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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, who hears our prayers and listens to our cries for help, thank You for Your mercies that come to us new each day. You save us with Your strength, continually showing us Your unfailing love.

Help our lawmakers today to discern Your voice and do Your will. Lord, give them the ability to differentiate Your guidance from all others, permitting You to lead them to Your desired destination. Speak to them through Your Word, guide them with Your Spirit, and sustain them with Your might.

O God, You are our rock, our fortress, and our Savior. All Your promises prove true.

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. COTTON). The majority leader is recognized.

THE APPROPRIATIONS PROCESS

Mr. MCCONNELL. Mr. President, last week, the Republican-led Senate passed, by an overwhelming majority, the first appropriations bill of the year—the energy security and water infrastructure funding bill. The Republican-led Senate did so in record early time. We began considering an annual appropriations bill this year at the earliest point in 40 years—40 years—and then we passed an annual appropriations bill this year at the earliest point in 40 years. Passage of this bill also marks the first time the Senate has passed an individual energy and water funding measure since 2009.

This shows what is possible with a little cooperation and regular order. By returning to regular order, we are better able to make better decisions about how taxpayer dollars are spent through the appropriations bills.

Here is what we mean when we talk about returning to regular order. We mean working in committee and allowing Senators from both sides to have their voices heard. We mean bringing bills to the floor and empowering more Members to offer suggestions they think might make a good bill even better. We mean working through hours of debate and deliberation, processing amendments from both sides, and then arriving at a final bill that actually passes.

That is just what we did here, and it resulted in the record early passage of an energy and water appropriations bill that will help support economic development, waterways infrastructure, and energy programs—initiatives that are important in my home State of Kentucky and in States across our country.

So I want to thank Senator ALEXANDER for working diligently with Senator FEINSTEIN to move this bill forward. They collaborated with both Democratic and Republican colleagues to ensure a fair process and an outcome that a majority of Senators could support.

I also want to thank Chairman COCHRAN and Ranking Member MIKULSKI for working within the Committee on Appropriations to move appropriations measures so early this year. We have already begun considering two more of them this week. The first measure is the transportation and housing infrastructure bill. It will make smart investments in important infrastructure priorities. It will strengthen our surface transportation network and help make air travel safer, more efficient, and more reliable.

I thank Senator COLLINS for her dedicated leadership on this important legislation.

The second measure is the Veterans and Military Construction funding bill. It will increase accountability at the VA and help ensure veterans receive the health care and benefits they rely on. It will advance vital national security projects, such as missile defense, and help ensure military families are supported with housing, schools, and health facilities to serve them.

This is the result of great work by a true champion of veterans—Senator KIRK. Senator KIRK and Senator COLLINS both worked hard to move these bills out of the Committee on Appropriations with unanimous bipartisan support. Now they are working hard to pass them together out here on the floor. They have already lined up several amendments that we will consider later today.

I would like to say a few words about one of these issues in particular. Both Republicans and Democrats agree that preventing the spread of Zika is a bipartisan priority. That is why Members from both parties have been looking at different approaches to properly address the situation. They worked through the best avenue to address the funding that may be needed to do so—the appropriations process—and came up with several different approaches for us to consider later today.

One amendment is from Senators BLUNT and MURRAY. It is a targeted approach that focuses on immediate needs while also providing resources for longer term goals, such as a vaccine. It includes accountability measures and represents a notable departure

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

from our Democratic colleagues' initial position. It is good to see our Democratic friends compromise.

Another amendment is from Senators CORNYN and JOHNSON. Their enhanced approach builds upon the appropriators' work by responsibly offsetting Zika funding with funds that have been set aside for public health and prevention purposes. It would also remove redtape and help promote mosquito control, which is the best way to keep Americans safe from this virus in the near term while a vaccine is under development. The House is also advancing its own paid-for Zika measure this very week.

