pursuant to a rule promulgated under section 5.

''(d) EXCEPTIONS.—

''(1) NO PREEMPTION OF STATUTES AND ADMINISTRATIVE ACTIONS.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendment made by this Act, nor any

rule, standard of performance, safety determination, or scientific assessment implemented pursuant to this Act, shall affect the right of a State or a political subdivision of a State to adopt or enforce any rule, standard of performance, safety determination, scientific assessment, or any protection for public health or the environment that—

''(i) is adopted or authorized under the authority of any other Federal law or adopted to satisfy or obtain authorization or approval under any other Federal law;

''(ii) implements a reporting, monitoring, disclosure, or other information obligation for the chemical substance not otherwise required by the Administrator under this Act or required under any other Federal law;

''(iii) is adopted pursuant to authority under a law of the State or political subdivision of the State related to water quality, air quality, or waste treatment or disposal, except to the extent that the action—

''(I) imposes a restriction on the manufacture, processing, distribution in commerce, or use of a chemical substance; and

''(II)(aa) addresses the same hazards and exposures, with respect to the same conditions of use as are included in the scope of the safety determination pursuant to section 6, but is inconsistent with the action of the Administrator; or

''(bb) would cause a violation of the applicable action by the Administrator under section 5 or 6; or

''(iv) subject to subparagraph (B), is identical to a requirement prescribed by the Administrator.

''(B) IDENTICAL REQUIREMENTS.—

''(i) IN GENERAL.—The penalties and other sanctions applicable under a law of a State or political subdivision of a State in the event of noncompliance with the identical requirement shall be no more stringent than the penalties and other sanctions available to the Administrator under section 16 of this Act.

''(ii) PENALTIES.—In the case of an identical requirement—

''(I) a State or political subdivision of a State may not assess a penalty for a specific violation for which the Administrator has assessed an adequate penalty under section 16; and

''(II) if a State or political subdivision of a State has assessed a penalty for a specific violation, the Administrator may not assess a penalty for that violation in an amount that would cause the total of the penalties assessed for the violation by the State or political subdivision of a State and the Administrator combined to exceed the maximum amount that may be assessed for that violation by the Administrator under section 16.

''(2) APPLICABILITY TO CERTAIN RULES OR ORDERS.—Notwithstanding subsection (e)—

''(A) nothing in this section shall be construed as modifying the effect under this section, as in effect on the day before the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, of any rule or order promulgated or issued under this Act prior to that effective date; and

''(B) with respect to a chemical substance or mixture for which any rule or order was promulgated or issued under section 6 prior to the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act with regards to manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance, this section (as in effect on the day before the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act) shall govern the preemptive effect of any rule or order that is promulgated or issued respecting such chemical substance or mixture under section 6 of this Act after that effective date, unless the latter rule or order is with respect to a chemical substance or mixture containing a chemical substance and follows a designation of that chemical substance as a high-priority substance under subsection (b) or (c) of section 4A or as an additional priority for safety assessment and safety determination under section 4A(c).

''(e) PRESERVATION OF CERTAIN LAWS.—

''(1) IN GENERAL.—Nothing in this Act, subject to subsection (g) of this section, shall—

''(A) be construed to preempt or otherwise affect the authority of a State or political subdivision of a State to continue to enforce any action taken before August 1, 2015, under the authority of a law of the State or political subdivision of the State that prohibits or otherwise restricts manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance; or

''(B) be construed to preempt or otherwise affect any action taken pursuant to a State law that was in effect on August 31, 2003.

''(2) EFFECT OF SUBSECTION.—This subsection does not affect, modify, or alter the relationship between Federal law and laws of a State or political subdivision of a State pursuant to any other Federal law.

''(f) WAIVERS.—

''(1) DISCRETIONARY EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator may by rule, exempt from subsection (a), under such conditions as may be prescribed in the rule, a statute or administrative action of that State or political subdivision of the State that relates to the effects of, or exposure to, a chemical substance under the conditions of use if the Administrator determines that—

''(A) compelling conditions warrant granting the waiver to protect health or the environment;

''(B) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

''(C) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

''(D) in the judgment of the Administrator, the proposed requirement of the State or political subdivision of the State is designed to address a risk of a chemical substance, under the conditions of use, that was identified—

''(i) consistent with the best available science;

''(ii) using supporting studies conducted in accordance with sound and objective scientific practices; and

''(iii) based on the weight of the scientific evidence.

''(2) REQUIRED EXEMPTIONS.—Upon application of a State or political subdivision of a State, the Administrator shall exempt from subsection (b) a statute or administrative action of a State or political subdivision of a State that relates to the effects of exposure to a chemical substance under the conditions of use if the Administrator determines that—

''(A) compliance with the proposed requirement of the State or political subdivision of the State would not unduly burden interstate commerce in the manufacture, processing, distribution in commerce, or use of a chemical substance;

''(B) compliance with the proposed requirement of the State or political subdivision of the State would not cause a violation of any applicable Federal law, rule, or order; and

''(C) the State or political subdivision of the State has a concern about the chemical substance or use of the chemical substance based in peer-reviewed science.

''(3) DETERMINATION OF A WAIVER REQUEST.—The duty of the Administrator to grant or deny a waiver application shall be nondelegable and shall be exercised—

''(A) not later than 180 days after the date on which an application under paragraph (1) is submitted; and

''(B) not later than 110 days after the date on which an application under paragraph (2) is submitted.

''(4) FAILURE TO MAKE DETERMINATION.—If the Administrator fails to make a determination under paragraph (3)(B) during the 110-day period beginning on the date on which an application under paragraph (2) is submitted, the statute or administrative action of the State or political subdivision of the State that was the subject of the application shall not be considered to be an existing statute or administrative action for purposes of subsection (b) by reason of the failure of the Administrator to make a determination.

''(5) NOTICE AND COMMENT.—Except in the case of an application approved under paragraph (9), the application of a State or political subdivision of a State shall be subject to public notice and comment.

''(6) FINAL AGENCY ACTION.—The decision of the Administrator on the application of a State or political subdivision of a State shall be—

''(A) considered to be a final agency action; and

''(B) subject to judicial review.

''(7) DURATION OF WAIVERS.—A waiver granted under paragraph (2) or approved under paragraph (9) shall remain in effect until such time as the Administrator publishes the safety determination under section 6(a)(4).

''(8) JUDICIAL REVIEW OF WAIVERS.—Not later than 60 days after the date on which the Administrator makes a determination on an application of a State or political subdivision of a State under paragraph (1) or (2), any person may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit, which shall have exclusive jurisdiction over the determination.

''(9) APPROVAL.—

''(A) AUTOMATIC APPROVAL.—If the Administrator fails to meet the deadline established under paragraph (3)(B), the application of a State or political subdivision of a State under paragraph (2) shall be automatically approved, effective on the date that is 10 days after the deadline.

''(B) REQUIREMENTS.—Notwithstanding paragraph (6), approval of a waiver application under subparagraph (A) for failure to meet the deadline under paragraph (3)(B) shall not be considered final agency action or be subject to judicial review or public notice and comment.

''(g) SAVINGS.—

''(1) NO PREEMPTION OF COMMON LAW OR STATUTORY CAUSES OF ACTION FOR CIVIL RELIEF OR CRIMINAL CONDUCT.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendment made by this Act, nor any safety standard, rule, requirement, standard of performance, safety determination, or scientific assessment implemented pursuant to this Act, shall be construed to preempt, displace, or supplant any state or Federal common law rights or any state or Federal statute creating a remedy for civil relief, including those for civil damage, or a penalty for a criminal conduct.

''(B) CLARIFICATION OF NO PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this Act, nor any amendments made by this Act, shall preempt or preclude any cause of action for personal injury, wrongful death, property damage, or other injury based on negligence, strict liability, products liability, failure to warn, or any other legal theory of liability under any

State law, maritime law, or Federal common law or statutory theory.

''(2) NO EFFECT ON PRIVATE REMEDIES.—

''(A) IN GENERAL.—Nothing in this Act, nor any amendments made by this Act, nor any rules, regulations, requirements, safety assessments, safety determinations, scientific assessments, or orders issued pursuant to this Act shall be interpreted as, in either the plaintiff's or defendant's favor, dispositive in any civil action.

''(B) AUTHORITY OF COURTS.—This Act does not affect the authority of any court to make a determination in an adjudicatory proceeding under applicable State or Federal law with respect to the admission into evidence or any other use of this Act or rules, regulations, requirements, standards of performance, safety assessments, scientific assessments, or orders issued pursuant to this Act.''.

SEC. 18. JUDICIAL REVIEW.

Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the first sentence—

(aa) by striking ''Not'' and inserting ''Except as otherwise provided in this title, not'';

(bb) by striking ''section 4(a), 5(a)(2), 5(b)(4), 6(a), 6(e), or 8, or under title II or IV'' and inserting ''this title or title II or IV, or an order under section 6(c)(1)(A)''; and

(cc) by striking ''judicial review of such rule'' and inserting ''judicial review of such rule or order''; and

(II) in the second sentence, by striking ''such a rule'' and inserting ''such a rule or order''; and

(ii) in subparagraph (B)—

(I) by striking ''Courts'' and inserting ''Except as otherwise provided in this title, courts''; and

(II) by striking ''an order issued under subparagraph (A) or (B) of section 6(b)(1)'' and inserting ''an order issued under this title'';

(B) in paragraph (2), in the second sentence, by striking ''the filing of the rulemaking record of proceedings on which the Administrator based the rule being reviewed'' and inserting ''the filing of the record of proceedings on which the Administrator based the rule or order being reviewed''; and

(C) by striking paragraph (3) and inserting the following:

''(3) JUDICIAL REVIEW OF LOW-PRIORITY DECISIONS.—

''(A) IN GENERAL.—Not later than 60 days after the publication of a designation under section 4A(b)(4), or a designation under section 4A(b)(8) of a chemical substance as a low-priority substance, any person may commence a civil action to challenge the designation.

''(B) JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over a civil action filed under this paragraph.''; and

(2) in subsection (c)(1)(B)—

(A) in clause (i)—

(i) by striking ''section 4(a), 5(b)(4), 6(a), or 6(e)'' and inserting ''section 4(a), 6(d), or 6(g), or an order under section 6(c)(1)(A)''; and

(ii) by striking ''evidence in the rulemaking record (as defined in subsection (a)(3)) taken as a whole;'' and inserting ''evidence (including any matter) in the rulemaking record, taken as a whole; and''; and

(B) by striking clauses (ii) and (iii) and the matter following clause (iii) and inserting the following:

''(ii) the court may not review the contents and adequacy of any statement of basis and purpose required by section 553(c) of title 5, United States Code, to be incorporated in the rule, except as part of the rulemaking record, taken as a whole.''.

SEC. 19. CITIZENS' CIVIL ACTIONS.

Section 20 of the Toxic Substances Control Act (15 U.S.C. 2619) is amended—

(1) in subsection (a)(1), by striking ''or order issued under section 5'' and inserting ''or order issued under section 4 or 5''; and

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''or'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting '', except that no prior notification shall be required in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B); or''; and

(C) by adding at the end the following:

''(3) in the case of a civil action brought to compel a decision by the Administrator pursuant to section 18(f)(3)(B), after the date that is 60 days after the deadline specified in section 18(f)(3)(B).''.

SEC. 20. CITIZENS' PETITIONS.

Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking ''an order under section 5(e) or 6(b)(2)'' and inserting ''an order under section 4 or 5(d)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''an order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)'' and inserting ''an order under section 4 or 5(d)''; and

(B) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) DE NOVO PROCEEDING.—

''(i) IN GENERAL.—In an action under subparagraph (A) to initiate a proceeding to issue a rule pursuant to section 4, 5, 6, or 8 or issue an order under section 4 or 5(d), the petitioner shall be provided an opportunity to have the petition considered by the court in a de novo proceeding.

''(ii) DEMONSTRATION.—

''(I) IN GENERAL.—The court in a de novo proceeding under this subparagraph shall order the Administrator to initiate the action requested by the petitioner if the petitioner demonstrates to the satisfaction of the court by a preponderance of the evidence that—

''(aa) in the case of a petition to initiate a proceeding for the issuance of a rule or order under section 4, the information is needed for a purpose identified in section 4(a);

''(bb) in the case of a petition to issue an order under section 5(d), the chemical substance is not likely to meet the safety standard;

''(cc) in the case of a petition to initiate a proceeding for the issuance of a rule under section 6(d), the chemical substance does not meet the safety standard; or

''(dd) in the case of a petition to initiate a proceeding for the issuance of a rule under section 8, there is a reasonable basis to conclude that the rule is necessary to protect health or the environment or ensure that the chemical substance meets the safety standard.

''(II) DEFERMENT.—The court in a de novo proceeding under this subparagraph may permit the Administrator to defer initiating the action requested by the petitioner until such time as the court prescribes, if the court finds that—

''(aa) the extent of the risk to health or the environment alleged by the petitioner is less than the extent of risks to health or the environment with respect to which the Administrator is taking action under this Act; and

''(bb) there are insufficient resources available to the Administrator to take the action requested by the petitioner.''.

SEC. 21. EMPLOYMENT EFFECTS.

Section 24(b)(2)(B)(ii) of the Toxic Substances Control Act (15 U.S.C. 2623(b)(2)(B)(ii)) is amended by striking ''section 6(c)(3),'' and inserting ''the applicable requirements of this Act;''.

SEC. 22. STUDIES.

Section 25 of the Toxic Substances Control Act (15 U.S.C. 2624) is repealed.

SEC. 23. ADMINISTRATION.

Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) FEES.—

''(1) IN GENERAL.—The Administrator shall establish, not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, by rule—

''(A) the payment of 1 or more reasonable fees as a condition of submitting a notice or requesting an exemption under section 5; and

''(B) the payment of 1 or more reasonable fees by a manufacturer or processor that—

''(i) is required to submit a notice pursuant to the rule promulgated under section 8(b)(4)(A)(i) identifying a chemical substance as active;

''(ii) is required to submit a notice pursuant to section 8(b)(5)(B)(i) changing the status of a chemical substance from inactive to active;

''(iii) is required to report information pursuant to the rules promulgated under paragraph (1) or (4) of section 8(a); or

''(iv) manufactures or processes a chemical substance subject to a safety assessment and safety determination pursuant to section 6.

''(2) UTILIZATION AND COLLECTION OF FEES.—The Administrator shall—

''(A) utilize the fees collected under paragraph (1) only to defray costs associated with the actions of the Administrator—

''(i) to collect, process, review, provide access to, and protect from disclosure (where appropriate) information on chemical substances under this Act;

''(ii) to review notices and make determinations for chemical substances under paragraphs (1) and (3) of section 5(d) and impose any necessary restrictions under section 5(d)(4);

''(iii) to make prioritization decisions under section 4A;

''(iv) to conduct and complete safety assessments and determinations under section 6; and

''(v) to conduct any necessary rulemaking pursuant to section 6(d);

''(B) insofar as possible, collect the fees described in paragraph (1) in advance of conducting any fee-supported activity;

''(C) deposit the fees in the Fund established by paragraph (4)(A); and

''(D) insofar as possible, not collect excess fees or retain a significant amount of unused fees.

''(3) AMOUNT AND ADJUSTMENT OF FEES; REFUNDS.—In setting fees under this section, the Administrator shall—

''(A) prescribe lower fees for small business concerns, after consultation with the Administrator of the Small Business Administration;

''(B) set the fees established under paragraph (1) at levels such that the fees will, in aggregate, provide a sustainable source of funds to annually defray—

''(i) the lower of—

''(I) 25 percent of the costs of conducting the activities identified in paragraph (2)(A), other than the costs to conduct and complete safety assessments and determinations under section 6 for chemical substances identified pursuant to section 4A(c); or

''(II) $25,000,000 (subject to adjustment pursuant to subparagraph (F)); and

''(ii) the full costs and the 50-percent portion of the costs of safety assessments and safety determinations specified in subparagraph (D);

''(C) reflect an appropriate balance in the assessment of fees between manufacturers and processors, and allow the payment of fees by consortia of manufacturers or processors;

''(D) notwithstanding subparagraph (B) and paragraph (4)(D)—

''(i) for substances designated pursuant to section 4A(c)(1), establish the fee at a level sufficient to defray the full annual costs to the Administrator of conducting the safety assessment and safety determination under section 6; and

''(ii) for substances designated pursuant to section 4A(c)(3), establish the fee at a level sufficient to defray 50 percent of the annual costs to the Administrator of conducting the safety assessment and safety determination under section 6;

''(E) prior to the establishment or amendment of any fees under paragraph (1), consult and meet with parties potentially subject to the fees or their representatives, subject to the condition that no obligation under the Federal Advisory Committee Act (5 U.S.C. App.) or subchapter III of chapter 5 of title 5, United States Code, is applicable with respect to such meetings;

''(F) beginning with the fiscal year that is 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and every 3 years thereafter, after consultation with parties potentially subject to the fees and their representatives pursuant to subparagraph (E), increase or decrease the fees established under paragraph (1) as necessary to adjust for inflation and to ensure, based on the audit analysis required under paragraph (5)(B), that funds deposited in the Fund are sufficient to defray—

''(i) approximately but not more than 25 percent of the annual costs to conduct the activities identified in paragraph (2)(A), other than the costs to conduct and complete safety assessments and determinations under section 6 for chemical substances identified pursuant to section 4A(c); and

''(ii) the full annual costs and the 50-percent portion of the annual costs of safety assessments and safety determinations specified in subparagraph (D);

''(G) adjust fees established under paragraph (1) as necessary to vary on account of differing circumstances, including reduced fees or waivers in appropriate circumstances, to reduce the burden on manufacturing or processing, remove barriers to innovation, or where the costs to the Administrator of collecting the fees exceed the fee revenue anticipated to be collected; and

''(H) if a notice submitted under section 5 is refused or subsequently withdrawn, refund the fee or a portion of the fee if no substantial work was performed on the notice.

''(4) TSCA IMPLEMENTATION FUND.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'TSCA Implementation Fund' (referred to in this subsection as the 'Fund'), consisting of—

''(i) such amounts as are deposited in the Fund under paragraph (2)(C); and

''(ii) any interest earned on the investment of amounts in the Fund; and

''(iii) any proceeds from the sale or redemption of investments held in the Fund.

''(B) CREDITING AND AVAILABILITY OF FEES.—

''(i) IN GENERAL.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, and shall be available without fiscal year limitation.

''(ii) REQUIREMENTS.—Fees collected under this section shall not—

''(I) be made available or obligated for any purpose other than to defray the costs of conducting the activities identified in paragraph (2)(A);

''(II) otherwise be available for any purpose other than implementation of this Act; and

''(III) so long as amounts in the Fund remain available, be subject to restrictions on expenditures applicable to the Federal government as a whole.

''(C) UNUSED FUNDS.—Amounts in the Fund not currently needed to carry out this subsection shall be—

''(i) maintained readily available or on deposit;

''(ii) invested in obligations of the United States or guaranteed by the United States; or

''(iii) invested in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

''(D) MINIMUM AMOUNT OF APPROPRIATIONS.—Fees may not be assessed for a fiscal year under this section unless the amount of appropriations for the Chemical Risk Review and Reduction program project of the Environmental Protection Agency for the fiscal year (excluding the amount of any fees appropriated for the fiscal year) are equal to or greater than the amount of appropriations for that program project for fiscal year 2014.

''(5) AUDITING.—

''(A) FINANCIAL STATEMENTS OF AGENCIES.—For the purpose of section 3515(c) of title 31, United States Code, the Fund shall be considered a component of an executive agency.

''(B) COMPONENTS.—The annual audit required under sections 3515(b) and 3521 of that title of the financial statements of activities under this subsection shall include an analysis of—

''(i) the fees collected under paragraph (1) and disbursed;

''(ii) compliance with the deadlines established in section 6 of this Act;

''(iii) the amounts budgeted, appropriated, collected from fees, and disbursed to meet the requirements of sections 4, 4A, 5, 6, 8, and 14, including the allocation of full time equivalent employees to each such section or activity; and

''(iv) the reasonableness of the allocation of the overhead associated with the conduct of the activities described in paragraph (2)(A).

''(C) INSPECTOR GENERAL.—The Inspector General of the Environmental Protection Agency shall—

''(i) conduct the annual audit required under this subsection; and

''(ii) report the findings and recommendations of the audit to the Administrator and to the appropriate committees of Congress.

''(6) TERMINATION.—The authority provided by this section shall terminate at the conclusion of the fiscal year that is 10 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, unless otherwise reauthorized or modified by Congress.'';

(2) in subsection (e), by striking ''Health, Education, and Welfare'' each place it appears and inserting ''Health and Human Services''; and

(3) adding at the end the following:

''(h) PRIOR ACTIONS.—Nothing in this Act eliminates, modifies, or withdraws any rule promulgated, order issued, or exemption established pursuant to this Act before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.''.

SEC. 24. DEVELOPMENT AND EVALUATION OF TEST METHODS AND SUSTAINABLE CHEMISTRY.

(a) IN GENERAL.—Section 27 of the Toxic Substances Control Act (15 U.S.C. 2626) is amended—

(1) in subsection (a), in the first sentence by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services''; and

(2) by adding at the end the following:

''(c) NATIONAL COORDINATING ENTITY FOR SUSTAINABLE CHEMISTRY.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Director of the Office of Science and Technology Policy shall convene an entity under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of sustainable chemistry, including, as appropriate, at the National Science Foundation, the Department of Energy, the Department of Agriculture, the Environmental Protection Agency, the National Institute of Standards and Technology, the Department of Defense, the National Institutes of Health, and other related Federal agencies.

''(2) CHAIRMAN.—The entity described in paragraph (1) shall be chaired by the Director of the National Science Foundation and the Assistant Administrator for the Office of Research and Development of the Environmental Protection Agency, or their designees.

''(3) DUTIES.—

''(A) IN GENERAL.—The entity described in paragraph (1) shall—

''(i) develop a working definition of sustainable chemistry, after seeking advice and input from stakeholders as described in clause (v);

''(ii) oversee the planning, management, and coordination of the Sustainable Chemistry Initiative described in subsection (d);

''(iii) develop a national strategy for sustainable chemistry as described in subsection (f);

''(iv) develop an implementation plan for sustainable chemistry as described in subsection (g); and

''(v) consult and coordinate with stakeholders qualified to provide advice and information on the development of the initiative, national strategy, and implementation plan for sustainable chemistry, at least once per year, to carry out activities that may include workshops, requests for information, and other efforts as necessary.

''(B) STAKEHOLDERS.—The stakeholders described in subparagraph (A)(v) shall include representatives from—

''(i) industry (including small- and medium-sized enterprises from across the value chain);

''(ii) the scientific community (including the National Academy of Sciences, scientific professional societies, and academia);

''(iii) the defense community;

''(iv) State, tribal, and local governments;

''(v) State or regional sustainable chemistry programs;

''(vi) nongovernmental organizations; and

''(vii) other appropriate organizations.

''(4) SUNSET.—

''(A) IN GENERAL.—On completion of the national strategy and accompanying implementation plan for sustainable chemistry as described in paragraph (3), the Director of the Office of Science and Technology Policy—

''(i) shall review the need for further work; and

''(ii) may disband the entity described in paragraph (1) if no further efforts are determined to be necessary.

''(B) NOTICE AND JUSTIFICATION.—The Director of the Office of Science and Technology Policy shall provide notice and justification, including an analysis of options to establish the Sustainable Chemistry Initiative described in subsection (d) and the partnerships described in subsection (e) within 1 or more appropriate Federal agencies, regarding a decision to disband the entity not less than 90 days prior to the termination date to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate.

''(d) SUSTAINABLE CHEMISTRY INITIATIVE.—The entity described in subsection (c)(1) shall oversee the establishment of an interagency Sustainable Chemistry Initiative to promote and coordinate activities designed—

''(1) to provide sustained support for sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training through—

''(A) coordination and promotion of sustainable chemistry research, development, demonstration, and technology transfer conducted at Federal and national laboratories and Federal agencies and at public and private institutions of higher education; and

''(B) to the extent practicable, encouragement of consideration of sustainable chemistry in, as appropriate—

''(i) the conduct of Federal, State, and private science and engineering research and development; and

''(ii) the solicitation and evaluation of applicable proposals for science and engineering research and development;

''(2) to examine methods by which the Federal Government can offer incentives for consideration and use of sustainable chemistry processes and products that encourage competition and overcoming market barriers, including grants, loans, loan guarantees, and innovative financing mechanisms;

''(3) to expand the education and training of undergraduate and graduate students and professional scientists and engineers, including through partnerships with industry as described in subsection (e), in sustainable chemistry science and engineering;

''(4) to collect and disseminate information on sustainable chemistry research, development, and technology transfer, including information on—

''(A) incentives and impediments to development, manufacturing, and commercialization;

''(B) accomplishments;

''(C) best practices; and

''(D) costs and benefits; and

''(5) to support (including through technical assistance, participation, financial support, or other forms of support) economic, legal, and other appropriate social science research to identify barriers to commercialization and methods to advance commercialization of sustainable chemistry.

''(e) PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.—

''(1) IN GENERAL.—The entity described in subsection (c)(1), itself or through an appropriate subgroup designated or established by the entity, shall work through the agencies described in subsection (c)(1) to support, through financial, technical, or other assistance, the establishment of partnerships between institutions of higher education, nongovernmental organizations, consortia, and companies across the value chain in the chemical industry, including small- and medium-sized enterprises—

''(A) to establish collaborative research, development, demonstration, technology transfer, and commercialization programs; and

''(B) to train students and retrain professional scientists and engineers in the use of sustainable chemistry concepts and strategies by methods including—

''(i) developing curricular materials and courses for undergraduate and graduate levels and for the professional development of scientists and engineers; and

''(ii) publicizing the availability of professional development courses in sustainable chemistry and recruiting scientists and engineers to pursue those courses.

''(2) PRIVATE SECTOR ENTITIES.—To be eligible for support under this section, a partnership in sustainable chemistry shall include at least 1 private sector entity.

''(3) SELECTION OF PARTNERSHIPS.—In selecting partnerships for support under this section, the entity and the agencies described in subsection (c)(1) shall also consider the extent to which the applicants are willing and able to demonstrate evidence of support for, and commitment—

''(A) to achieving the goals of the Sustainable Chemistry Initiative described in subsection (d); and

''(B) to sustaining any new innovations, tools, and resources generated from funding under the program.

''(4) PROHIBITED USE OF FUNDS.—Financial support provided under this section may not be used—

''(A) to support or expand a regulatory chemical management program at an implementing agency under a State law; or

''(B) to construct or renovate a building or structure.

''(f) NATIONAL STRATEGY TO CONGRESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the entity described in subsection (c)(1) shall submit to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, a national strategy that shall include—

''(A) a summary of federally funded sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training activities;

''(B) a summary of the financial resources allocated to sustainable chemistry initiatives;

''(C) an analysis of the progress made toward achieving the goals and priorities of the Sustainable Chemistry Initiative described in subsection (d), and recommendations for future initiative activities, including consideration of options to establish the Sustainable Chemistry Initiative and the partnerships described in subsection (e) within 1 or more appropriate Federal agencies;

''(D) an assessment of the benefits of expanding existing, federally supported regional innovation and manufacturing hubs to include sustainable chemistry and the value of directing the establishment of 1 or more dedicated sustainable chemistry centers of excellence or hubs;

''(E) an evaluation of steps taken and future strategies to avoid duplication of efforts, streamline interagency coordination, facilitate information sharing, and spread best practices between participating agencies in the Sustainable Chemistry Initiative; and

''(F) a framework for advancing sustainable chemistry research, development, technology transfer, commercialization, and education and training.

''(2) SUBMISSION TO GAO.—The entity described in subsection (c)(1) shall submit the national strategy described in paragraph (1) to the Government Accountability Office for consideration in future Congressional inquiries.

''(g) IMPLEMENTATION PLAN.—Not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the entity described in subsection (c)(1) shall submit to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, an implementation plan, based on the findings of the national strategy and other assessments, as appropriate, for sustainable chemistry.''.

(b) SUSTAINABLE CHEMISTRY BASIC RESEARCH.—Subject to the availability of appropriated funds, the Director of the National Science Foundation shall continue to carry out the Green Chemistry Basic Research program authorized under section 509 of the National Science Foundation Authorization Act of 2010 (42 U.S.C. 1862p–3).

SEC. 25. STATE PROGRAMS.

Section 28 of the Toxic Substances Control Act (15 U.S.C. 2627) is amended—

(1) in subsection (b)(1)—

(A) in subparagraphs (A) through (D), by striking the comma at the end of each subparagraph and inserting a semicolon; and

(B) in subparagraph (E), by striking '', and'' and inserting ''; and''; and

(2) by striking subsections (c) and (d).

SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

Section 29 of the Toxic Substances Control Act (15 U.S.C. 2628) is repealed.

SEC. 27. ANNUAL REPORT.

Section 30 of the Toxic Substances Control Act (15 U.S.C. 2629) is amended by striking paragraph (2) and inserting the following:

''(2)(A) the number of notices received during each year under section 5; and

''(B) the number of the notices described in subparagraph (A) for chemical substances subject to a rule, testing consent agreement, or order under section 4;''.

SEC. 28. EFFECTIVE DATE.

Section 31 of the Toxic Substances Control Act (15 U.S.C. 2601 note; Public Law 94–469) is amended—

(1) by striking ''Except as provided in section 4(f), this'' and inserting the following:

''(a) IN GENERAL.—This''; and

(2) by adding at the end the following:

''(b) RETROACTIVE APPLICABILITY.—Nothing in this Act shall be interpreted to apply retroactively to any State, Federal, or maritime legal action commenced prior to the effective date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.''.

SEC. 29. ELEMENTAL MERCURY.

(a) TEMPORARY GENERATOR ACCUMULATION.—Section 5 of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f) is amended—

(1) in subsection (a)(2), by striking ''2013'' and inserting ''2019'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A), (B), and (C), as clauses (i), (ii), and (iii), respectively and indenting appropriately;

(ii) in the first sentence, by striking ''After consultation'' and inserting the following:

''(A) ASSESSMENT AND COLLECTION.—After consultation'';

(iii) in the second sentence, by striking ''The amount of such fees'' and inserting the following:

''(B) AMOUNT.—The amount of the fees described in subparagraph (A)'';

(iv) in subparagraph (B) (as so designated)—

(I) in clause (i) (as so redesignated), by striking ''publically available not later than October 1, 2012'' and inserting ''publicly available not later than October 1, 2018'';

(II) in clause (ii) (as so redesignated), by striking ''and'';

(III) in clause (iii) (as so redesignated), by striking the period at the end and inserting '', subject to clause (iv); and''; and

(IV) by adding at the end the following:

''(iv) for generators temporarily accumulating elemental mercury in a facility subject to subparagraphs (B) and (D)(iv) of subsection (g)(2) if the facility designated in subsection (a) is not operational by January 1, 2019, shall be adjusted to subtract the cost of the temporary accumulation during the period in which the facility designated under subsection (a) is not operational.''; and

(v) by adding at the end the following:

''(C) CONVEYANCE OF TITLE AND PERMITTING.—If the facility designated in subsection (a) is not operational by January 1, 2020, the Secretary—

''(i) shall immediately accept the conveyance of title to all elemental mercury that has accumulated in facilities in accordance with subsection (g)(2)(D), before January 1, 2020, and deliver the accumulated mercury to the facility designated under subsection (a) on the date on which the facility becomes operational;

''(ii) shall pay any applicable Federal permitting costs, including the costs for permits issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)); and

''(iii) shall store, or pay the cost of storage of, until the time at which a facility designated in subsection (a) is operational, accumulated mercury to which the Secretary has title under this subparagraph in a facility that has been issued a permit under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)).''; and

(B) in paragraph (2), in the first sentence, by striking ''paragraph (1)(C)'' and inserting ''paragraph (1)(B)(iii)''; and

(3) in subsection (g)(2)—

(A) in the undesignated material at the end, by striking ''This subparagraph'' and inserting the following:

''(C) Subparagraph (B)'';

(B) in subparagraph (C) (as added by paragraph (1)), by inserting ''of that subparagraph'' before the period at the end; and

(C) by adding at the end the following:

''(D) A generator producing elemental mercury incidentally from the beneficiation or processing of ore or related pollution control activities, may accumulate the mercury produced onsite that is destined for a facility designated by the Secretary under subsection (a), for more than 90 days without a permit issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004(j) of that Act (42 U.S.C. 6924(j)), if—

''(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the generator;

''(ii) the generator certifies in writing to the Secretary that the generator will ship the mercury to a designated facility when the Secretary is able to accept the mercury;

''(iii) the generator certifies in writing to the Secretary that the generator is storing only mercury the generator has produced or recovered onsite and will not sell, or otherwise place into commerce, the mercury; and

''(iv) the generator has obtained an identification number under section 262.12 of title 40, Code of Federal Regulations, and complies with the requirements described in paragraphs (1) through (4) of section 262.34(a) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).

''(E) MANAGEMENT STANDARDS FOR TEMPORARY STORAGE.—Not later than January 1, 2017, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and State agencies in affected States, shall develop and make available guidance that establishes procedures and standards for the management and short-term storage of elemental mercury at a generator covered under subparagraph (D), including requirements to ensure appropriate use of flasks or other suitable containers. Such procedures and standards shall be protective of human health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. A generator may accumulate mercury in accordance with subparagraph (D) immediately upon enactment of this Act, and notwithstanding that guidance called for by this paragraph (E) has not been developed or made available.''.

(b) INTERIM STATUS.—Section 5(d)(1) of the Mercury Export Ban Act of 2008 (42 U.S.C. 6939f(d)(1)) is amended—

(1) in the fourth sentence, by striking ''in existence on or before January 1, 2013,''; and

(2) in the last sentence, by striking ''January 1, 2015'' and inserting ''January 1, 2020''.

(c) MERCURY INVENTORY.—Section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)) (as amended by section 10(2)) is amended by adding at the end the following:

''(10) MERCURY.—

''(A) DEFINITION OF MERCURY.—In this paragraph, notwithstanding section 3(2)(B), the term 'mercury' means—

''(i) elemental mercury; and

''(ii) a mercury compound.

''(B) PUBLICATION.—Not later than April 1, 2017, and every 3 years thereafter, the Administrator shall publish in the Federal Register an inventory of mercury supply, use, and trade in the United States.

''(C) PROCESS.—In carrying out the inventory under subparagraph (B), the Administrator shall—

''(i) identify any remaining manufacturing processes or products that intentionally add mercury; and

''(ii) recommend actions, including proposed revisions of Federal law (including regulations), to achieve further reductions in mercury use.

''(D) REPORTING.—

''(i) IN GENERAL.—To assist in the preparation of the inventory under subparagraph (B), any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process shall make periodic reports to the Administrator, at such time and including such information as the Administrator shall determine by rule promulgated not later than 2 years after the date of enactment of this paragraph.

''(ii) COORDINATION.—To avoid duplication, the Administrator shall coordinate the reporting under this subparagraph with the Interstate Mercury Education and Reduction Clearinghouse.

''(iii) EXEMPTION.—This subparagraph shall not apply to a person engaged in the generation, handling, or management of mercury-containing waste, unless that person manufactures or recovers mercury in the management of that waste.''.

(d) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—Section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)) (as amended by section 13(3)) is amended—

(1) in the subsection heading, by inserting ''AND MERCURY COMPOUNDS'' after ''MERCURY''; and

(2) by inserting after paragraph (2) the following:

''(3) PROHIBITION ON EXPORT OF CERTAIN MERCURY COMPOUNDS.—

''(A) IN GENERAL.—Effective January 1, 2020, the export of the following mercury compounds is prohibited:

''(i) Mercury (I) chloride or calomel.

''(ii) Mercury (II) oxide.

''(iii) Mercury (II) sulfate.

''(iv) Mercury (II) nitrate.

''(v) Cinnabar or mercury sulphide.

''(vi) Any mercury compound that the Administrator, at the discretion of the Administrator, adds to the list by rule, on determining that exporting that mercury compound for the purpose of regenerating elemental mercury is technically feasible.

''(B) PUBLICATION.—Not later than 90 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and as appropriate thereafter, the Administrator shall publish in the Federal Register a list of the mercury compounds that are prohibited from export under this paragraph.

''(C) PETITION.—Any person may petition the Administrator to add to the list of mercury compounds prohibited from export.

''(D) ENVIRONMENTALLY SOUND DISPOSAL.—This paragraph does not prohibit the export of mercury (I) chloride or calomel for environmentally sound disposal to member countries of the Organization for Economic Cooperation and Development, on the condition that no mercury or mercury compounds are to be recovered, recycled, or reclaimed for use, or directly reused.

''(E) REPORT.—Not later than 5 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall evaluate any exports of calomel for disposal that occurred since that date of enactment and shall submit to Congress a report that contains the following:

''(i) volumes and sources of calomel exported for disposal;

''(ii) receiving countries of such exports;

''(iii) methods of disposal used;

''(iv) issues, if any, presented by the export of calomel;

''(v) evaluation of calomel management options in the United States, if any, that are commercially available and comparable in cost and efficacy to methods being utilized in the receiving countries; and

''(vi) a recommendation regarding whether Congress should further limit or prohibit the export of calomel for disposal.

''(F) EFFECT ON OTHER LAW.—Nothing in this paragraph shall be construed to affect the authority of the Administrator under Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).''.

SEC. 30. TREVOR'S LAW.

(a) PURPOSES.—The purposes of this section are—

(1) to provide the appropriate Federal agencies with the authority to help conduct investigations into potential cancer clusters;

(2) to ensure that Federal agencies have the authority to undertake actions to help address cancer clusters and factors that may contribute to the creation of potential cancer clusters; and

(3) to enable Federal agencies to coordinate with other Federal, State, and local agencies, institutes of higher education, and the public in investigating and addressing cancer clusters.

(b) DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–6. DESIGNATION AND INVESTIGATION OF POTENTIAL CANCER CLUSTERS.

''(a) DEFINITIONS.—In this section:

''(1) CANCER CLUSTER.—The term 'cancer cluster' means the incidence of a particular cancer within a population group, a geographical area, or a period of time that is greater than expected for such group, area, or period.

''(2) PARTICULAR CANCER.—The term 'particular cancer' means one specific type of cancer or a type of cancers scientifically proven to have the same cause.

''(3) POPULATION GROUP.—The term 'population group' means a group, for purposes of calculating cancer rates, defined by factors such as race, ethnicity, age, or gender.

''(b) CRITERIA FOR DESIGNATION OF POTENTIAL CANCER CLUSTERS.—

''(1) DEVELOPMENT OF CRITERIA.—The Secretary shall develop criteria for the designation of potential cancer clusters.