So we will take several votes today. We will continue moving forward with the appropriations process, and we will address Zika funding in that context because keeping Americans safe and healthy is a top priority for all of us.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

INTERNATIONAL DAY AGAINST HOMOPHOBIA AND TRANSPHOBIA

Mr. REID. Mr. President, today is International Day Against Homophobia and Transphobia. This day of recognition is especially significant for America since the civil rights of transgender Americans are at the forefront of an important national debate. At its core, the debate comes down to a simple question: With whom do we stand? Do we stand with the bullies or do we stand against the bullies? Do we stand up for the bullies or against the bullies? Do we defend the persecutors or do we come to the defense of the persecuted?

These are the questions posed to us, and they should be. These are the questions posed to us by what is happening in North Carolina and the law there that undermines the civil rights of transgender Americans.

During a 1-day special session in March, the North Carolina legislature rammed through a controversial law that strikes down local antidiscrimination ordinances. The actions taken by North Carolina's legislature and Governor are nothing short of State-sponsored discrimination against transgender individuals. The law is clearly and completely illegal. It is in direct opposition to Federal civil rights statutes prohibiting discrimination on the basis of sex.

The Federal courts have made it clear that sex discrimination under the Civil Rights Act covers transgender individuals. This goes back to 1989, when the Supreme Court ruled in Price Waterhouse v. Hopkins that sex discrimination includes sex stereotyping under title VII of the Civil Rights Act of 1964. Relying on the Supreme Court's ruling in that case, appellate courts have concluded that discrimination against transgender people is prohibited when it is based on gender nonconformity.

That is why last week the Department of Justice sued North Carolina, finding that its law constitutes a pattern or practice of discrimination under the Civil Rights Act, the Education Amendments Act of 1972, and the Violence Against Women Act, which we passed just last year.

This kind of shocking discriminatory lawmaking has no place in the 21st century. It certainly has no place in America. Attorney General Loretta Lynch said last week:

> This is not the first time we have seen discriminatory responses to historic moments of progress for our nation. We saw it in the Jim Crow laws that followed the Emancipation Proclamation. We saw it in fierce and widespread resistance to Brown v. Board of Education. And we saw it in the proliferation of state bans on same-sex unions intended to stifle any hope that gay and lesbian Americans might one day be afforded the right to marry.

This issue has been far-reaching. It has far-reaching consequences. This is about access to employment, education, and just about everything else in public life. This is about whether we are going to allow our fellow citizens to be bullied, intimidated, and harassed.

The North Carolina law is not only wrong, but it runs counter to the progress we are seeing in States and cities across all of America. Right now, 18 States and approximately 200 cities have laws on the books to protect transgender individuals in being able to use the restroom that matches their gender identity.

Take, for example, what happened in Reno, NV, just last year. Reno, NV, is in Washoe County. It is the second largest school district in Nevada. In February 2015, in response to concerns from parents and students, the Washoe County School District issued policies to help foster a healthy and inclusive environment for transgender students.

The Washoe County School District developed thoughtful and commonsense policies that allow all students in Washoe County to have access to all school programs and activities. It was the first district in Nevada to do so. In the year since those regulations were adopted, schools across the district have reported few, if any, concerns about the new policies.

North Carolina leaders need to learn from Washoe County. They need to learn a thing or two about tolerance, as exhibited by the students and, yes, the adults across Washoe County.

North Carolina is already paying a severe price for its discriminatory law, and more is yet to come. Hundreds of America's biggest and most prestigious corporations and organizations have already come out in firm opposition to the law—companies such as Google, Bank of America, Starbucks, and Pfizer. You have major businesses that don't want to do business there. You have entertainers who won't perform there, such as Bruce Springsteen. But it is not just that. It is hundreds—hundreds—of other firms that are coming out in opposition to the law because what they are doing is illegal.