''(2) REQUIREMENTS.—The criteria developed under paragraph (1) shall consider, as appropriate—

''(A) a standard for cancer cluster identification and reporting protocols used to determine when cancer incidence is greater than would be typically observed;

''(B) scientific screening standards that ensure that a cluster of a particular cancer involves the same type of cancer, or types of cancers;

''(C) the population in which the cluster of a particular cancer occurs by factors such as race, ethnicity, age, and gender, for purposes of calculating cancer rates;

''(D) the boundaries of a geographic area in which a cluster of a particular cancer occurs so as not to create or obscure a potential cluster by selection of a specific area; and

''(E) the time period over which the number of cases of a particular cancer, or the calculation of an expected number of cases, occurs.

''(c) GUIDELINES FOR INVESTIGATION OF POTENTIAL CANCER CLUSTERS.—The Secretary, in consultation with the Council of State and Territorial Epidemiologists and representatives of State and local health departments, shall develop, publish, and periodically update guidelines for investigating potential cancer clusters. The guidelines shall—

''(1) require that investigations of cancer clusters—

''(A) use the criteria developed under subsection (b);

''(B) use the best available science; and

''(C) rely on a weight of the scientific evidence;

''(2) provide standardized methods of reviewing and categorizing data, including from health surveillance systems and reports of potential cancer clusters; and

''(3) provide guidance for using appropriate epidemiological and other approaches for investigations.

''(d) INVESTIGATION OF CANCER CLUSTERS.—

''(1) SECRETARY DISCRETION.—The Secretary—

''(A) in consultation with representatives of the relevant State and local health departments, shall consider whether it is appropriate to conduct an investigation of a potential cancer cluster; and

''(B) in conducting investigations shall have the discretion to prioritize certain potential cancer clusters, based on the availability of resources.

''(2) COORDINATION.—In investigating potential cancer clusters, the Secretary shall coordinate with agencies within the Department of Health and Human Services and other Federal agencies, such as the Environmental Protection Agency.

''(3) BIOMONITORING.—In investigating potential cancer clusters, the Secretary shall rely on all appropriate biomonitoring information collected under other Federal programs, such as the National Health and Nutrition Examination Survey. The Secretary may provide technical assistance for relevant biomonitoring studies of other Federal agencies.

''(e) DUTIES.—The Secretary shall—

''(1) ensure that appropriate staff of agencies within the Department of Health and Human Services are prepared to provide timely assistance, to the extent practicable, upon receiving a request to investigate a potential cancer cluster from a State or local health authority;

''(2) maintain staff expertise in epidemiology, toxicology, data analysis, environmental health and cancer surveillance, exposure assessment, pediatric health, pollution control, community outreach, health education, laboratory sampling and analysis, spatial mapping, and informatics;

''(3) consult with community members as investigations into potential cancer clusters are conducted, as the Secretary determines appropriate;

''(4) collect, store, and disseminate reports on investigations of potential cancer clusters, the possible causes of such clusters, and the actions taken to address such clusters; and

''(5) provide technical assistance for investigating cancer clusters to State and local health departments through existing programs, such as the Epi-Aids program of the Centers for Disease Control and Prevention and the Assessments of Chemical Exposures program of the Agency for Toxic Substances and Disease Registry.''.

SA 2933. Mr. MCCONNELL (for Mr. ALEXANDER) proposed an amendment to the bill S. 227, to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Education through Research Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. NONDUPLICATION.

(a) IN GENERAL.—The Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by inserting after section 1 the following:

''SEC. 2. NONDUPLICATION.

''In collecting information and data under this Act, including requiring the reporting of information and data, the Secretary of Education shall, to the extent appropriate, not duplicate other requirements and shall use information and data that are available from existing Federal, State, and local sources, in order to reduce burden and cost to the Department of Education, States, local educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), and other entities.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by inserting after the item relating to section 1 the following:

''Sec. 2. Nonduplication.''.

TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.).

SEC. 102. DEFINITIONS.

Section 102 (20 U.S.C. 9501) is amended—

(1) by striking paragraphs (13) and (18);

(2) by redesignating paragraphs (2) through (11), (12), (14), (15), (16), (17), and (19) through (23), as paragraphs (3) through (12), (14), (15), (16), (18), (20), and (22) through (26), respectively;

(3) by inserting after paragraph (1) the following:

''(2) ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.—The terms 'adult education' and 'adult education and literacy activities' have the meanings given the terms in section 203 of the Adult Education and Family Literacy Act.'';

(4) in paragraph (6), as redesignated by paragraph (2), by striking ''Affairs'' and inserting ''Education'';

(5) in paragraph (11), as redesignated by paragraph (2)—

(A) by inserting ''or other information, in a timely manner and'' after ''evaluations,''; and

(B) by inserting ''school leaders,'' after ''teachers,'';

(6) by inserting after paragraph (12), as redesignated by paragraph (2), the following:

''(13) ENGLISH LEARNER.—The term 'English learner' means an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832).'';

(7) in paragraph (14), as redesignated by paragraph (2), by inserting '', school leaders,'' after ''teachers'';

(8) by inserting after paragraph (16), as redesignated by paragraph (2), the following:

''(17) MINORITY-SERVING INSTITUTION.—The term 'minority-serving institution' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).'';

(9) in paragraph (18), as redesignated by paragraph (2), by striking ''section 133(c)'' and inserting ''section 133(d)'';

(10) by inserting after paragraph (18), as redesignated by paragraph (2), the following:

''(19) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means principles of research that—

''(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

''(C) include, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.'';

(11) by inserting after paragraph (20), as redesignated by paragraph (2), the following:

''(21) SCHOOL LEADER.—The term 'school leader' means a principal, assistant principal, or other individual who is—

''(A) an employee or officer of—

''(i) an elementary school or secondary school;

''(ii) a local educational agency serving an elementary school or secondary school; or

''(iii) another entity operating the elementary school or secondary school; and

''(B) responsible for the daily instructional leadership and managerial operations of the elementary school or secondary school.''; and

(12) in paragraph (23), as redesignated by paragraph (2), by striking ''scientifically based research standards'' and inserting ''the principles of scientific research''.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

Section 111(b) (20 U.S.C. 9511(b)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''including adult education,'' after ''postsecondary study,''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''and wide dissemination activities'' and inserting ''and, consistent with section 114(j), wide dissemination and utilization activities''; and

(ii) by striking ''(including in technology areas)''; and

(B) in subparagraph (B), by inserting ''disability,'' after ''gender,''.

SEC. 112. FUNCTIONS.

Section 112 (20 U.S.C. 9512) is amended—

(1) in paragraph (1)—

(A) by inserting ''(including evaluations of impact and implementation)'' after ''education evaluation''; and

(B) by inserting ''and utilization'' before the semicolon; and

(2) in paragraph (2)—

(A) by inserting '', consistent with section 114(j),'' after ''disseminate''; and

(B) by inserting ''and scientifically valid education evaluations carried out under this title'' before the semicolon.

SEC. 113. DELEGATION.

Section 113 (20 U.S.C. 9513) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

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

(2) in subsection (b), by striking ''Secretary may assign the Institute responsibility for administering'' and inserting ''Director may accept requests from the Secretary for the Institute to administer''; and

(3) by adding at the end the following:

''(c) CONTRACT ACQUISITION.—With respect to any contract entered into under this title, the Director shall be consulted—

''(1) during the procurement process; and

''(2) in the management of such contract's performance, which shall be consistent with the requirements of the performance management system described in section 185.''.

SEC. 114. OFFICE OF THE DIRECTOR.

Section 114 (20 U.S.C. 9514) is amended—

(1) in subsection (a), by striking ''Except as provided in subsection (b)(2), the'' and inserting ''The'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period the following: '', except that if a successor to the Director has not been appointed as of the date of expiration of the Director's term, the Director may serve for an additional 1-year period, beginning on the day after the date of expiration of the Director's term, or until a successor has been appointed under subsection (a), whichever occurs first'';

(B) by striking paragraph (2) and inserting the following:

''(2) REAPPOINTMENT.—A Director may be reappointed under subsection (a) for one additional term.''; and

(C) in paragraph (3)—

(i) in the heading, by striking ''SUBSEQUENT DIRECTORS'' and inserting ''RECOMMENDATIONS''; and

(ii) by striking '', other than a Director appointed under paragraph (2)'';

(3) in subsection (f)—

(A) in paragraph (3), by inserting before the period the following: '', and, as appropriate, with such research and activities carried out by public and private entities, to avoid duplicative or overlapping efforts'';

(B) in paragraph (4), by inserting '', and the use of evidence'' after ''statistics activities'';

(C) in paragraph (5)—

(i) by inserting ''and maintain'' after ''establish''; and

(ii) by inserting ''and subsection (h)'' after ''section 116(b)(3)'';

(D) in paragraph (7), by inserting ''disability,'' after ''gender,'';

(E) in paragraph (8), by striking ''historically Black colleges or universities'' and inserting ''minority-serving institutions'';

(F) by striking paragraph (9) and inserting the following:

''(9) To coordinate with the Secretary to ensure that the results of the Institute's work are coordinated with, and utilized by, the Department's technical assistance providers and dissemination networks.'';

(G) by striking paragraphs (10) and (11); and

(H) by redesignating paragraph (12) as paragraph (10);

(4) by redesignating subsection (h) as subsection (i);

(5) by inserting after subsection (g), the following:

''(h) PEER-REVIEW SYSTEM.—The Director shall establish and maintain a peer-review system involving highly qualified individuals, including practitioners, as appropriate, with an in-depth knowledge of the subject to be investigated, including, in the case of special education research, an understanding of special education, for—

''(1) reviewing and evaluating each application for a grant or cooperative agreement under this title that exceeds $100,000; and

''(2) evaluating and assessing all reports and other products that exceed $100,000 to be published and publicly released by the Institute.'';

(6) in subsection (i), as redesignated by paragraph (4)—

(A) by striking ''the products and''; and

(B) by striking ''certify that evidence-based claims about those products and'' and inserting ''determine whether evidence-based claims in those''; and

(7) by adding at the end the following:

''(j) RELEVANCE, DISSEMINATION, AND UTILIZATION.—To ensure all activities authorized under this title are rigorous, relevant, and useful for researchers, policymakers, practitioners, and the public, the Director shall—

''(1) ensure such activities address significant challenges faced by practitioners, and increase knowledge in the field of education;

''(2) ensure that the information, products, and publications of the Institute are—

''(A) prepared and widely disseminated—

''(i) in a timely fashion; and

''(ii) in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice; and

''(B) widely disseminated through electronic transfer, and other means, such as posting to the Institute's website or other relevant place;

''(3) promote the utilization of the information, products, and publications of the Institute, including through the use of dissemination networks and technical assistance providers, within the Institute and the Department; and

''(4) monitor and manage the performance of all activities authorized under this title in accordance with section 185.''.

SEC. 115. PRIORITIES.

Section 115 (20 U.S.C. 9515) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''(taking into consideration long-term research and development on core issues conducted through the national research and development centers)'' and inserting ''at least once every 6 years''; and

(ii) by striking ''such as'' and inserting ''including'';

(B) in paragraph (1)—

(i) by inserting ''ensuring that all students have the ability to obtain a high-quality education, particularly by'' before ''closing'';

(ii) by striking ''low-performing children'' and inserting ''low-performing students'';

(iii) by striking ''especially achievement gaps between'';

(iv) by striking ''nonminority children'' and inserting ''nonminority students, students with disabilities and students without disabilities,'';

(v) by striking ''and between disadvantaged children and such children's'' and inserting ''and disadvantaged students and such students' ''; and

(vi) by striking ''and'' after the semicolon;

(C) by striking paragraph (2); and

(D) by adding at the end the following:

''(2) improving access to and the quality of early childhood education;

''(3) improving education in elementary schools and secondary schools, particularly among low-performing students and schools; and

''(4) improving access to, opportunities for, and completion of postsecondary education and adult education.''; and

(2) in subsection (d)(1), by striking ''by means of the Internet'' and inserting ''by electronic means such as posting in an easily accessible manner on the Institute's website''.

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

Section 116 (20 U.S.C. 9516) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''to guide the work of the Institute'' and inserting '', and to advise, and provide input to, the Director on the activities of the Institute on an ongoing basis'';

(B) in paragraph (3), by inserting ''under section 114(h)'' after ''procedures'';

(C) in paragraph (8), by inserting ''disability,'' after ''gender,'';

(D) in paragraph (9)—

(i) by striking ''To solicit'' and inserting ''To ensure all activities of the Institute are relevant to education policy and practice by soliciting, on an ongoing basis,''; and

(ii) by striking ''consistent with'' and inserting ''consistent with section 114(j) and'';

(E) in paragraph (11)—

(i) by inserting ''the Institute's'' after ''enhance''; and

(ii) by striking ''among other Federal and State research agencies'' and inserting ''with public and private entities to improve the work of the Institute''; and

(F) by adding at the end the following:

''(13) To conduct the evaluations required under subsection (d).'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by inserting ''Board,'' before ''National Academy''; and

(ii) by striking ''and the National Science Advisor'' and inserting ''the National Science Advisor, and other entities and organizations that have knowledge of individuals who are highly qualified to appraise education research, statistics, evaluations, or development'';

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i), by striking '', which may include those researchers recommended by the National Academy of Sciences'';

(II) by redesignating clause (ii) as clause (iii);

(III) by inserting after clause (i), the following:

''(ii) Not fewer than 2 practitioners who are knowledgeable about the education needs of the United States, who may include school-based professional educators, teachers, school leaders, local educational agency superintendents, and members of local boards of education or Bureau-funded school boards.''; and

(IV) in clause (iii), as redesignated by subclause (II)—

(aa) by striking ''school-based professional educators,'';

(bb) by inserting ''State leaders in adult education,'' after ''executives,'';

(cc) by striking ''local educational agency superintendents,'';

(dd) by striking ''principals,'';

(ee) by striking ''or local''; and

(ff) by striking ''or Bureau-funded school boards'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''beginning on the date of appointment of the member,'' after ''4 years,'';

(II) by striking clause (i);

(III) by redesignating clause (ii) as clause (i);

(IV) in clause (i), as redesignated by subclause (III), by striking the period and inserting ''; and''; and

(V) by adding at the end the following:

''(ii) in a case in which a successor to a member has not been appointed as of the date of expiration of the member's term, the member may serve for an additional 1-year period, beginning on the day after the date of expiration of the member's term, or until a successor has been appointed under paragraph (1), whichever occurs first.'';

(iii) by striking subparagraph (C); and

(iv) by redesignating subparagraph (D) as subparagraph (C); and

(C) in paragraph (8)—

(i) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(ii) by inserting before subparagraph (B), as redesignated by clause (i), the following:

''(A) IN GENERAL.—In the exercise of its duties under subsection (b) and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Board shall be independent of the Director and the other offices and officers of the Institute.'';

(iii) in subparagraph (B), as redesignated by clause (i), by inserting before the period at the end the following: ''for a term of not more than 6 years, and who may be reappointed by the Board for 1 additional term of not more than 6 years''; and

(iv) by adding at the end the following:

''(G) SUBCOMMITTEES.—The Board may establish standing or temporary subcommittees to make recommendations to the Board for carrying out activities authorized under this title.'';

(3) by striking subsection (d);

(4) by redesignating subsection (e) as subsection (d);

(5) in subsection (d), as redesignated by paragraph (4)—

(A) in the subsection heading, by striking ''ANNUAL'' and inserting ''EVALUATION'';

(B) by striking ''The Board'' and inserting the following:

''(1) IN GENERAL.—The Board'';

(C) by striking ''not later than July 1 of each year, a report'' and inserting ''and make widely available to the public (including by electronic means such as posting in an easily accessible manner on the Institute's website), a report once every 5 years''; and

(D) by adding at the end the following:

''(2) REQUIREMENTS.—An evaluation report described in paragraph (1) shall include—

''(A) subject to paragraph (3), an evaluation of the activities authorized for each of the National Education Centers, which—

''(i) uses the performance management system described in section 185; and

''(ii) is conducted by an independent entity;

''(B) a review of the Institute to ensure its work, consistent with the requirements of section 114(j), is timely, rigorous, and relevant;

''(C) any recommendations regarding actions that may be taken to enhance the ability of the Institute and the National Education Centers to carry out their priorities and missions;

''(D) a summary of the major research findings of the Institute and the activities carried out under section 113(b) during the 3 preceding fiscal years; and

''(E) interim findings made widely available to the public (including by electronic means such as posting in an easily accessible manner on the Institute's website) 3 years after the independent entity has begun reviewing the work of the Institute.

''(3) NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.—With respect to the National Center for Education Evaluation and Regional Assistance, an evaluation report described in paragraph (1) shall contain—

''(A) an evaluation described in paragraph (2)(A) of the activities authorized for such Center, except for the regional educational laboratories established under section 174; and

''(B) a summative or interim evaluation, whichever is most recent, for each such laboratory conducted under section 174(i) on or after the date of enactment of the Strengthening Education through Research Act or, in a case in which such an evaluation is not available for a laboratory, the most recent evaluation for the laboratory conducted prior to the date of enactment of such Act.''; and

(6) by striking subsection (f).

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

Section 117 (20 U.S.C. 9517) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Except as provided in subsection (b), each'' and inserting ''Each'';

(B) in paragraph (2)—

(i) by striking ''Except as provided in subsection (b), each'' and inserting ''Each''; and

(ii) by inserting '', statistics,'' after ''research''; and

(C) in paragraph (3), by striking ''Except as provided in subsection (b), each'' and inserting ''Each'';

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) in subsection (c), as redesignated by paragraph (3), by striking '', except the Commissioner for Education Statistics,''.

SEC. 118. TRANSPARENCY.

(a) IN GENERAL.—Section 119 (20 U.S.C. 9519) is amended to read as follows:

''SEC. 119. TRANSPARENCY.

''Not later than 120 days after awarding a grant, contract, or cooperative agreement under this title in excess of $100,000, the Director shall make publicly available (including through electronic means such as posting in an easily accessible manner on the Institute's website) a description of the grant, contract, or cooperative agreement, including, at a minimum, the amount, duration, recipient, and the purpose of the grant, contract, or cooperative agreement.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by striking the item relating to section 119 and inserting the following:

''Sec. 119. Transparency.''.

SEC. 119. COMPETITIVE AWARDS.

Section 120 (20 U.S.C. 9520) is amended by striking ''when practicable'' and inserting ''consistent with section 114(h)''.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

Section 131(b) (20 U.S.C. 9531(b)) is amended—

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

''(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, consistent with the priorities described in section 115;'';

(2) by striking ''and'' at the end of paragraph (3);

(3) in paragraph (4), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(5) consistent with section 114(j), to widely disseminate and promote utilization of the work of the Research Center.''.

SEC. 132. DUTIES.

Section 133 (20 U.S.C. 9533) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''peer-review standards and'';

(B) by striking paragraph (2);

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

(D) by striking paragraph (4);

(E) by redesignating paragraphs (5) through (9) as paragraphs (3) through (7), respectively;

(F) in paragraph (3), as redesignated by subparagraph (E), by inserting ''in the implementation of programs carried out by the Department and other agencies'' before ''within the Federal Government'';

(G) in paragraph (5), as redesignated by subparagraph (E), by striking ''disseminate, through the National Center for Education Evaluation and Regional Assistance,'' and inserting ''widely disseminate, consistent with section 114(j),'';

(H) in paragraph (6), as redesignated by subparagraph (E)—

(i) by striking ''Director'' and inserting ''Board''; and

(ii) by striking ''of a biennial report, as described in section 119'' and inserting ''and dissemination of each evaluation report under section 116(d)'';

(I) in paragraph (7), as redesignated by subparagraph (E), by inserting ''and which may include research on social and emotional learning, and the acquisition of competencies and skills, including the ability to think critically, solve complex problems, evaluate evidence, and communicate effectively,'' after ''gap,'';

(J) by inserting after paragraph (7), as redesignated by subparagraph (E), the following:

''(8) to the extent time and resources allow, when findings from previous research under this part provoke relevant follow up questions, carry out research initiatives on such follow up questions;'';

(K) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively;

(L) by striking paragraph (9), as redesignated by subparagraph (K), and inserting the following:

''(9) carry out research initiatives, including rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research, regarding the impact of technology on education, including online education and hybrid learning;'';

(M) in paragraph (10), as redesignated by subparagraph (K), by striking the period at the end and inserting ''; and''; and

(N) by adding at the end the following:

''(11) to the extent feasible, carry out research on the quality of implementation of practices and strategies determined to be effective through scientifically valid research.'';

(2) by striking subsection (b) and inserting the following:

''(b) PLAN.—The Research Commissioner shall propose to the Director and, subject to the approval of the Director, implement a research plan for the activities of the Research Center that—

''(1) is consistent with the priorities and mission of the Institute and the mission of the Research Center described in section 131(b), and includes the activities described in subsection (a);

''(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Research Center's most recent evaluation report under section 116(d);

''(3) describes how the Research Center will use the performance management system described in section 185 to assess and improve the activities of the Center;

''(4) meets the procedures for peer review established and maintained by the Director under section 114(f)(5) and the standards of research described in section 134; and

''(5) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives.'';

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b), the following:

''(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—The Research Commissioner may award grants to, or enter into contracts or cooperative agreements with, eligible applicants to carry out research under subsection (a).

''(2) ELIGIBILITY.—For purposes of this subsection, the term 'eligible applicant' means an applicant that has the ability and capacity to conduct scientifically valid research.

''(3) APPLICATIONS.—

''(A) IN GENERAL.—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Research Commissioner at such time, in such manner, and containing such information as the Research Commissioner may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under the grant, contract, or cooperative agreement.''; and

(5) in subsection (d), as redesignated by paragraph (3)—

(A) by striking paragraph (1) and inserting the following:

''(1) SUPPORT.—In carrying out activities under subsection (a)(2), the Research Commissioner shall support national research and development centers that address topics of importance and relevance in the field of education across the country and are consistent with the Institute's priorities under section 115.'';

(B) by striking paragraphs (2), (3), and (5);

(C) by redesignating paragraphs (4), (6), and (7) as paragraphs (2), (3), and (4), respectively;

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''5 additional'' and inserting ''2 additional''; and

(II) by striking ''notwithstanding section 134(b),'' and inserting ''notwithstanding section 114(h),'';

(ii) in subparagraph (A), by striking ''and'' after the semicolon;

(iii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) demonstrates progress on the requirements of the performance management system described in section 185.'';

(E) in paragraph (3), as redesignated by subparagraph (C), by striking ''paragraphs (4) and (5)'' and inserting ''paragraph (2)''; and

(F) by striking paragraph (4), as redesignated by subparagraph (C), and inserting the following:

''(4) DISAGGREGATION.—To the extent feasible and when relevant to the research being conducted, research conducted under this subsection shall be disaggregated and cross-tabulated by age, race, gender, disability status, English learner status, socioeconomic background, and other population characteristics as determined by the Research Commissioner, so long as any reported information does not reveal individually identifiable information.''.

SEC. 133. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

Section 134 (20 U.S.C. 9534) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''based'' and inserting ''valid''; and

(B) in paragraph (2), by striking ''and wide dissemination activities'' and inserting ''and, consistent with section 114(j), wide dissemination and utilization activities'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

Section 151(b) (20 U.S.C. 9541(b)) is amended—

(1) in paragraph (2), by inserting ''and consistent with the privacy protections under section 183'' after ''manner''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting ''disability,'' after ''cultural,''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) is consistent with section 114(j), is relevant, timely, and widely disseminated.''.

SEC. 152. DUTIES.

Section 153 (20 U.S.C. 9543) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', consistent with the privacy

protections under section 183,'' after ''Center shall'';

(B) in paragraph (1)—

(i) by striking subparagraph (D) and inserting the following:

''(D) secondary school graduation and completion rates, including the four-year adjusted cohort graduation rate (as defined in section 200.19(b)(1)(i)(A) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008) and the extended-year adjusted cohort graduation rate (as defined in section 200.19(b)(1)(v)(A) of title 34, Code of Federal Regulations, as such section was in effect on November 28, 2008), and school dropout rates, and adult literacy;'';

(ii) in subparagraph (E), by striking ''and opportunity for,'' and inserting ''opportunity for, and completion of'';

(iii) by striking subparagraph (F) and inserting the following:

''(F) teaching and school leadership, including information on teacher and school leader pre-service preparation, professional development, teacher distribution, and teacher and school leader evaluation;'';

(iv) in subparagraph (G), by inserting ''and school leaders'' before the semicolon;

(v) in subparagraph (H), by inserting '', climate, and in- and out-of-school suspensions and expulsions'' before '', including information regarding'';

(vi) by striking subparagraph (K) and inserting the following:

''(K) the access to, and use of, technology to improve elementary schools and secondary schools;'';

(vii) in subparagraph (L), by striking ''and opportunity for,'' and inserting ''opportunity for, and quality of'';

(viii) in subparagraph (M), by striking ''such programs during school recesses'' and inserting ''summer school'';

(ix) in subparagraph (N)—

(I) by striking ''vocational'' and inserting ''career''; and

(II) by striking ''and'' after the semicolon;

(x) in subparagraph (O), by inserting ''and'' after the semicolon; and

(xi) by adding at the end the following:

''(P) access to, and opportunity for, adult education and literacy activities;'';

(C) in paragraph (3)—

(i) by striking ''when such disaggregated information will facilitate educational and policy decisionmaking'' and inserting ''so long as any reported information does not reveal individually identifiable information''; and

(ii) by striking ''limited English proficiency'' and inserting ''English learner status'';

(D) in paragraph (4), by inserting before the semicolon the following: '', and the implementation (with the assistance of the Department and other Federal officials who have statutory authority to provide assistance on applicable privacy laws, regulations, and policies) of appropriate privacy protections'';

(E) in paragraph (5)—

(i) by striking ''determining voluntary standards and guidelines to assist'' and inserting ''providing technical assistance to''; and

(ii) by striking ''promote linkages across States,'';

(F) in paragraph (6)—

(i) by striking ''Third'' and inserting ''Trends in''; and

(ii) by inserting ''and the Program for International Student Assessment'' after ''Science Study'';

(G) in paragraph (7), by striking the semicolon and inserting the following: ''and ensuring such collections protect student privacy consistent with section 183; and'';

(H) by striking paragraph (8) and inserting the following:

''(8) assisting the Board in the preparation and dissemination of each evaluation report under section 116(d).''; and

(I) by striking paragraph (9);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) PLAN.—The Statistics Commissioner shall develop a plan in consultation with the Director and implement a plan for activities of the Statistics Center that—

''(1) is consistent with the priorities and mission of the Institute and the mission of the Statistics Center described in section 151(b);

''(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Statistic Center's most recent evaluation report under section 116(d); and

''(3) describes how the Statistics Center will use the performance management system described in section 185 to assess and improve the activities of the Center.''.

SEC. 153. PERFORMANCE OF DUTIES.

Section 154 (20 U.S.C. 9544) is amended—

(1) in subsection (a)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying'';

(B) by inserting ''to eligible applicants'' after ''technical assistance''; and

(C) by adding at the end the following:

''(2) ELIGIBILITY.—For purposes of this section, the term 'eligible applicant' means an applicant that has the ability and capacity to carry out activities under this part.

''(3) APPLICATIONS.—

''(A) IN GENERAL.—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Statistics Commissioner at such time, in such manner, and containing such information as the Statistics Commissioner may require.

''(B) CONTENTS.—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under the grant, contract, or cooperative agreement.'';

(2) in subsection (b)(2)(A), by striking ''vocational and'' and inserting ''career and technical education programs,''; and

(3) in subsection (c), by striking ''5 years'' the second place it appears and inserting ''2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement received under this section''.

SEC. 154. REPORTS.

Section 155 (20 U.S.C. 9545) is amended—

(1) in subsection (a), by inserting ''(consistent with section 114(h))'' after ''review''; and

(2) in subsection (b), by striking ''2003'' and inserting ''2016''.

SEC. 155. DISSEMINATION.

Section 156 (20 U.S.C. 9546) is amended—

(1) in subsection (c), by adding at the end the following: ''Such projects shall adhere to student privacy requirements under section 183.''; and

(2) in subsection (e)—

(A) in paragraph (1), by adding at the end the following: ''Before receiving access to educational data under this paragraph, a Federal agency shall describe to the Statistics Center the specific research intent for use of the data, how access to the data may meet such research intent, and how the Federal agency will protect the confidentiality of the data consistent with the requirements of section 183.'';

(B) in paragraph (2)—

(i) by inserting ''and consistent with section 183'' after ''may prescribe''; and

(ii) by adding at the end the following: ''Before receiving access to data under this paragraph, an interested party shall describe to the Statistics Center the specific research intent for use of the data, how access to the data may meet such research intent, and how the party will protect the confidentiality of the data consistent with the requirements of section 183.''; and

(C) by adding at the end the following:

''(3) DENIAL AUTHORITY.—The Statistics Center shall have the authority to deny any requests for access to data under paragraph (1) or (2) if the data requested would be unnecessary for or unrelated to the proposed research design or research intent, or if the request would introduce risk of a privacy violation or misuse of data.

''(4) APPLICABILITY OF REQUIREMENTS.—The requirements described under the second sentence of paragraph (1) and the second sentence of paragraph (2) and the authority under paragraph (3) shall not apply to public use data sets.''.

SEC. 156. COOPERATIVE EDUCATION STATISTICS PARTNERSHIPS.

(a) IN GENERAL.—Section 157 (20 U.S.C. 9547) is amended—

(1) in the section heading, by striking ''**SYSTEMS**'' and inserting ''**PARTNERSHIPS**'';

(2) by striking ''national cooperative education statistics systems'' and inserting ''cooperative education statistics partnerships'';

(3) by striking ''producing and maintaining, with the cooperation'' and inserting ''reviewing and improving, with the voluntary participation'';

(4) by striking ''comparable and uniform'' and inserting ''data quality standards, which may include establishing voluntary guidelines to standardize'';

(5) by striking ''adult education, and libraries,'' and inserting ''and adult education''; and

(6) by adding at the end the following: ''No student data shall be collected by the partnerships established under this section, nor shall such partnerships establish a national student data system.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by striking the item relating to section 157 and inserting the following:

''Sec. 157. Cooperative education statistics partnerships.''.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. ESTABLISHMENT.

Section 171 (20 U.S.C. 9561) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(C) in paragraph (1), as redesignated by subparagraph (B), by striking ''of such programs'' and all that follows through ''science)'' and inserting ''and to evaluate the implementation of such programs''; and

(D) in paragraph (2), as redesignated by subparagraph (B), by striking ''and wide dissemination of results of'' and inserting ''and, consistent with section 114(j), the wide dissemination and utilization of results of all''; and

(2) by striking subsection (c).

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

Section 172 (20 U.S.C. 9562) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2) and inserting the following:

''(2) widely disseminate, consistent with section 114(j), all information on scientifically valid research and statistics supported by the Institute and all scientifically valid education evaluations supported by the Institute, particularly to State educational agencies and local educational agencies, to institutions of higher education, and to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to the priorities described in section 115;'';

(B) in paragraph (3)—

(i) by inserting '', consistent with section 114(j)'' after ''timely, and efficient manner''; and

(ii) by striking ''that shall include all topics covered in paragraph (2)(E)'';

(C) in paragraph (4)—

(i) by striking ''development and dissemination'' and inserting ''development, dissemination, and utilization''; and

(ii) by striking ''the provision of technical assistance,'';

(D) in paragraph (5)—

(i) by striking ''subsection (d)'' and inserting ''subsection (e)''; and

(ii) by inserting ''and'' after the semicolon;

(E) in paragraph (6)—

(i) by striking ''Director'' and inserting ''Board'';

(ii) by striking ''preparation of a biennial report,'' and inserting ''preparation and dissemination of each evaluation report''; and

(iii) by striking ''119; and'' and inserting ''116(d).''; and

(F) by striking paragraph (7);

(2) in subsection (b)(1)—

(A) by inserting ''all'' before ''information disseminated''; and

(B) by striking '', which may include'' and all that follows through ''of this Act)'';

(3) by striking subsection (c);

(4) by redesignating subsection (d) as subsection (e);

(5) by inserting after subsection (b) the following:

''(c) PLAN.—The Evaluation and Regional Assistance Commissioner shall propose to the Director and, subject to the approval of the Director, implement a plan for the activities of the National Center for Education Evaluation and Regional Assistance that—

''(1) is consistent with the priorities and mission of the Institute and the mission of the Center described in section 171(b);

''(2) is carried out and, as appropriate, updated and modified, including through the use of the results of the Center's most recent evaluation report under section 116(d); and

''(3) describes how the Center will use the performance management system described in section 185 to assess and improve the activities of the Center.

''(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—In carrying out the duties under this part, the Evaluation and Regional Assistance Commissioner may—

''(A) award grants, contracts, or cooperative agreements to eligible applicants to carry out the activities under this part; and

''(B) provide technical assistance.

''(2) ELIGIBILITY.—For purposes of this section, the term 'eligible applicant' means an applicant that has the ability and capacity to carry out activities under this part.

''(3) ENTITIES TO CONDUCT EVALUATIONS.—In awarding grants, contracts, or cooperative agreements under paragraph (1) to carry out activities under section 173, the Evaluation and Regional Assistance Commissioner shall make such awards to eligible applicants with the ability and capacity to conduct scientifically valid education evaluations.

''(4) APPLICATIONS.—

''(A) IN GENERAL.—An eligible applicant that wishes to receive a grant, contract, or cooperative agreement under paragraph (1) shall submit an application to the Evaluation and Regional Assistance Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(B) CONTENTS.—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under such grant, contract, or cooperative agreement.

''(5) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under paragraph (1) may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Evaluation and Regional Assistance Commissioner for an additional period of not more than 2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement.''; and

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1), by striking ''There is established'' and all that follows through ''Regional Assistance'' and inserting ''The Evaluation and Regional Assistance Commissioner may establish'';

(B) in paragraph (2)(A), by inserting ''all'' before ''products''; and

(C) in paragraph (2)(B)(ii), by striking ''2002'' and all that follows through the period and inserting ''2002).''.

SEC. 173. EVALUATIONS.

Section 173 (20 U.S.C. 9563) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''may'' and inserting ''shall'';

(ii) in subparagraph (A), by striking ''evaluations'' and inserting ''high-quality evaluations, including impact evaluations that use rigorous methodologies that permit the strongest possible causal inferences,'';

(iii) in subparagraph (B), by inserting before the semicolon at the end the following: '', including programs under part A of such title (20 U.S.C. 6311 et seq.)'';

(iv) by striking subparagraph (C);

(v) by redesignating subparagraph (D) as subparagraph (C);

(vi) by striking subparagraphs (E) and (G);

(vii) by redesignating subparagraph (F) as subparagraph (D);

(viii) in subparagraph (D), as redesignated by clause (vii), by striking ''and'' at the end; and

(ix) by inserting after subparagraph (D), as redesignated by clause (vii), the following:

''(E) provide evaluation findings in an understandable, easily accessible, and usable format to support program improvement;

''(F) support the evaluation activities described in section 401 of the Strengthening Education through Research Act that are carried out by the Director; and

''(G) to the extent feasible—

''(i) examine evaluations conducted or supported by others to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

''(ii) review and supplement Federal education program evaluations, particularly such evaluations by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

''(iii) conduct implementation evaluations that promote continuous improvement and inform policymaking;

''(iv) evaluate the short- and long-term effects and cost efficiencies across programs assisted or authorized under Federal law and administrated by the Department; and

''(v) synthesize the results of evaluation studies for and across Federal education programs, policies, and practices.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period and inserting ''under section 114(h); and''; and

(iii) by adding at the end the following:

''(C) be widely disseminated, consistent with section 114(j).''; and

(2) in subsection (b), by striking ''contracts'' and inserting ''grants, contracts, or cooperative agreements''.

SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND EVALUATION.

(a) IN GENERAL.—Section 174 (20 U.S.C. 9564) is amended—

(1) in the section heading, by striking ''**TECHNICAL ASSISTANCE**'' and inserting ''**EVALUATION**'';

(2) in subsection (a)—

(A) by striking ''The Director'' and inserting ''Except as provided in subsection (e)(8), the Evaluation and Regional Assistance Commissioner''; and

(B) by striking ''contracts'' and inserting ''grants, contracts, or cooperative agreements'';

(3) in subsection (c)—

(A) by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Evaluation and Regional Assistance Commissioner'';

(B) by striking ''contracts under this section with research organizations, institutions, agencies, institutions of higher education,'' and inserting ''grants, contracts, or cooperative agreements under this section with public or private, nonprofit or for-profit research organizations, other organizations, or institutions of higher education,'';

(C) by striking ''or individuals,'';

(D) by striking '', including regional entities'' and all that follows through ''107–110))''; and

(E) by adding at the end the following:

''(2) DEFINITION.—For purposes of this section, the term 'eligible applicant' means an entity described in paragraph (1).'';

(4) by striking subsections (d) through (j) and inserting the following:

''(d) APPLICATIONS.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Each eligible applicant desiring a grant, contract, or cooperative agreement under this section shall submit an application at such time, in such manner, and containing such information as the Evaluation and Regional Assistance Commissioner may reasonably require.

''(B) INPUT.—To ensure that applications submitted under this paragraph are reflective of the needs of the regions to be served, each eligible applicant submitting such an application shall seek input from State educational agencies and local educational agencies in the region that the award will serve, and other individuals with knowledge of the region's needs.

''(2) PLAN.—

''(A) IN GENERAL.—Each application submitted under paragraph (1) shall contain a plan for the activities of the regional educational laboratory to be established under this section, which shall be updated, modified, and improved, as appropriate, on an ongoing basis, including by using the results of the laboratory's interim evaluation under subsection (i)(3).

''(B) CONTENTS.—A plan described in subparagraph (A) shall address—

''(i) the priorities for applied research, development, evaluations, and wide dissemination established under section 207;

''(ii) the needs of State educational agencies and local educational agencies, on an ongoing basis, using available State and local data; and

''(iii) if available, demonstrated support from State educational agencies and local educational agencies in the region, such as letters of support or signed memoranda of understanding.

''(3) NON-FEDERAL SUPPORT.—In conducting a competition for grants, contracts, or cooperative agreements under subsection (a), the Evaluation and Regional Assistance Commissioner shall give priority to eligible applicants that will provide a portion of non-Federal funds to maximize support for activities of the regional educational laboratories to be established under this section.

''(e) AWARDING GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

''(1) ASSURANCES.—In awarding grants, contracts, or cooperative agreements under this section, the Evaluation and Regional Assistance Commissioner shall—

''(A) make such an award for not more than a 5-year period;

''(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff; and

''(C) ensure that each such laboratory has the flexibility to respond in a timely fashion to the needs of the laboratory's region, including—

''(i) through using the results of the laboratory's interim evaluation under subsection (i)(3) to improve and modify the activities of the laboratory before the end of the award period; and

''(ii) through sharing preliminary results of the laboratory's research, as appropriate, to increase the relevance and usefulness of the research.