But Republican leaders are standing by their bigotry at a tremendous cost to the State, and that is disappointing. I stand with the administration in opposing the North Carolina law. I stand with all Americans against this shameful bullying. Most of all, I stand with the transgender people of North Carolina and our country who are the targets of this State-sponsored discrimination. My heart goes out to them.

This is not how a great nation should operate. We are better than this. So I look forward to the day, and it is coming soon, when this hateful law is struck down.

ZUBIK V. BURWELL

Mr. REID. Mr. President, yesterday, the Supreme Court chose not to rule on the merits of Zubik v. Burwell, a case brought by religiously affiliated nonprofit employers challenging the accommodation to the Affordable Care Act's contraceptive coverage provision. Instead, the Court remanded the case to lower courts for further proceeding.

The good news is that the order doesn't stop women who rely on the Affordable Care Act for contraceptive coverage from getting the services they need while the legal process plays out. But this remand highlights that the Supreme Court cannot properly do its job until we do ours here in the Senate. We must give Judge Merrick Garland a hearing and a vote so the Supreme Court can become fully functioning again.

There have been numerous cases that have been determined differently because of a 4-to-4 split. A number of them are just tied 4-to-4. A number of them have been remanded back to lower courts without action.

The Supreme Court to do its job needs nine—nine—Justices. So I hope the time is coming quickly when American women will know once and for all that their bosses can't interfere with their health care decisions, and I am confident the courts will ultimately do the right thing and uphold the Affordable Care Act's accommodation to the contraceptive coverage provision. Until that time, though, Senate Democrats will continue to watch this matter very closely and do everything in our power to defend access for women to birth control measures that they feel appropriate.

Mr. President, I think it is such a blight on the Senate that we are not doing anything to fill that ninth spot. It needs to be done, and it needs to be done quickly. Justice is being delayed. Justice is not being served.

I see my friend from Montana is on the floor. I ask the Chair, prior to his being recognized, to tell the Senate what we are going to do today.

RESERVATION OF LEADER TIME

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

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2577, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2577) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

Collins amendment No. 3896, in the nature of a substitute.

McConnell (for Lee) amendment No. 3897 (to amendment No. 3896), to prohibit the use of funds to carry out a rule and notice of the Department of Housing and Urban Development.

McConnell (for Nelson/Rubio) amendment No. 3898 (to amendment No. 3896), making supplemental appropriations for fiscal year 2016 to respond to Zika virus.

McConnell (for Cornyn) modified amendment No. 3899 (to amendment No. 3896), making emergency supplemental appropriations for the fiscal year ending September 30, 2016.

McConnell (for Blunt) modified amendment No. 3900 (to amendment No. 3896), Zika response and preparedness.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided between the managers or their designees.

The Senator from Montana.

Mr. TESTER. Mr. President, as we begin consideration of the fiscal year 2017 Military Construction and Veterans Affairs appropriations bill, I want to start by thanking the chairman of the subcommittee and his staff.

The process Chairman KIRK and I put into place was fair, inclusive, and open, and I appreciate that he went out of his way to incorporate input from me, my team, and Senators from this side of the aisle.

This bill does right by our brave service men and women by honoring our Nation's commitment to veterans, Active-Duty military, and their families. We owe these folks our gratitude for their selfless sacrifice to freedom and democracy.

As a result of last year's bipartisan budget agreement, we are on the same page this year in terms of top-line funding numbers. This level of funding has allowed us to make critical investments in military construction, veterans programs, as well as Arlington National Cemetery and the U.S. Court of Appeals for Veterans Claims.

For VA, this bill provides $102 billion in mandatory funding for veterans' benefits—$102 billion—and includes an additional $103.9 billion in fiscal year 2018 advance funding to ensure that there is not a lapse in getting disability compensation and education benefits to our veterans.