''(2) COORDINATION.—To ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

''(A) share information about the activities of each regional educational laboratory with each other regional educational laboratory, the Department, the Director, and the National Board for Education Sciences;

''(B) ensure, where appropriate, that the activities of each regional educational laboratory established under this section also serve national interests;

''(C) ensure each such regional educational laboratory establishes strong partnerships among practitioners, policymakers, researchers, and others, so that such partnerships are continued in the absence of Federal support; and

''(D) enable, where appropriate, for such a laboratory to work in a region being served by another laboratory or to carry out a project that extends beyond the region served by the laboratory.

''(3) COLLABORATION WITH TECHNICAL ASSISTANCE PROVIDERS.—Each regional educational laboratory established under this section shall, on an ongoing basis, coordinate its activities, collaborate, and regularly exchange information with the comprehensive centers (established in section 203) in the region in which the laboratory is located, and with comprehensive centers located outside of its region, as appropriate.

''(4) OUTREACH.—In conducting competitions for grants, contracts, or cooperative agreements under this section, the Evaluation and Regional Assistance Commissioner shall—

''(A) by making information and technical assistance relating to the competition widely available, actively encourage eligible applicants to compete for such an award; and

''(B) seek input from the chief executive officers of States, chief State school officers, educators, parents, superintendents, and other individuals with knowledge of the needs of the regions to be served by the awards, regarding—

''(i) the needs in the regions for applied research, evaluation, development, and wide-dissemination activities authorized by this title; and

''(ii) how such needs may be addressed most effectively.

''(5) PERFORMANCE MANAGEMENT.—Before the Evaluation and Regional Assistance Commissioner awards a grant, contract, or cooperative agreement under this section, the Director shall establish measurable performance indicators for assessing the ongoing progress and performance of the regional educational laboratories established with such awards that address the requirements of the performance management system described in section 185.

''(6) STANDARDS.—The Evaluation and Regional Assistance Commissioner shall adhere to the Institute's system for technical and peer review under section 114(h) in reviewing the applied research activities and research-based reports of the regional educational laboratories.

''(7) REQUIRED CONSIDERATION.—In determining whether to award a grant, contract, or cooperative agreement under this section—

''(A) to an eligible applicant that previously established a regional educational laboratory under this section, the Evaluation and Regional Assistance Commissioner shall—

''(i) consider the results of such laboratory's summative evaluation under subsection (i)(2), or, if not available, any interim evaluation findings under subsection (i)(3); and

''(ii) ensure that only such laboratories determined effective in their relevant interim or summative evaluations, as described in subsection (i), are eligible to receive a new grant, contract, or cooperative agreement; and

''(B) to any eligible applicant, the Evaluation and Regional Assistance Commissioner shall ensure that such applicant has—

''(i) a history of effectiveness in conducting high-quality applied research; and

''(ii) the capacity to meet the measurable performance indicators established under paragraph (5).

''(8) FLEXIBILITY IN LABORATORY NUMBER.—

''(A) DETERMINATION.—The Evaluation and Regional Assistance Commissioner, in consultation with the regional educational laboratory advisory boards described in subsection (h), may determine that establishing 10 regional educational laboratories is unnecessary, as required in subsection (a), and grant an alternative number of awards or reorganize such laboratories, which may include not basing the awards on the regions described in subsection (b), if—

''(i) an insufficient number of regional educational laboratories are meeting the needs of the regions described in subsection (b), as determined by the Commissioner;

''(ii) an insufficient number of laboratories are meeting the measurable performance indicators established under paragraph (5), as determined by the Commissioner and the most recent interim or summative evaluation under subsection (i); or

''(iii) an insufficient number of eligible applicants have the capacity to meet the measurable performance indicators established under paragraph (5), as determined by the Commissioner.

''(B) LIMITATION.—If the Evaluation and Regional Assistance Commissioner uses the determination authority described in subparagraph (A), there shall be no more than 10 regional educational laboratories established.

''(f) MISSION.—Each regional educational laboratory established under this section shall—

''(1) conduct applied research, development, data analysis, and evaluation activities with State educational agencies, local educational agencies, and, as appropriate, schools funded by the Bureau;

''(2) widely disseminate such work, consistent with section 114(j); and

''(3) develop the capacity of State educational agencies, local educational agencies, and, as appropriate, schools funded by the Bureau to carry out the activities described in paragraphs (1) and (2).

''(g) ACTIVITIES.—To carry out the mission described in subsection (f), each regional educational laboratory established under this section shall carry out the following activities:

''(1) Conduct, widely disseminate, and promote utilization of applied research, development activities, evaluations, data analysis, and other scientifically valid research.

''(2) Develop and improve the plan for the laboratory under subsection (d)(2) for serving the region of the laboratory, and as appropriate, national needs, on an ongoing basis, which shall include seeking input and incorporating feedback from the representatives of State educational agencies and local educational agencies in the region, and other individuals with knowledge of the region's needs.

''(3) Ensure research and related products are relevant and responsive to the needs of the region.

''(h) REGIONAL EDUCATIONAL LABORATORY ADVISORY BOARD.—

''(1) ESTABLISHMENT.—Each regional educational laboratory established under this section may establish an advisory board that shall support the priorities of such laboratory.

''(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the regional educational laboratory—

''(A) concerning the activities described in subsection (g);

''(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis, and as appropriate, national needs;

''(C) on maintaining a high standard of quality in the performance of the laboratory's activities, especially in meeting the measurable performance indicators established under subsection (e)(5);

''(D) on carrying out the laboratory's duties in a manner that promotes progress toward improving student academic achievement;

''(E) on the activities undertaken by the comprehensive center in the region, other centers, as appropriate, and other laboratories to align the work of such entities, reduce redundancy, and increase collaboration and resource-sharing in such activities; and

''(F) on joint activities with other comprehensive centers or laboratories that would meet the needs of multiple regions.

''(3) COMPOSITION.—

''(A) IN GENERAL.—Each advisory board shall—

''(i) not exceed 25 members;

''(ii) include the chief State school officer, or such officer's designee, or other State official, of States within the region of the laboratory who have primary responsibility under State law for elementary and secondary education in the State;

''(iii) include representatives of local educational agencies, including rural and urban local educational agencies, that represent the geographic diversity of the region;

''(iv) include researchers; and

''(v) include not less than 1 representative from an advisory board of a comprehensive center serving the region, if applicable.

''(B) ELIGIBILITY.—The membership of each regional educational laboratory advisory board may include the following:

''(i) Representatives of institutions of higher education.

''(ii) Parents.

''(iii) Practicing educators, including classroom teachers, school leaders, administrators, school board members, and other local school officials.

''(iv) Representatives of business.

''(v) Policymakers.

''(4) RECOMMENDATIONS.—In choosing individuals for membership on a regional educational laboratory advisory board, the regional educational laboratory shall consult with, and solicit recommendations from, the Evaluation and Regional Assistance Commissioner, the chief executive officers of States, chief State school officers, local educational agencies, and other education stakeholders within the applicable region.

''(5) SPECIAL RULE.—The total number of members on each regional educational laboratory advisory board who are selected under clauses (ii) and (iii) of paragraph (3)(A), in the aggregate, shall exceed the total number of members who are selected under paragraph (3)(B), collectively.

''(i) EVALUATIONS.—

''(1) IN GENERAL.—The Evaluation and Regional Assistance Commissioner shall—

''(A) provide for ongoing summative and interim evaluations described in paragraphs (2) and (3), respectively, of each of the regional educational laboratories established under this section in carrying out the full range of duties described in this section; and

''(B) transmit the results of such evaluations, through appropriate means, to the appropriate congressional committees, the Director, and the public.

''(2) SUMMATIVE EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall ensure each regional educational laboratory established under this section is evaluated by an independent entity at the end of the period of the grant, contract, or cooperative agreement that established such laboratory, and such evaluation shall—

''(A) be completed in a timely fashion;

''(B) assess how well the laboratory is meeting the measurable performance indicators established under subsection (e)(5); and

''(C) consider the extent to which the laboratory ensures that the activities of such laboratory are relevant and useful to the work of State and local practitioners and policymakers.

''(3) INTERIM EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall ensure each regional educational laboratory established under this section is evaluated at the midpoint of the period of the grant, contract, or cooperative agreement that established such laboratory, and such evaluation shall—

''(A) assess how well such laboratory is meeting the performance indicators described in subsection (e)(5); and

''(B) be used to improve the effectiveness of such laboratory in carrying out its plan under subsection (d)(2).

''(j) CONTINUATION OF AWARDS; RECOMPETITION.—

''(1) CONTINUATION OF AWARDS.—The Evaluation and Regional Assistance Commissioner shall continue awards made to each eligible applicant for the support of regional educational laboratories established under this section prior to the date of enactment of the Strengthening Education through Research Act, as such awards were in effect on the day before the date of enactment of such Act, for the duration of those awards, in accordance with the terms and agreements of such awards.

''(2) RECOMPETITION.—Not later than the end of the period of the awards described in paragraph (1), the Evaluation and Regional Assistance Commissioner shall—

''(A) hold a competition to make grants, contracts, or cooperative agreements under this section to eligible applicants, which may include eligible applicants that held awards described in paragraph (1); and

''(B) in determining whether to select an eligible applicant that held an award described in paragraph (1) for an award under subparagraph (A) of this paragraph, consider the results of the summative evaluation under subsection (i)(2) of the laboratory established with the eligible applicant's award described in paragraph (1).'';

(5) by striking subsection (l);

(6) by redesignating subsections (m), (n), and (o) as subsections (l), (m), and (n), respectively;

(7) in subsection (l), as redesignated by paragraph (6), by inserting ''and local'' after ''achieve State'';

(8) by striking subsection (m), as redesignated by paragraph (6), and inserting the following:

''(m) ANNUAL REPORT.—Each regional educational laboratory established under this section shall submit to the Evaluation and Regional Assistance Commissioner an annual report containing such information as the Commissioner may require, but which shall include, at a minimum, the following:

''(1) A summary of the laboratory's activities and products developed during the previous year.

''(2) A listing of the State educational agencies, local educational agencies, and schools the laboratory assisted during the previous year.

''(3) Using the measurable performance indicators established under subsection (e)(5), a description of how well the laboratory is meeting educational needs of the region served by the laboratory.

''(4) Any changes to the laboratory's plan under subsection (d)(2) to improve its activities in the remaining years of the grant, contract, or cooperative agreement.''; and

(9) by adding at the end the following:

''(o) APPROPRIATIONS RESERVATION.—Of the amounts appropriated under section 194(a), the Evaluation and Regional Assistance Commissioner shall reserve 16.13 percent of such funds to carry out this section, of which the Commissioner shall use not less than 25 percent to serve rural areas (including schools funded by the Bureau which are located in rural areas).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by striking the item relating to section 174 and inserting the following:

''Sec. 174. Regional educational laboratories for research, development, dissemination, and evaluation.''.

PART E—NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH

SEC. 175. ESTABLISHMENT.

Section 175(b) (20 U.S.C. 9567(b)) is amended—

(1) in paragraph (1), by striking ''and children'' and inserting ''children, and youth'';

(2) in paragraph (2), by striking ''and'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(4) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions with respect to special education research and evaluation described in paragraphs (1) through (3); and

''(5) to promote scientifically valid research findings in special education that may provide the basis for improving academic instruction and lifelong learning.''.

SEC. 176. COMMISSIONER FOR SPECIAL EDUCATION RESEARCH.

Section 176 (20 U.S.C. 9567a) is amended by inserting ''and youth'' after ''children''.

SEC. 177. DUTIES.

Section 177 (20 U.S.C. 9567b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''and youth'' after ''children'';

(B) in paragraph (2), by striking ''scientifically based educational practices'' and inserting ''educational practices, including the use of technology based on scientifically valid research,'';

(C) in paragraph (4)—

(i) by striking ''scientifically based''; and

(ii) by inserting ''are based on scientifically valid research and'' after ''interventions that'';

(D) in paragraph (10), by inserting before the semicolon the following: '', including how secondary school credentials are related to postsecondary and employment outcomes'';

(E) by redesignating paragraphs (11) through (15) and paragraphs (16) and (17) as paragraphs (12) through (16), respectively, and paragraphs (18) and (19), respectively;

(F) by inserting after paragraph (10), the following:

''(11) examine the participation and outcomes of students with disabilities in secondary and postsecondary career and technical education programs;'';

(G) in paragraph (14), as redesignated by subparagraph (E), by inserting ''and professional development'' after ''preparation'';

(H) in paragraph (16), as redesignated by subparagraph (E), by striking ''help parents'' and inserting ''examine the methods by which parents may'';

(I) by inserting after paragraph (16), as redesignated by subparagraph (E), the following:

''(17) assist the Board in the preparation and dissemination of each evaluation report under section 116(d);'';

(J) in paragraph (18), as redesignated by subparagraph (E), by striking ''and'' at the end;

(K) by striking paragraph (19), as redesignated by subparagraph (E), and inserting the following:

''(19) examine the needs of children with disabilities who are English learners, are gifted and talented, or have other unique learning needs; and''; and

(L) by adding at the end the following:

''(20) examine innovations in the field of special education, such as multi-tiered systems of support.'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''for the activities of the Special Education Research Center'' after ''a research plan''; and

(ii) by striking ''Services, that—'' and inserting ''Services, and, subject to the approval of the Director, implement the research plan. The research plan shall be a plan that—'';

(B) in paragraph (1), by inserting ''described in section 175(b)'' after ''Center'';

(C) by striking paragraph (2) and inserting the following:

''(2) is carried out, and, as appropriate, updated and modified, including by using the results of the Special Education Research Center's most recent evaluation report under section 116(d);'';

(D) by striking paragraph (5);

(E) by redesignating paragraphs (3), (4), and (6) as paragraphs (4), (5), and (7), respectively;

(F) by inserting after paragraph (2) the following:

''(3) provides for research that addresses significant questions of practice where such research is lacking;'';

(G) in paragraph (5), as redesignated by subparagraph (E), by striking ''and types of children with'' and inserting '', student subgroups, and types of''; and

(H) by inserting after paragraph (5), as redesignated by subparagraph (E), the following:

''(6) describes how the Special Education Research Center will use the performance management system described in section 185 to assess and improve the activities of the Center; and'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''Director'' and inserting ''Special Education Research Commissioner'';

(B) by striking paragraph (3) and inserting the following:

''(3) APPLICATIONS.—

''(A) IN GENERAL.—An eligible applicant that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Special Education Research Commissioner at such time, in such manner, and containing such information as the Special Education Research Commissioner may require.

''(B) CONTENTS.—An application submitted under subparagraph (A) shall describe how the eligible applicant will address and demonstrate progress on the requirements of the performance management system described in section 185, with respect to the activities that will be carried out under such grant, contract, or cooperative agreement.''; and

(C) by adding at the end the following:

''(4) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded or entered into, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Special Education Research Commissioner for an additional period of not more than 2 years if the recipient demonstrates progress on the requirements of the performance management system described in section 185, with respect to the activities carried out under the grant, contract, or cooperative agreement received or entered into under this section.'';

(4) by striking subsection (e) and inserting the following:

''(e) DISSEMINATION.—The Special Education Research Center shall synthesize and, consistent with section 114(j), widely disseminate and promote utilization of the findings and results of special education research conducted or supported by the Special Education Research Center.''; and

(5) in subsection (f), by striking ''part such sums as may be necessary for each of fiscal years 2005 through 2010.'' and inserting the following: ''part—

''(1) for fiscal year 2016, $54,000,000;

''(2) for fiscal year 2017, $55,242,000;

''(3) for fiscal year 2018, $56,512,566;

''(4) for fiscal year 2019, $57,812,355;

''(5) for fiscal year 2020, $59,142,039; and

''(6) for fiscal year 2021, $66,922,118.''.

PART F—GENERAL PROVISIONS

SEC. 181. PROHIBITIONS.

Section 182 (20 U.S.C. 9572) is amended—

(1) in subsection (b), by inserting ''specific academic achievement or content standards or assessments,'' after ''the curriculum,''; and

(2) in subsection (c), by striking ''an elementary school or secondary school'' and inserting ''early education, or in an elementary school, secondary school, or institution of higher education''.

SEC. 182. CONFIDENTIALITY.

Section 183 (20 U.S.C. 9573) is amended—

(1) in subsection (b)—

(A) by striking ''their families, and information with respect to individual schools,'' and inserting ''and their families''; and

(B) by inserting before the period at the end the following: '', and that any disclosed information with respect to individual schools not reveal such individually identifiable information'';

(2) in subsection (d)(2), by inserting '', including voluntary and uncompensated services under section 190'' after ''providing services''; and

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by inserting ''and Director'' after ''Secretary''.

SEC. 183. AVAILABILITY OF DATA.

Section 184 (20 U.S.C. 9574) is amended by striking ''use of the Internet'' and inserting ''electronic means, such as posting in an easily accessible manner on the Institute's website''.

SEC. 184. PERFORMANCE MANAGEMENT.

Section 185 (20 U.S.C. 9575) is amended to read as follows:

''SEC. 185. PERFORMANCE MANAGEMENT.

''The Director shall establish a system for managing the performance of all activities authorized under this title to promote continuous improvement of the activities and to ensure the effective use of Federal funds by—

''(1) developing and using measurable performance indicators, including timelines, to evaluate and improve the effectiveness of the activities;

''(2) using the performance indicators described in paragraph (1) to inform funding decisions, including the awarding and continuation of all grants, contracts, and cooperative agreements under this title;

''(3) establishing and improving formal feedback mechanisms to—

''(A) anticipate and meet stakeholder needs; and

''(B) incorporate, on an ongoing basis, the feedback of such stakeholders into the activities authorized under this title; and

''(4) promoting the wide dissemination and utilization, consistent with section 114(j), of all information, products, and publications of the Institute.''.

SEC. 185. AUTHORITY TO PUBLISH.

Section 186(b) (20 U.S.C. 9576(b)) is amended by striking ''any information to be published under this section before publication'' and inserting ''any publication under this section before the public release of such publication''.

SEC. 186. REPEALS.

(a) REPEALS.—Sections 187 (20 U.S.C. 9577) and 193 (20 U.S.C. 9583) are repealed.

(b) CONFORMING AMENDMENTS.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by striking the items relating to sections 187 and 193.

SEC. 187. FELLOWSHIPS.

Section 189 (20 U.S.C. 9579) is amended—

(1) by inserting ''and the mission of each National Education Center authorized under this title'' after ''related to education''; and

(2) by striking ''historically Black colleges and universities'' and inserting ''minority-serving institutions''.

SEC. 188. AUTHORIZATION OF APPROPRIATIONS.

Section 194 (20 U.S.C. 9584) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except part E)—

''(1) for fiscal year 2016, $337,343,000;

''(2) for fiscal year 2017, $345,101,889;

''(3) for fiscal year 2018, $353,039,232;

''(4) for fiscal year 2019, $361,159,135;

''(5) for fiscal year 2020, $369,465,795; and

''(6) for fiscal year 2021, $376,225,846.''; and

(2) by striking subsection (b) and inserting the following:

''(b) RESERVATIONS.—Of the amounts appropriated under subsection (a) for each fiscal year—

''(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of the Strengthening Education through Research Act) for fiscal year 2015 shall be provided to the National Center for Education Statistics, as authorized under part C; and

''(2) not more than the lesser of 2 percent of such appropriated amounts or $2,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).''.

PART G—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 191. TECHNICAL AND CONFORMING AMENDMENTS TO OTHER LAWS.

(a) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—Section 3(25) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(25)) is amended by striking ''using scientifically based research standards, as defined in section 102'' and inserting ''in accordance with the principles of scientific research, as defined in section 102''.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 9529(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7909(b)) is amended by striking ''section 153(a)(5)'' and inserting ''section 153(a)(6)''.

(c) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 681(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1481(a)(1)) is amended by striking ''section 178(c)'' and inserting ''section 177(c)''.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9601 et seq.).

SEC. 202. DEFINITIONS.

Section 202 (20 U.S.C. 9601) is amended—

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

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

''(2) SCHOOL LEADER.—The term 'school leader' has the meaning given the term in section 102.''.

SEC. 203. COMPREHENSIVE CENTERS.

Section 203 (20 U.S.C. 9602) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—Subject to paragraph (3) and except as provided in subsection (b)(5), the Secretary shall award 17 grants, contracts, or cooperative agreements to eligible applicants to establish comprehensive centers.

''(2) MISSION.—The mission of the comprehensive centers is to provide State educational agencies and local educational agencies technical assistance, analysis, and training to build their capacity in implementing the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other Federal education laws, and research-based practices.

''(3) REGIONS.—In awarding grants, contracts, or cooperative agreements under paragraph (1), the Secretary—

''(A) shall establish at least one comprehensive center for each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(h)) (as such provision existed on the day before the date of enactment of this Act);

''(B) may establish additional comprehensive centers—

''(i) for one or more of the regions described in subparagraph (A); or

''(ii) to serve the Nation as a whole by providing technical assistance on a particular content area of importance to the Nation, as determined by the Secretary; and

''(C) may make such arrangements as the Secretary determines necessary to ensure that the Bureau of Indian Education and States or local educational agencies serving significant numbers of American Indian, Alaska Native, or Native Hawaiian students have access to services provided under this section.

''(4) NATION.—In the case of a comprehensive center established to serve the Nation as described in paragraph (3)(B)(ii), the Nation shall be considered to be a region served by such Center.

''(5) AWARD PERIOD.—A grant, contract, or cooperative agreement under this section may be awarded, on a competitive basis, for a period of not more than 5 years.

''(6) RESPONSIVENESS.—The Secretary shall ensure that each comprehensive center established under this section has the ability to respond in a timely fashion to the needs of State educational agencies and local educational agencies, including through using the results of the center's interim evaluation under section 204(c), to improve and modify the activities of the center before the end of the award period.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting '', contracts, or cooperative agreements'' after ''Grants'';

(ii) by striking ''research organizations, institutions, agencies, institutions of higher education,'' and inserting ''public or private, nonprofit or for-profit research organizations, other organizations, or institutions of higher education,'';

(iii) by striking '', or individuals,'';

(iv) by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(v) by striking '', including regional'' and all that follows through ''107–110))''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) OUTREACH.—In conducting competitions for grants, contracts, or cooperative agreements under this section, the Secretary shall—

''(A) by making widely available information and technical assistance relating to the competition, actively encourage eligible applicants to compete for such awards; and

''(B) seek input from chief executive officers of States, chief State school officers, educators, parents, superintendents, and other individuals with knowledge of the needs of the regions to be served by the awards, regarding—

''(i) the needs in the regions for technical assistance authorized under this title; and

''(ii) how such needs may be addressed most effectively.

''(3) PERFORMANCE MANAGEMENT.—Before awarding a grant, contract, or cooperative agreement under this section, the Secretary shall establish measurable performance indicators to be used to assess the ongoing progress and performance of the comprehensive centers to be established under this title that address paragraphs (1) through (3) of the performance management system described in section 185.

''(4) REQUIRED CONSIDERATION.—In determining whether to award or enter into a grant, contract, or cooperative agreement under this section—

''(A) to an eligible applicant that previously established a comprehensive center under this section, the Secretary shall—

''(i) consider the results of such center's summative evaluation under section 204(b) or, if not available, any interim evaluation results under section 204(c); and

''(ii) ensure that only centers determined effective in the centers' relevant interim or summative evaluations, as described in section 204, are eligible to receive a new grant, contract, or cooperative agreement; and

''(B) to any eligible applicant, the Secretary shall ensure that such applicant has—

''(i) a history of effectiveness in providing high-quality technical assistance; and

''(ii) the capacity to meet the measurable performance indicators established under paragraph (3).

''(5) FLEXIBILITY IN COMPREHENSIVE CENTER NUMBER.—

''(A) DETERMINATION.—The Secretary, in consultation with the comprehensive center advisory boards described in subsection (f), may determine that establishing 17 comprehensive centers under this section is unnecessary, as required in subsection (a)(1), and grant an alternative number of awards or reorganize such centers, which may include organizing the centers around content area instead of by the regions described in subsection (a)(3), if—

''(i) an insufficient number of such comprehensive centers are meeting the needs of the regions described in paragraphs (3) and (4) of subsection (a), as determined by the Secretary;

''(ii) an insufficient number of such comprehensive centers are meeting the measurable performance indicators established under paragraph (3), as determined by the Secretary and the most recent interim or summative evaluation under section 204; or

''(iii) an insufficient number of eligible applicants have the capacity to meet the measurable performance indicators established under paragraph (3), as determined by the Secretary.

''(B) LIMITATION.—The Secretary shall not use the determination authority described in subparagraph (A) to establish more than 17 comprehensive centers under this section.

''(6) CONTINUATION OF AWARDS.—

''(A) CONTINUATION OF AWARDS.—The Secretary shall continue awards made to each eligible applicant for the support of comprehensive centers established under this section prior to the date of enactment of the Strengthening Education through Research Act, as such awards were in effect on the day before the date of enactment of such Act, for the duration of those awards, in accordance with the terms and agreements of such awards.

''(B) RECOMPETITION.—Not later than the end of the period of the awards described in subparagraph (A), the Secretary shall—

''(i) hold a competition to make grants, contracts, or cooperative agreements under this section to eligible applicants, which may include eligible applicants that held awards described in subparagraph (A); and

''(ii) in determining whether to select an eligible applicant that held an award described in subparagraph (A) for an award under clause (i) of this subparagraph, consider the results of the summative evaluation under section 204(b) of the center established with the eligible applicant's award described in subparagraph (A).

''(7) ELIGIBLE APPLICANT DEFINED.—For purposes of this section, the term 'eligible applicant' means an entity described in paragraph (1).'';

(3) by striking subsection (c) and inserting the following:

''(c) APPLICATIONS.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Each eligible applicant seeking a grant, contract, or cooperative agreement under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

''(B) INPUT.—To ensure that applications submitted under this paragraph are reflective of the needs of the regions to be served, each eligible applicant submitting such an application shall seek input from—

''(i) State educational agencies and local educational agencies in the region that the award will serve; and

''(ii) other individuals with knowledge of the region's needs.

''(2) PLAN.—

''(A) IN GENERAL.—Each application submitted under paragraph (1) shall contain a plan for the comprehensive center to be established under this section, which shall be updated, modified, and improved, as appropriate, on an ongoing basis, including by using the results of the center's interim evaluation under section 204(c).

''(B) CONTENTS.—A plan described in subparagraph (A) shall address—

''(i) the priorities for technical assistance established under section 207;

''(ii) the needs of State educational agencies and local educational agencies, on an ongoing basis, using available State and local data, including how the needs of schools identified for improvement and schools and local educational agencies with a high percentage or number of low-income students will be prioritized and served; and

''(iii) if available, demonstrated support from State educational agencies and local educational agencies, such as letters of support or signed memoranda of understanding.

''(3) NON-FEDERAL SUPPORT.—In conducting a competition for grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to eligible applicants that will provide a portion of non-Federal funds to maximize support for activities of the comprehensive centers to be established under this section.'';

(4) in subsection (d), by inserting ''the number of low-performing schools in the region,'' after ''economically disadvantaged students,'';

(5) by striking subsections (e), (g), and (h);

(6) by redesignating subsection (f) as subsection (e);

(7) in subsection (e), as redesignated by paragraph (6)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''support dissemination and technical assistance activities by'' and inserting ''support State educational agencies and local educational agencies, including by'';

(ii) in subparagraph (A)—

(I) in clause (i), by inserting ''and other Federal education laws'' before the semicolon;

(II) in clause (ii)—

(aa) in the matter preceding subclause (I), by striking ''and assessment tools'' and inserting '', assessment tools, and other educational strategies'';

(bb) in subclause (I), by striking ''mathematics, science,'' and inserting ''mathematics and science, which may include computer science or engineering,''; and

(cc) in subclause (III), by inserting '', including innovative tools and methods'' before the semicolon; and

(III) by striking clause (iii) and inserting the following:

''(iii) the replication and adaptation of exemplary practices and innovative methods that have an evidence base of effectiveness; and'';

(iii) in subparagraph (B)—

(I) by inserting '', consistent with section 114(j),'' after ''disseminating''; and

(II) by striking ''(as described'' and all that follows through ''is located''; and

(iv) by striking subparagraph (C) and inserting the following:

''(C) ensuring activities carried out under this section are relevant and responsive to the needs of the region being served.''; and

(B) in paragraph (2)—

(i) by inserting '', on an ongoing basis,'' after ''this section shall''; and

(ii) by striking ''in which the center is located'' and inserting ''served by the center or other regional educational laboratories or comprehensive centers, as appropriate''; and

(8) by adding at the end the following:

''(f) COMPREHENSIVE CENTER ADVISORY BOARD.—

''(1) ESTABLISHMENT.—Each comprehensive center established under this section may establish an advisory board that shall support the priorities of such center.

''(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—

''(A) concerning the activities described in subsection (e);

''(B) on strategies for monitoring and addressing the educational needs of the region being served on an ongoing basis and, as appropriate, national needs;

''(C) on maintaining a high standard of quality in the performance of the center's activities, especially in meeting the measurable performance indicators established under subsection (b)(3);

''(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement;

''(E) on the activities undertaken by regional educational laboratories of the region being served, other regional educational laboratories, as appropriate, and other comprehensive centers to align the work of the laboratories and centers, reduce redundancy, and increase collaboration and resource-sharing in such activities; and

''(F) on joint activities, with other comprehensive centers or regional educational laboratories from other regions, that would meet the needs of multiple regions.

''(3) COMPOSITION.—

''(A) IN GENERAL.—Each advisory board shall—

''(i) not exceed 25 members;

''(ii) include the chief State school officer, or such officer's designee, or other State official, of States within the region served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State;

''(iii) include representatives of local educational agencies, including rural and urban local educational agencies, that represent the geographic diversity of the region;

''(iv) include researchers; and

''(v) include not less than 1 representative from the advisory board of a regional educational laboratory in the region being served by the comprehensive center.

''(B) ELIGIBILITY.—The membership of each comprehensive center advisory board may include the following:

''(i) Representatives of institutions of higher education.

''(ii) Parents.

''(iii) Practicing educators, including classroom teachers, school leaders, administrators, school board members, and other local school officials.

''(iv) Representatives of business.

''(v) Policymakers.

''(4) RECOMMENDATIONS.—In choosing individuals for membership on a comprehensive center advisory board, the comprehensive center shall consult with, and solicit recommendations from, the Secretary, chief executive officers of States, chief State school officers, local educational agencies, and other education stakeholders within the applicable region.

''(5) SPECIAL RULE.—The total number of members on each board who are selected under clauses (ii) and (iii) of paragraph (3)(A), in the aggregate, shall exceed the total number of members who are selected under paragraph (3)(B), collectively.

''(g) REPORT TO THE SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

''(1) A summary of the center's activities and products developed during the previous year.

''(2) A listing of the State educational agencies, local educational agencies, and schools the center assisted during the previous year.

''(3) Using the measurable performance indicators established under subsection (b)(3), a description of how well the center is meeting educational needs of the region served by the center.

''(4) Any changes to the center's plan under subsection (c)(2) to improve its activities in the remaining years of the grant, contract, or cooperative agreement.''.

SEC. 204. EVALUATIONS.

Section 204 (20 U.S.C. 9603) is amended to read as follows:

''SEC. 204. EVALUATIONS.

''(a) IN GENERAL.—The Secretary shall—

''(1) provide for ongoing summative and interim evaluations described in subsections (b) and (c), respectively, of each of the comprehensive centers established under this title in carrying out the full range of duties of the center under this title; and

''(2) transmit the results of such evaluations, through appropriate means, to the appropriate congressional committees, the Director of the Institute of Education Sciences, and the public.

''(b) SUMMATIVE EVALUATION.—The Secretary shall ensure each comprehensive center established under this title is evaluated by an independent entity at the end of the period of the grant, contract, or cooperative agreement that established such center, which shall—

''(1) be completed in a timely fashion;

''(2) assess how well the center is meeting the measurable performance indicators established under section 203(b)(3); and

''(3) consider the extent to which the center ensures that the technical assistance of such center is relevant and useful to the work of State and local practitioners and policymakers.

''(c) INTERIM EVALUATION.—The Secretary shall ensure that each comprehensive center established under this title is evaluated at the midpoint of the period of the grant, contract, or cooperative agreement that established such center, which shall—

''(1) assess how well such center is meeting the measurable performance indicators established under section 203(b)(3); and

''(2) be used to improve the effectiveness of such center in carrying out its plan under section 203(c)(2).''.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

(a) REPEAL.—Section 205 (20 U.S.C. 9604) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by striking the item relating to section 205.

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) REPEAL.—Section 206 (20 U.S.C. 9605) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Act of November 5, 2002 (Public Law 107–279; 116 Stat. 1940), is amended by striking the item relating to section 206.

SEC. 207. PRIORITIES.

Section 207 (20 U.S.C. 9606) is amended—

(1) by inserting ''Director and'' before ''Secretary shall establish'';

(2) by striking ''of the Education Sciences Reform Act of 2002'';

(3) by striking ''of this title'';

(4) by striking ''to address, taking onto account the regional assessments conducted under section 206 and other'' and inserting '', respectively, using the results of''; and

(5) by striking ''relevant regional'' and all that follows through ''Secretary deems appropriate'' and inserting ''relevant regional and national surveys of educational needs''.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

Section 208 (20 U.S.C. 9607) is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end the following: '', the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)''; and

(B) by adding at the end the following: ''State educational agencies receiving a grant under this section may provide subgrants to local educational agencies to improve the capacity of local educational agencies to carry out the activities authorized under this section.'';

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (g), respectively;

(3) by inserting after subsection (b), the following:

''(c) PERFORMANCE MANAGEMENT.—Before awarding a grant under this section, the Secretary shall establish measurable performance indicators—

''(1) to be used to assess the ongoing progress and performance of State educational agencies receiving a grant under this section; and

''(2) that address paragraphs (1) through (3) of the performance management system described in section 185.'';

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking '', promotes linkages across States,'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''supports school improvement and'' after ''data that'';

(ii) in subparagraph (A), by striking ''and other reporting requirements and close achievement gaps; and'' and inserting ''and other reporting requirements, close achievement gaps, and improve teaching and school leadership;'';

(iii) in subparagraph (B), by striking ''and close achievement gaps; and'' and by inserting '', close achievement gaps, and improve teaching and school leadership; and''; and

(iv) by inserting after subparagraph (B) the following:

''(C) to align statewide, longitudinal data systems from early education through postsecondary education (including pre-service preparation programs), and the workforce, consistent with privacy protections under section 183;''; and

(C) by striking paragraph (3) and inserting the following:

''(3) ensures the protection of student privacy, and includes a review of how State educational agencies, local educational agencies, and others that will have access to the statewide, longitudinal data systems under this section will adhere to Federal privacy laws and protections, consistent with section 183, in the building, maintenance, and use of such data systems;

''(4) ensures State educational agencies receiving a grant under this section support professional development that builds the capacity of teachers and school leaders to use data effectively; and

''(5) gives priority to State educational agencies that leverage the use of statewide, longitudinal data systems to improve student achievement and growth, including such State educational agencies that—

''(A) are carrying out the activities described in section 153(a)(5);

''(B) define the roles of State educational agencies, local educational agencies, and others in providing timely access to data under the statewide, longitudinal data systems, consistent with privacy protections in section 183; and

''(C) demonstrate the capacity to share teacher and school leader performance data, including student achievement and growth data, with local educational agencies and teacher and school leader preparation programs.'';

(5) by inserting after subsection (e), as redesignated by paragraph (2), the following:

''(f) RENEWAL OF AWARDS.—The Secretary may renew a grant awarded to a State educational agency under this section for a period not to exceed 3 years, if the State educational agency has demonstrated progress on the measurable performance indicators established under subsection (c).''; and

(6) by striking subsection (g), as redesignated by paragraph (2), and inserting the following:

''(g) REPORTS.—

''(1) FIRST REPORT.—Not later than 1 year after the date of enactment of the Strengthening Education through Research Act, the Secretary shall prepare and make publicly available a report on the implementation and effectiveness of the activities carried out by State educational agencies receiving a grant under this section, including—

''(A) information on progress in the development and use of statewide, longitudinal data systems described in this section;

''(B) information on best practices and areas for improvement in such development and use; and

''(C) how the State educational agencies are adhering to Federal privacy laws and protections in the building, maintenance, and use of such data systems.

''(2) SUCCEEDING REPORTS.—Every succeeding 3 years after the report is made publicly available under paragraph (1), the Secretary shall prepare and make publicly available a report on the implementation and effectiveness of the activities carried out by State educational agencies receiving a grant under this section, including—

''(A) information on the requirements of subparagraphs (A) through (C) of paragraph (1); and

''(B) the progress, in the aggregate, State educational agencies are making on the measurable performance indicators established under subsection (c).''.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

Section 209 (20 U.S.C. 9608) is amended to read as follows:

''SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title—

''(1) for fiscal year 2016, $82,984,000;

''(2) for fiscal year 2017, $84,892,632;

''(3) for fiscal year 2018, $86,845,163;

''(4) for fiscal year 2019, $88,842,601;

''(5) for fiscal year 2020, $90,885,981; and

''(6) for fiscal year 2021, $92,548,906.''.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.).

SEC. 302. NATIONAL ASSESSMENT GOVERNING BOARD.

Section 302 (20 U.S.C. 9621) is amended—

(1) in subsection (a), by striking ''shall formulate policy guidelines'' and inserting ''shall oversee and set policies, in a manner consistent with subsection (e) and accepted professional standards,'';

(2) in subsection (b)(1)(L)—

(A) by striking ''principals'' and inserting ''leaders''; and

(B) by striking ''principal'' both places it appears and inserting ''leader'';

(3) in subsection (c), by striking paragraph (4);

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''the Assessment Board after consultation with'' before ''organizations''; and

(ii) in subparagraph (B)—

(I) by striking ''Each organization submitting nominations to the Secretary with'' and inserting ''With''; and

(II) by inserting '', the Assessment Board'' after ''particular vacancy''; and

(B) in paragraph (2)—

(i) by striking ''that each organization described in paragraph (1)(A) submit additional nominations'' and inserting ''additional nominations from the Assessment Board or each organization described in paragraph (1)(A)''; and

(ii) by striking ''such organization'' and inserting ''the Assessment Board''; and

(5) in subsection (e)(1)—

(A) in subparagraph (A)—

(i) by inserting ''in consultation with the Commissioner for Education Statistics,'' before ''select'';

(ii) by inserting ''and grades or ages'' before ''to be''; and

(iii) by inserting '', and determine the year in which such assessments will be conducted'' after ''assessed'';

(B) in subparagraph (D), by inserting ''school leaders,'' after ''teachers,'';

(C) in subparagraph (E), by striking ''design'' and inserting ''provide input on'';

(D) by striking ''and'' at the end of subparagraph (I);

(E) by redesignating subparagraph (J) as subparagraph (K);

(F) by inserting after subparagraph (I), the following:

''(J) provide input to the Director on annual budget requests for the National Assessment of Educational Progress; and'';

(G) in subparagraph (K), as redesignated by subparagraph (E)—

(i) by striking ''plan and execute the initial public release of''; and

(ii) by inserting ''release the initial'' before ''National''; and

(H) in the matter following subparagraph (K), as redesignated by subparagraph (E), by striking ''subparagraph (J)'' and inserting ''subparagraph (K)''.