For VA's discretionary accounts, including the Veterans Health Administration, the bill appropriates $74.9 billion. That is $3.4 billion more than the Department has this year. Within that amount, we are able to target increased funding for several key priorities for veterans. That includes health care, disability claims and appeals processing, medical and prosthetic research, and family caregiver support. That means the VA will be able to aggressively pursue critical veteran-centered research into a host of medical conditions, including PTSD and traumatic brain injury—the unseen wounds of war that are so difficult to both identify and treat. It also means the VA will have additional resources to meet the growing demand of caregivers who are providing critical, family-centered, long-term care for our veterans, and it will allow VBA to hire 300 new claims processors and 240 additional employees for the Board of Veterans Appeals, all focused on reducing the appeals backlog—something Senator SULLIVAN and I are working on over on the authorizing side. These funds will complement that work.

The bill before us also includes a new medical community care account that consolidates the various sources of funding that connect veterans to care in their own communities. The creation of this new account is extremely important in providing better oversight over a program that is critical for our veterans, particularly those in rural areas where services through the VA are often unavailable. It is also a key component in ongoing efforts to consolidate and streamline the number of different programs the VA has to get veterans care in their local communities. That is something a number of us are working on in a bipartisan manner in the Veterans' Affairs Committee.

On the MILCON side of the ledger, the bill before us also delivers. We have provided increased funding for a number of unfunded MILCON requirements identified by the services. Given the severe constraints on the budget, funding for military construction is squeezed more tightly now than ever. It is not just the cost of trying to maintain a deteriorating building, which in itself is substantial, it is also the impact that effort has on training, readiness, and retention of personnel—the very areas DOD is struggling to reinforce.

Shortchanging military construction is not a cost-effective or sustainable defense strategy over the long haul. That is why I am glad this bill provides nearly $500 million over the budget requested for unfunded priorities.

I am pleased the majority chose not to put forward controversial amendments on this bill during committee consideration. The bill that funds veterans health care and our military installations should not be a vehicle for politics. Our veterans and our servicemembers deserve a clean bill, so we need to avoid the ugly stuff on this bill.

I have a lot more to say about this bill as it is considered over the next, hopefully, several days. For now, I reiterate my thanks to the folks on the majority side, as well as Vice Chairman MIKULSKI, for their efforts in getting us where we are today.

Lastly, I remind all of our colleagues that we are open for business. So if there are amendments you are thinking about, get them filed and get them to our staffs so we can move forward. Amendments at the eleventh hour are never good, so get them in early so we can consider them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business.

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

PRESIDENT'S POLICY ON TRANSGENDER ACCESS TO SCHOOL BATHROOMS

Mr. INHOFE. Mr. President, since Friday, my State and DC offices have been flooded with calls from concerned constituents regarding President Obama's latest unilateral action directing public schools and colleges to allow transgender kids into the bathrooms and locker rooms of their choice. In Oklahoma, we understand what this is all about. This is all about a liberal agenda being crammed down the neck of Oklahoma and the rest of the country.

On Sunday, I went to a church service near the Grand Lake area in Northeastern Oklahoma, where the nearest community has about 250 people. The pastor, whose name is Mark, said, ''If ever there were a Shadrach, Meshach, and Abednego moment in America, it is now.''

They understand that there is a real battle going on in Washington for our values. These values should be decided at the local level by the parents and teachers who truly understand what needs to take place to protect all kids.

He went on to say that ''we have to embolden our school board members [and other politicians] with our support.'' I agree. This is why I put forth a bill last year, which passed last year, to empower local school authorities to make these kinds of decisions. What the President is doing is unilaterally redefining title IX of the education law that prohibits discrimination on the basis of sex. With the new guidance he has issued, Obama is aiming to prohibit anything that could be construed as discrimination against ''gender identity, including discrimination based on a student's transgender status.''

Ultimately, the President is demanding, under threat of losing significant public assistance—in my State of Oklahoma, this amounts to about $450 million—if States and school districts don't comply. In other words, it is blackmail: You comply or you lose something you are entitled to.