SEC. 303. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

Section 303 (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking ''with the advice of the Assessment Board established under section 302'' and inserting ''in a manner consistent with accepted professional standards and the policies set forth by the Assessment Board under section 302(a)'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (D), by inserting ''and consistent with section 302(e)(1)(A)'' after ''resources allow'';

(ii) in subparagraph (G)—

(I) by striking ''limited English proficiency'' and inserting ''English learner status''; and

(II) by striking ''and'' at the end of subparagraph (G);

(iii) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(I) determine, after taking into account section 302(e)(1)(I), the content of initial and subsequent reports of all assessments authorized under this section and ensure that such reports are valid and reliable.''; and

(B) in paragraph (5)(C), by striking ''limited English proficiency'' and inserting ''English learner status'';

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''of Education'' after ''Secretary''; and

(B) in subparagraph (D)—

(i) by striking ''Chairman of the House'' before ''Committee on Education'';

(ii) by inserting ''of the House of Representatives'' after ''Workforce'';

(iii) by striking ''Chairman of the Senate'' before ''Committee on Health''; and

(iv) by inserting ''of the Senate'' after ''Pensions'';

(4) in subsection (d)(1), by inserting before the period, the following: '', except as required under section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(b)(1)(F))'';

(5) in subsection (e)—

(A) in paragraph (1), by striking ''or age''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''shall'' and all that follows through ''be'' and insert ''shall be'';

(II) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively (and by moving the margins 2 ems to the left); and

(III) in clause (ii), as redesignated by subclause (II), by striking '', or the age of the students, as the case may be'';

(ii) in subparagraph (B)—

(I) by striking ''After the determinations described in subparagraph (A), devising'' and inserting ''The Assessment Board shall, in making the determination described in subparagraph (A), use''; and

(II) by inserting '', providing for the active participation of teachers, school leaders,

curriculum specialists, local school administrators, parents, and concerned members of the general public'' after ''approach''; and

(iii) in subparagraph (D), by inserting ''Assessment'' before ''Board''; and

(6) in subsection (g)(2)—

(A) in the heading, by striking ''AFFAIRS'' and inserting ''EDUCATION''; and

(B) by striking ''Affairs'' and inserting ''Education''.

SEC. 304. DEFINITIONS.

Section 304 (20 U.S.C. 9623) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The terms 'elementary school', 'local educational agency', and 'secondary school' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) DIRECTOR.—The term 'Director' means the Director of the Institute of Education Sciences.

''(3) SCHOOL LEADER.—The term 'school leader' has the meaning given the term in section 102.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(5) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 305(a) (20 U.S.C. 9624(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated—

''(1) for fiscal year 2016—

''(A) $8,235,000 to carry out section 302 (relating to the National Assessment Governing Board); and

''(B) $129,000,000 to carry out section 303 (relating to the National Assessment of Educational Progress);

''(2) for fiscal year 2017—

''(A) $8,424,405 to carry out section 302 (relating to the National Assessment Governing Board); and

''(B) $131,967,000 to carry out section 303 (relating to the National Assessment of Educational Progress);

''(3) for fiscal year 2018—

''(A) $8,618,166 to carry out section 302 (relating to the National Assessment Governing Board); and

''(B) $135,002,241 to carry out section 303 (relating to the National Assessment of Educational Progress);

''(4) for fiscal year 2019—

''(A) $8,816,384 to carry out section 302 (relating to the National Assessment Governing Board); and

''(B) $138,107,293 to carry out section 303 (relating to the National Assessment of Educational Progress);

''(5) for fiscal year 2020—

''(A) $9,019,161 to carry out section 302 (relating to the National Assessment Governing Board); and

''(B) $141,283,760 to carry out section 303 (relating to the National Assessment of Educational Progress); and

''(6) for fiscal year 2021—

''(A) $9,184,183 to carry out section 302 (relating to the National Assessment Governing Board); and

''(B) $143,868,805 to carry out section 303 (relating to the National Assessment of Educational Progress).''.

TITLE IV—EVALUATION PLAN

SEC. 401. RESEARCH AND EVALUATION.

(a) IN GENERAL.—The Institute of Education Sciences shall be the primary entity for conducting research on and evaluations of Federal education programs within the Department of Education to ensure the rigor and independence of such research and evaluation.

(b) FLEXIBLE AUTHORITY.—

(1) RESERVATION.—Notwithstanding any other provision of law in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) related to evaluation, the Secretary of Education, in consultation with the Director of the Institute of Education Sciences—

(A) may, for purposes of carrying out the activities described in paragraph (2)(B)—

(i) reserve not more than 0.5 percent of the total amount of funds appropriated for each program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), other than part A of title I of such Act (20 U.S.C. 6311 et seq.) and section 1501 of such Act (20 U.S.C. 6491); and

(ii) reserve, in the manner described in subparagraph (B), an amount equal to not more than 0.1 percent of the total amount of funds appropriated for—

(I) part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.); and

(II) section 1501 of such Act (20 U.S.C. 6491); and

(B) in reserving the amount described in subparagraph (A)(ii)—

(i) shall reserve not more than the total amount of funds appropriated for section 1501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491); and

(ii) may, in a case in which the total amount of funds appropriated for such section 1501 (20 U.S.C. 6491) is less than the amount described in subparagraph (A)(ii), reserve the amount of funds appropriated for part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that is needed for the sum of the total amount of funds appropriated for such section 1501 (20 U.S.C. 6491) and such amount of funds appropriated for such part A of title I (20 U.S.C. 6311 et seq.) to equal the amount described in subparagraph (A)(ii).

(2) AUTHORIZED ACTIVITIES.—If funds are reserved under paragraph (1)—

(A) neither the Secretary of Education nor the Director of the Institute of Education Sciences shall—

(i) carry out evaluations under section 1501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491); or

(ii) reserve funds for evaluation activities under section 3111(c)(1)(C) of such Act (20 U.S.C. 6821(c)(1)(C)); and

(B) the Secretary of Education, in consultation with the Director of the Institute of Education Sciences—

(i) shall use the funds reserved under paragraph (1) to carry out high-quality evaluations (consistent with the requirements of section 173(a) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9563(a)), as amended by this Act, and the evaluation plan described in subsection (c) of this section) of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); and

(ii) may use the funds reserved under paragraph (1) to—

(I) increase the usefulness of the evaluations conducted under clause (i) to promote continuous improvement of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

(II) assist grantees of such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under clause (i).

(3) DISSEMINATION.—The Secretary of Education or the Director of the Institute of Education Sciences shall disseminate evaluation findings, consistent with section 114(j) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9514(j)), as amended by this Act, of evaluations carried out under paragraph (2)(B)(i).

(4) CONSOLIDATION.—The Secretary of Education, in consultation with the Director of the Institute of Education Sciences—

(A) may consolidate the funds reserved under paragraph (1) for purposes of carrying out the activities under paragraph (2)(B); and

(B) shall not be required to evaluate under paragraph (2)(B)(i) each program authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) each year.

(c) EVALUATION PLAN.—The Director of the Institute of Education Sciences, in consultation with the Secretary of Education, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—

(1) describes the specific activities that will be carried out under subsection (b)(2)(B) for the 2-year period applicable to the plan, and the timelines of such activities;

(2) contains the results of the activities carried out under subsection (b)(2)(B) for the most recent 2-year period; and

(3) describes how programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) will be regularly evaluated.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect section 173(b) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9563(b)), as amended by this Act.

SA 2934. Mr. MCCONNELL (for Mr. KIRK) proposed an amendment to the resolution S. Res. 148, condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights; as follows:

On page 5, line 8, strike ''12'' and insert ''9''.

SA 2935. Mr. MCCONNELL (for Mr. KIRK) proposed an amendment to the resolution S. Res. 148, condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights; as follows:

In the tenth whereas clause of the preamble, strike ''12'' and insert ''9''.

In the thirteenth whereas clause of the preamble, strike ''100'' and insert ''71''.

SA 2936. Mr. MCCONNELL (for Mr. CORKER (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 515, to protect children and others from sexual abuse and exploitation, including sex trafficking and sex tourism, by providing advance notice of intended travel by registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known sex offender is seeking to enter the United States, and for other purposes; as follows:

On page 42, strike lines 13 through 17 and insert the following:

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $6,000,000 for each of fiscal years 2017 and 2018.

SA 2937. Mr. MCCONNELL (for Mr. CARDIN) proposed an amendment to the bill S. 284, to impose sanctions with respect to foreign persons responsible for

gross violations of internationally recognized human rights, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Magnitsky Human Rights Accountability Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(2) PERSON.—The term ''person'' means an individual or entity.

(3) 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. 3. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person 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) 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 this section.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) GOOD.—In this subparagraph, the term ''good'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(c) CONSIDERATION OF CERTAIN INFORMATION IN IMPOSING SANCTIONS.—In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(1) determine if that person has engaged in such an activity; and

(2) submit a report to the chairperson and ranking member of that committee with respect to that determination that includes—

(A) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(B) if the President imposed or intends to impose sanctions, a description of those sanctions.

(e) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT OBJECTIVES.—Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual into the United States would further important law enforcement objectives or 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 of the United States.

(f) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out subsection (b)(2) 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.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the vital national security interests of the United States.

(h) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(i) IDENTIFICATION OF SANCTIONABLE FOREIGN PERSONS.—The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with subsection (b), a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section 3 during the year preceding the submission of the report;

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President—

(A) imposed sanctions under section 3(a) during that year; and

(B) terminated sanctions under section 3(g) during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized by section 3.

(b) DATES FOR SUBMISSION.—

(1) INITIAL REPORT.—The President shall submit the initial report under subsection (a) not later than 120 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—The President shall submit a subsequent report under subsection (a) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(B) CONGRESSIONAL STATEMENT.—Congress notes that December 10 of each calendar year has been recognized in the United States and internationally since 1950 as ''Human Rights Day''.

(c) FORM OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this Act; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section 3(a).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The unclassified portion of the report required by subsection (a) shall be made available to the public, including through publication in the Federal Register.

(2) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to the nomination of David Malcolm Robinson to be Coordinator for Reconstruction and Stabilization, PN336, dated December 17, 2015.

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to the nomination of David Malcolm Robinson to be Assistant Secretary of State (Conflict and Stabilization Operations), PN337, dated December 17, 2015.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 17, 2015, at 9:30 a.m., to conduct a hearing entitled ''The Status of JCPOA Implementation and Related Issues.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 17, 2015, at 2:30 p.m.

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

NOMINATIONS DISCHARGED

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged and the Senate proceed to the consideration of the following nominations en bloc: PN645 and PN424.

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

EXECUTIVE SESSION

PRESIDENTIAL NOMINATIONS

The PRESIDING OFFICER. The Senate will proceed now to executive session to consider the following nominations, which the clerk will report en bloc.

The senior assistant legislative clerk read the nominations of Darlene Michele Soltys, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years; and Robert A. Salerno, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote en bloc without intervening action or debate on the nominations in the order listed; that following disposition of the nominations, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

If there is no further debate, the question is, Will the Senate advise and consent to the Salerno and Soltys nominations en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 102, which is at the desk.

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

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 102) providing for a joint session of Congress to receive a message from the President.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 102) was agreed to.

CONVENING OF THE SECOND SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 76, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 76) appointing the day for the convening of the second session of the One Hundred Fourteenth Congress.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The joint resolution (H.J. Res. 76) was ordered to a third reading, was read the third time, and passed, as follows:

H.J. RES. 76

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the One Hundred Fourteenth Congress shall begin at noon on Monday, January 4, 2016.

STRENGTHENING EDUCATION THROUGH RESEARCH ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 13, S. 227.

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

The senior assistant legislative clerk read as follows:

A bill (S. 227) to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement.

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

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

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

The amendment (No. 2933) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 227), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CONDEMNING THE GOVERNMENT OF IRAN'S STATE-SPONSORED PERSECUTION OF ITS BAHA'I MINORITY AND ITS CONTINUED VIOLATION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 263, S. Res. 148.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 148) condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

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

Mr. MCCONNELL. I ask unanimous consent that the Kirk amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the Kirk amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 2934) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 5, line 8, strike ''12'' and insert ''9''.

The resolution (S. Res. 148), as amended, was agreed to.

The amendment (No. 2935) was agreed to, as follows:

(Purpose: To make technical corrections)

In the tenth whereas clause of the preamble, strike ''12'' and insert ''9''.

In the thirteenth whereas clause of the preamble, strike ''100'' and insert ''71''.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 148

Whereas, in 1982, 1984, 1988, 1990, 1992, 1993, 1994, 1996, 2000, 2004, 2006, 2008, 2009, 2012, and 2013, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i Faith;

Whereas the United States Commission on International Religious Freedom 2014 Report stated, ''The Baha'i community, the largest non-Muslim religious minority in Iran, long has been subject to particularly severe religious freedom violations. The government views Baha'is, who number at least 300,000, as 'heretics' and consequently they face repression on the grounds of apostasy.'';

Whereas the United States Commission on International Religious Freedom 2014 Report stated that ''[s]ince 1979, authorities have killed or executed more than 200 Baha'i leaders, and more than 10,000 have been dismissed from government and university jobs'' and ''[m]ore than 700 Baha'is have been arbitrarily arrested since 2005'';

Whereas the Department of State 2013 International Religious Freedom Report stated that the Government of Iran ''prohibits Baha'is from teaching and practicing their faith and subjects them to many forms of discrimination not faced by members of other religious groups'' and ''since the 1979 Islamic Revolution, formally denies Baha'i students access to higher education'';

Whereas the Department of State 2013 International Religious Freedom Report stated, ''The government requires Baha'is to register with the police,'' and ''The government raided Baha'i homes and businesses and confiscated large amounts of private and commercial property, as well as religious materials.'';

Whereas the Department of State 2013 International Religious Freedom Report stated, ''Baha'is are regularly denied compensation for injury or criminal victimization and the right to inherit property.'';

Whereas, on August 27, 2014, the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran issued a report (A/69/356), which stated, ''The human rights situation in the Islamic Republic of Iran remains of concern. Numerous issues flagged by the General Assembly, the United Nations human rights mechanisms and the Secretary-General persist, and in some cases appear to have worsened, some recent overtures made by the Administration and the parliament notwithstanding.'';

Whereas, on December 18, 2014, the United Nations General Assembly adopted a resolution (A/RES/69/190), which ''[e]xpresse[d] deep concern'' over ''[c]ontinued discrimination, persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha'i [F]aith . . . and the effective criminalization of membership in the Baha'i [F]aith,'' and called upon the Government of Iran to ''emancipate the Baha'i community . . . and to accord all Baha'is, including those imprisoned because of their beliefs, the due process of law and the rights that they are constitutionally guaranteed'';

Whereas, since May of 2008, the Government of Iran has imprisoned the seven members of the former ad hoc leadership group of the Baha'i community in Iran, known as the Yaran-i-Iran, or ''friends of Iran''—Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm—and these individuals are serving 20-year prison terms, the longest sentences given to any current prisoner of conscience in Iran, on charges including ''spying for Israel, insulting religious sanctities, propaganda against the regime and spreading corruption on earth'';

Whereas, beginning in May 2011, officials of the Government of Iran in 4 cities conducted sweeping raids on the homes of dozens of individuals associated with the Baha'i Institute for Higher Education (BIHE) and arrested and detained several educators associated with BIHE, and 9 BIHE educators are now serving 4- or 5-year prison terms;

Whereas scores of Baha'i cemeteries have been attacked, and, in April 2014, Revolutionary Guards began excavating a Baha'i cemetery in Shiraz, which is the site of 950 graves;

Whereas the Baha'i International Community reported that there has been a recent surge in anti-Baha'i hate propaganda in Iranian state-sponsored media outlets, noting that, in 2010 and 2011, approximately 22 anti-Baha'i articles were appearing every month, and, in 2014, the number of anti-Baha'i articles rose to approximately 401 per month—18 times the previous level;

Whereas there are currently 71 Baha'is in prison in Iran;

Whereas the Government of Iran is party to the International Covenants on Human Rights and is in violation of its obligations under the Covenants; and

Whereas the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) authorizes the President and the Secretary of State to impose sanctions on individuals ''responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009'': Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the 7 imprisoned Baha'i leaders, the 9 imprisoned Baha'i educators, and all other prisoners held solely on account of their religion;

(3) calls on the President and Secretary of State, in cooperation with responsible nations, to immediately condemn the Government of Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion; and

(4) urges the President and Secretary of State to utilize available authorities, including the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, to impose sanctions on officials of the Government of Iran and other individuals directly responsible for serious human rights abuses, including abuses against the Baha'i community of Iran.

INTERNATIONAL MEGAN'S LAW TO PREVENT DEMAND FOR CHILD SEX TRAFFICKING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 296, H.R. 515.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 515) to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the title.

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan's Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) In 2006, Congress passed the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) to protect children and the public at large by establishing a comprehensive national system for the registration and notification to the public and law enforcement officers of convicted sex offenders.

(4) Law enforcement reports indicate that known child-sex offenders are traveling internationally.

(5) The commercial sexual exploitation of minors in child sex trafficking and pornography is a global phenomenon. The International Labour Organization has estimated that 1,8000,000 children worldwide are victims of child sex trafficking and pornography each year.

(6) Child sex tourism, where an individual travels to a foreign country and engages in sexual activity with a child in that country, is a form of child exploitation and, where commercial, child sex trafficking.

SEC. 3. DEFINITIONS.

In this Act:

(1) CENTER.—The term ''Center'' means the Angel Watch Center established pursuant to section 4(a).

(2) CONVICTED.—The term ''convicted'' has the meaning given the term in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(3) COVERED SEX OFFENDER.—Except as otherwise provided, the term ''covered sex offender'' means an individual who is a sex offender by reason of having been convicted of a sex offense against a minor.

(4) DESTINATION COUNTRY.—The term ''destination country'' means a destination or transit country.

(5) INTERPOL.—The term ''INTERPOL'' means the International Criminal Police Organization.

(6) JURISDICTION.—The term ''jurisdiction'' means—

(A) a State;
(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico;
(D) Guam;
(E) American Samoa;
(F) the Northern Mariana Islands;
(G) the United States Virgin Islands; and
(H) to the extent provided in, and subject to the requirements of, section 127 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927), a Federally recognized Indian tribe.

(7) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

(8) NATIONAL SEX OFFENDER REGISTRY.—The term ''National Sex Offender Registry'' means the National Sex Offender Registry established by section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(9) SEX OFFENDER UNDER SORNA.—The term ''sex offender under SORNA'' has the meaning given the term ''sex offender'' in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(10) SEX OFFENSE AGAINST A MINOR.—

(A) IN GENERAL.—The term ''sex offense against a minor'' means a specified offense against a minor, as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911).

(B) OTHER OFFENSES.—The term ''sex offense against a minor'' includes a sex offense described in section 111(5)(A) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)(A)) that is a specified offense against a minor, as defined in paragraph (7) of such section, or an attempt or conspiracy to commit such an offense.

(C) FOREIGN CONVICTIONS; OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—The limitations contained in subparagraphs (B) and (C) of section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(5)) shall apply with respect to a sex offense against a minor for purposes of this Act to the same extent and in the same manner as such limitations apply with respect to a sex offense for purposes of the Adam Walsh Child Protection and Safety Act of 2006.

SEC. 4. ANGEL WATCH CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish within the Child Exploitation Investigations Unit of U.S. Immigrations and Customs Enforcement a Center, to be known as the ''Angel Watch Center'', to carry out the activities specified in subsection (e).

(b) INCOMING NOTIFICATION.—

(1) IN GENERAL.—The Center may receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature.

(2) NOTIFICATION.—Upon receiving an incoming notification under paragraph (1), the Center shall—

(A) immediately share all information received relating to the individual with the Department of Justice; and

(B) share all relevant information relating to the individual with other Federal, State, and local agencies and entities, as appropriate.

(3) COLLABORATION.—The Secretary of Homeland Security shall collaborate with the Attorney General to establish a process for the receipt, dissemination, and categorization of information relating to individuals and specific offenses provided herein.

(c) LEADERSHIP.—The Center shall be headed by the Assistant Secretary of U.S. Immigration and Customs Enforcement, in collaboration with the Commissioner of U.S. Customs and Border Protection and in consultation with the Attorney General and the Secretary of State.

(d) MEMBERS.—The Center shall consist of the following:

(1) The Assistant Secretary of U.S. Immigration and Customs Enforcement.

(2) The Commissioner of U.S. Customs and Border Protection.

(3) Individuals who are designated as analysts in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(4) Individuals who are designated as program managers in U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection.

(e) ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section, the Center shall, using all relevant databases, systems and sources of information, not later than 48 hours before scheduled departure, or as soon as practicable before scheduled departure—

(A) determine if individuals traveling abroad are listed on the National Sex Offender Registry;

(B) review the United States Marshals Service's National Sex Offender Targeting Center case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel to identify any individual who meets the criteria described in subparagraph (A) and is not in a system reviewed pursuant to this subparagraph; and

(C) provide a list of individuals identified under subparagraph (B) to the United States Marshals Service's National Sex Offender Targeting Center to determine compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

(2) PROVISION OF INFORMATION TO CENTER.—Twenty-four hours before the intended travel, or thereafter, not later than 72 hours after the intended travel, the United States Marshals Service's National Sex Offender Targeting Center shall provide, to the Angel Watch Center, information pertaining to any sex offender described in subparagraph (C) of paragraph (1).

(3) ADVANCE NOTICE TO DESTINATION COUNTRY.—

(A) IN GENERAL.—The Center may transmit relevant information to the destination country about a sex offender if—

(i) the individual is identified by a review conducted under paragraph (1)(B) as having provided advanced notice of international travel; or

(ii) after completing the activities described in paragraph (1), the Center receives information pertaining to a sex offender under paragraph (2).

(B) EXCEPTIONS.—The Center may immediately transmit relevant information on a sex offender to the destination country if—

(i) the Center becomes aware that a sex offender is traveling outside of the United States within 24 hours of intended travel, and simultaneously completes the activities described in paragraph (1); or

(ii) the Center has not received a transmission pursuant to paragraph (2), provided it is not more than 24 hours before the intended travel.

(C) CORRECTIONS.—Upon receiving information that a notification sent by the Center regarding an individual was inaccurate, the Center shall immediately—

(i) send a notification of correction to the destination country notified;

(ii) correct all data collected pursuant to paragraph (6); and

(iii) if applicable, notify the Secretary of State for purposes of the passport review and marking processes described in section 240 of Public Law 110–457.

(D) FORM.—The notification under this paragraph may be transmitted through such means as are determined appropriate by the Center, including through U.S. Immigration and Customs Enforcement attaches.

(4) MEMORANDUM OF AGREEMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall enter into a Memorandum of Agreement with the Attorney General to facilitate the activities of the Angel Watch Center in collaboration with the United States Marshals Service's

National Sex Offender Targeting Center, including the exchange of information, the sharing of personnel, access to information and databases in accordance with paragraph (1)(B), and the establishment of a process to share notifications from the international community in accordance with subsection (b)(1).

(5) PASSPORT APPLICATION REVIEW.—

(A) IN GENERAL.—The Center shall provide a written determination to the Department of State regarding the status of an individual as a covered sex offender (as defined in section 240 of Public Law 110–457) when appropriate.

(B) EFFECTIVE DATE.—Subparagraph (A) shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General that the process developed and reported to the appropriate congressional committees under section 9 has been successfully implemented.

(6) COLLECTION OF DATA.—The Center shall collect all relevant data, including—

(A) a record of each notification sent under paragraph (3);

(B) the response of the destination country to notifications under paragraph (3), where available;

(C) any decision not to transmit a notification abroad, to the extent practicable;

(D) the number of transmissions made under subparagraphs (A),(B), and (C) of paragraph (3) and the countries to which they are transmitted, respectively;

(E) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(F) any other information deemed necessary and appropriate by the Secretary of Homeland Security.

(7) COMPLAINT REVIEW.—

(A) IN GENERAL.—The Center shall—

(i) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(ii) ensure that any complaint is promptly reviewed; and

(iii) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(B) RESPONSE TO COMPLAINTS.—The Center shall, as applicable—

(i) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(ii) take action to ensure that a notification or information regarding the individual is not erroneously transmitted to a destination country in the future; and

(iii) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the Center has taken or is taking under clause (ii).

(C) PUBLIC AWARENESS.—The Center shall make publicly available information on how an individual may submit a complaint under this section.

(D) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall submit an annual report to the appropriate congressional committees (as defined in section 9) that includes—

(i) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under paragraph (3); and

(ii) the actions taken to prevent similar errors from occurring in the future.

(8) ANNUAL REVIEW PROCESS.—The Center shall establish, in coordination with the Attorney General, the Secretary of State, and INTERPOL, an annual review process to ensure that there is appropriate coordination and collaboration, including consistent procedures governing the activities authorized under this Act, in carrying out this Act.

(9) INFORMATION REQUIRED.—The Center shall make available to the United States Marshals Service's National Sex Offender Targeting Center information on travel by sex offenders in a timely manner.

(f) DEFINITION.—In this section, the term ''sex offender'' means—

(1) a covered sex offender; or

(2) an individual required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry, on the basis of an offense against a minor.

SEC. 5. NOTIFICATION BY THE UNITED STATES MARSHALS SERVICE.

(a) IN GENERAL.—The United States Marshals Service's National Sex Offender Targeting Center may—

(1) transmit notification of international travel of a sex offender to the destination country of the sex offender, including to the visa-issuing agent or agents in the United States of the country;

(2) share information relating to traveling sex offenders with other Federal, State, local, and foreign agencies and entities, as appropriate;

(3) receive incoming notifications concerning individuals seeking to enter the United States who have committed offenses of a sexual nature and shall share the information received immediately with the Department of Homeland Security; and

(4) perform such other functions at the Attorney General or the Director of the United States Marshals Service may direct.

(b) CONSISTENT NOTIFICATION.—In making notifications under subsection (a)(1), the United States Marshals Service's National Sex Offender Targeting Center shall, to the extent feasible and appropriate, ensure that the destination country is consistently notified in advance about sex offenders under SORNA identified through their inclusion in sex offender registries of jurisdictions or the National Sex Offender Registry.

(c) INFORMATION REQUIRED.—For purposes of carrying out this Act, the United States Marshals Service's National Sex Offender Targeting Center shall—

(1) make the case management system or other system that provides access to a list of individuals who have provided advanced notice of international travel available to the Angel Watch Center;

(2) provide the Angel Watch Center a determination of compliance with title I of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) for the list of individuals transmitted under section 4(e)(1)(C);

(3) make available to the Angel Watch Center information on travel by sex offenders in a timely manner; and

(4) consult with the Department of State regarding operation of the international notification program authorized under this Act.

(d) CORRECTIONS.—Upon receiving information that a notification sent by the United States Marshals Service's National Sex Offender Targeting Center regarding an individual was inaccurate, the United States Marshals Service's National Sex Offender Targeting Center shall immediately—

(1) send a notification of correction to the destination country notified;

(2) correct all data collected in accordance with subsection (f); and

(3) if applicable, send a notification of correction to the Angel Watch Center.

(e) FORM.—The notification under this section may be transmitted through such means as are determined appropriate by the United States Marshals Service's National Sex Offender Targeting Center, including through the INTERPOL notification system and through Federal Bureau of Investigation Legal attaches.

(f) COLLECTION OF DATA.—The Attorney General shall collect all relevant data, including—

(1) a record of each notification sent under subsection (a);

(2) the response of the destination country to notifications under paragraphs (1) and (2) of subsection (a), where available;

(3) any decision not to transmit a notification abroad, to the extent practicable;

(4) the number of transmissions made under paragraphs (1) and (2) of subsection (a) and the countries to which they are transmitted;

(5) whether the information was transmitted to the destination country before scheduled commencement of sex offender travel; and

(6) any other information deemed necessary and appropriate by the Attorney General.

(g) COMPLAINT REVIEW.—

(1) IN GENERAL.—The United States Marshals Service's National Sex Offender Targeting Center shall—

(A) establish a mechanism to receive complaints from individuals affected by erroneous notifications under this section;

(B) ensure that any complaint is promptly reviewed; and

(C) in the case of a complaint that involves a notification sent by another Federal Government entity, notify the individual of the contact information for the appropriate entity and forward the complaint to the appropriate entity for prompt review and response pursuant to this section.

(2) RESPONSE TO COMPLAINTS.—The United States Marshals Service's National Sex Offender Targeting Center shall, as applicable—

(A) provide the individual with notification in writing that the individual was erroneously subjected to international notification;

(B) take action to ensure that a notification or information regarding the individual is not erroneously transmitted to a destination country in the future; and

(C) submit an additional written notification to the individual explaining why a notification or information regarding the individual was erroneously transmitted to the destination country and describing the actions that the United States Marshals Service's National Sex Offender Targeting Center has taken or is taking under subparagraph (B).

(3) PUBLIC AWARENESS.—The United States Marshals Service's National Sex Offender Targeting Center shall make publicly available information on how an individual may submit a complaint under this section.

(4) REPORTING REQUIREMENT.—The Attorney General shall submit an annual report to the appropriate congressional committees (as defined in section 9) that includes—

(A) the number of instances in which a notification or information was erroneously transmitted to the destination country of an individual under subsection (a); and

(B) the actions taken to prevent similar errors from occurring in the future.

(h) DEFINITION.—In this section, the term ''sex offender'' means—

(1) a sex offender under SORNA; or

(2) a person required to register under the sex offender registration program of any jurisdiction or included in the National Sex Offender Registry.

SEC. 6. INTERNATIONAL TRAVEL.

(a) REQUIREMENT THAT SEX OFFENDERS PROVIDE INTERNATIONAL TRAVEL RELATED INFORMATION TO SEX OFFENDER REGISTRIES.—Section 114 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16914) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (7) as paragraph (8); and;

(B) by inserting after paragraph (6) the following:

''(7) Information relating to intended travel of the sex offender outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and flight numbers for air travel, destination country and

address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General.''; and

(2) by adding at the end the following:

''(c) TIME AND MANNER.—A sex offender shall provide and update information required under subsection (a), including information relating to intended travel outside the United States required under paragraph (7) of that subsection, in conformity with any time and manner requirements prescribed by the Attorney General.''.

(b) CONFORMING AMENDMENTS TO SECTION 2250 OF TITLE 18, UNITED STATES CODE.—Section 2250 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

''(b) INTERNATIONAL TRAVEL REPORTING VIOLATIONS.—Whoever—

''(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

''(2) knowingly fails to provide information required by the Sex Offender Registration and Notification Act relating to intended travel in foreign commerce; and

''(3) engages or attempts to engage in the intended travel in foreign commerce;

shall be fined under this title, imprisoned not more than 10 years, or both.''; and

(3) in subsections (c) and (d), as redesignated, by striking ''subsection (a)'' each place it appears and inserting ''subsection (a) or (b)''.

(c) IMPLEMENTATION.—In carrying out this Act, and the amendments made by this Act, the Attorney General may use the resources and capacities of any appropriate agencies of the Department of Justice, including the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the United States Marshals Service, INTERPOL Washington-U.S. National Central Bureau, the Federal Bureau of Investigation, the Criminal Division, and the United States Attorneys' Offices.

SEC. 7. RECIPROCAL NOTIFICATIONS.

It is the sense of Congress that the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, should seek reciprocal international agreements or arrangements to further the purposes of this Act and the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.). Such agreements or arrangements may establish mechanisms and undertakings to receive and transmit notices concerning international travel by sex offenders, through the Angel Watch Center, the INTERPOL notification system, and such other means as may be appropriate, including notification by the United States to other countries relating to the travel of sex offenders from the United States, reciprocal notification by other countries to the United States relating to the travel of sex offenders to the United States, and mechanisms to correct and, as applicable, remove from any other records, any inaccurate information transmitted through such notifications.

SEC. 8. UNIQUE PASSPORT IDENTIFIERS FOR COVERED SEX OFFENDERS.

(a) AMENDMENT TO PUBLIC LAW 110-457.—Title II of Public Law 110–457 is amended by adding at the end the following:

''SEC. 240. UNIQUE PASSPORT IDENTIFIERS FOR COVERED SEX OFFENDERS.

''(a) IN GENERAL.—Immediately after receiving a written determination from the Angel Watch Center that an individual is a covered sex offender, through the process developed for that purpose under section 9 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, the Secretary of State shall take appropriate action under subsection (b).

''(b) AUTHORITY TO USE UNIQUE PASSPORT IDENTIFIERS.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary of State shall not issue a passport to a covered sex offender unless the passport contains a unique identifier, and may revoke a passport previously issued without such an identifier of a covered sex offender.

''(2) AUTHORITY TO REISSUE.—Notwithstanding paragraph (1), the Secretary of State may reissue a passport that does not include a unique identifier if an individual described in subsection (a) reapplies for a passport and the Angel Watch Center provides a written determination, through the process developed for that purpose under section 9 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, to the Secretary of State that the individual is no longer required to register as a covered sex offender.

''(c) DEFINED TERMS.—In this section—

''(1) the term 'covered sex offender' means an individual who—

''(A) is a sex offender, as defined in section 4(f) of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders; and

''(B) is currently required to register under the sex offender registration program of any jurisdiction;

''(2) the term 'unique identifier' means any visual designation affixed to a conspicuous location on the passport indicating that the individual is a covered sex offender; and

''(3) the term 'passport' means a passport book or passport card.

''(d) PROHIBITION.—The Secretary of State, the Secretary of Homeland Security, and the Attorney General, and their agencies, officers, employees, and agents, shall not be liable to any person for any action taken under this section.

''(e) DISCLOSURE.—In furtherance of this section, the Secretary of State may require a passport applicant to disclose that they are a registered sex offender.

''(f) EFFECTIVE DATE.—This section shall take effect upon certification by the Secretary of State, the Secretary of Homeland Security, and the Attorney General, that the process developed and reported to the appropriate congressional committees under section 9 of the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders has been successfully implemented.''.

SEC. 9. IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall develop a process by which to implement section 4(e)(5) and the provisions of section 240 of Public Law 110–457, as added by section 8 of this Act.

(b) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, the Secretary of State, and the Attorney General shall jointly submit a report to, and shall consult with, the appropriate congressional committees on the process developed under subsection (a), which shall include a description of the proposed process and a timeline and plan for implementation of that process, and shall identify the resources required to effectively implement that process.

(c) ''APPROPRIATE CONGRESSIONAL COMMITTEES'' DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

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

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

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

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

(6) the Committee on the Judiciary of the House of Representatives;

(7) the Committee on Appropriations of the Senate; and

(8) the Committee on Appropriations of the House of Representatives.

SEC. 10. TECHNICAL ASSISTANCE.

The Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of State, the Attorney General, and the Secretary of Homeland Security such sums as may be necessary to carry out this Act.

SEC. 12. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit international information sharing or law enforcement cooperation relating to any person pursuant to any authority of the Department of Justice, the Department of Homeland Security, or any other department or agency.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported substitute be agreed to; that the Corker amendment at the desk be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The amendment (No. 2936) was agreed to, as follows:

(Purpose: To modify the authorization of appropriations)

On page 42, strike lines 13 through 17 and insert the following:

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $6,000,000 for each of fiscal years 2017 and 2018.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 515), as amended, was passed.

RURAL ACO PROVIDER EQUITY ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 2261 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. 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. 2261) to amend title XVIII of the Social Security Act to improve the way beneficiaries are assigned under the Medicare shared savings program by also basing such assignment on services furnished by Federally qualified health centers and rural health clinics.

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

Mr. MCCONNELL. 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 (S. 2261) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2261

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 ''Rural ACO Provider Equity Act of 2015''.

SEC. 2. IMPROVEMENTS TO THE ASSIGNMENT OF BENEFICIARIES UNDER THE MEDICARE SHARED SAVINGS PROGRAM.

Section 1899(c) of the Social Security Act (42 U.S.C. 1395jjj(c)) is amended—

(1) by striking ''utilization of primary'' and inserting ''utilization of—

''(1) in the case of performance years beginning on or after April 1, 2012, primary'';

(2) in paragraph (1), as added by paragraph (1) of this section, by striking the period at the end and inserting ''; and''; and

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

''(2) in the case of performance years beginning on or after January 1, 2018, services provided under this title by a Federally qualified health center or rural health clinic (as those terms are defined in section 1861(aa)), as may be determined by the Secretary.''.

NATIONAL GUARD AND RESERVIST DEBT RELIEF EXTENSION ACT OF 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4246, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4246) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed and that 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. 4246) was ordered to a third reading, was read the third time, and passed.

GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 174, S. 284.

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

The senior assistant legislative clerk read as follows:

A bill (S. 284) to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment.

(Insert the part printed in italic.)

S. 284

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Magnitsky Human Rights Accountability Act''.

SEC. 2. DEFINITIONS.

In this Act:

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

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(3) PERSON.—The term ''person'' means an individual or entity.

(4) 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. 3. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person 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) 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 this section.

(c) CONSIDERATION OF CERTAIN INFORMATION IN IMPOSING SANCTIONS.—In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(1) determine if that person has engaged in such an activity; and

(2) submit a report to the chairperson and ranking member of that committee with respect to that determination that includes—

(A) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(B) if the President imposed or intends to impose sanctions, a description of those sanctions.

(e) WAIVER FOR NATIONAL SECURITY INTERESTS.—The President may waive the application of sanctions under this section with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) before granting the waiver, submits to the appropriate congressional committees notice of, and a justification for, the waiver.

(f) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual 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 of the United States.

(g) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out subsection (b)(2) 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.

(h) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed; or

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future.

(i) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(j) IDENTIFICATION OF SANCTIONABLE FOREIGN PERSONS.—The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

SEC. 4. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section 3 during the year preceding the submission of the report;

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President—

(A) imposed sanctions under section 3(a) during that year; and

(B) terminated sanctions under section 3(h) during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to impose sanctions that are similar to the sanctions authorized by section 3.

(b) FORM OF REPORT.—

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

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this Act; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section 3(a).

(c) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The unclassified portion of the report required by subsection (a) shall be made available to the public, including through publication in the Federal Register.

(2) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn; that the Cardin amendment which is at the desk be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment was withdrawn.

The amendment (No. 2937) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 284), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, DECEMBER 18, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Friday, December 18; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 7:17 p.m., adjourned until Friday, December 18, 2015, at 9:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

ROBERT A. SALERNO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DARLENE MICHELE SOLTYS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 17, 2015:

THE JUDICIARY

ROBERT A. SALERNO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DARLENE MICHELE SOLTYS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.