By rewriting the law, President Obama has decided, without any input from Congress, that local schools must accommodate a very small segment of the population in a very specific way by allowing them to use the bathroom of their choice. By blackmailing our schools with funding that goes to low-income and special needs kids—money which schools are already entitled to receive—the Obama administration is writing its own laws to punish those who disagree.

As the pastor said this weekend, ''We should not sell out the innocence and the safety of our children'' as a condition for receiving Federal money that helps those who need it the most. In fact, he went on to say: We just will not accept it. We don't need to accept it. It is not worth the price we would pay.

This misguided policy is directed at the comfort of a microminority at the expense of the comfort, privacy, and safety of the majority of students who do not want to expose themselves or be exposed to another student of a different sex.

As Oklahoma's attorney general, Scott Pruitt, has noted, the administration's letter ''definitely changes the law in that it takes the unprecedented step of redefining 'sex' to mean 'gender identity.''' Furthermore, he states that the President's actions ''are unlawful'' and that they represent the ''most egregious administrative overreach to date'' and that Oklahoma ''will vigorously defend the State's interests.''

I fully support Oklahoma and other States that are vowing to fight this undemocratic edict from a politician who is no longer accountable to the voters. Oklahoma's parents, schools, and State and local boards are best equipped to deal with the issues they face in the classroom and on school grounds and should not be dictated to from Washington.

Our Nation's schools should not be ground zero for social experiments from the liberal agenda, and this is exactly what is happening now, but it doesn't take an Attorney General or a U.S. Senator to come to these conclusions. I thank God that basic morality is ringing out from the pews, not just in Northeastern Oklahoma but throughout America.

You are doing the Lord's work, Mark. Keep it up.

Mr. President, I ask unanimous consent that the time spent in a quorum call before 12:30 p.m. today be equally divided.

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

Mr. INHOFE. Mr. President, 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.

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

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

Mrs. MURRAY. Mr. President, as a mother and a grandmother, I know that one of the most frightening questions an expecting parent has to ask their doctor is, ''Is my baby safe?''

Too many parents are asking that question right now because of the Zika virus. There are now more than 1,200 reported cases of Zika in the United States and the three territories—more than 100 of these are pregnant women—and on Friday, Puerto Rico announced its first case of Zika-related microcephaly.

Unfortunately, those numbers are only expected to grow in the coming months. So this is an emergency, and public health experts have repeatedly made it clear that as we get closer to the summer and to mosquito season, we cannot afford to delay. We need to better control mosquitoes that carry the Zika virus. We need to raise awareness to make sure families are informed about this disease, and we need to expand access to family planning services and accelerate the development of a vaccine. The President laid out a strong emergency funding proposal to accomplish each of those goals in February.

I support that plan. I was very disappointed that instead of acting on it as quickly as possible, my colleagues on the other side of the aisle simply refused to even consider it. Instead, they found reason after reason to delay. First, they said the administration should take funds from the ongoing Ebola response to combat Zika. Then, they said they needed more information about the President's proposal, even though Zika has been discussed in 55 congressional hearings, even after briefings by senior administration officials, and even though the administration's 25-page proposal had been available for months for anyone to see.

House Republicans have released a proposal that would provide a very meager $622 million, less than one-third of what is needed for this emergency, without any funding for preventive health care or outreach to those who are at risk of Zika, and they are still insisting in the House for the funding for the offset.

In the face of all of that partisanship and inaction and with public experts making it clearer every day how much we need to act before mosquito season is in full effect, I was encouraged that Chairman BLUNT and others on the Appropriations Committee were willing to work with Democrats on a first step to respond to this emergency. The agreement we have reached would put a down payment on the President's proposal into the hands of our first responders and researchers right away. It would provide much needed relief for Puerto Rico, backfill nearly $100 million in essential public health funding that the administration had been forced to reprogram, invest in prevention and support services for pregnant women and families at home and abroad, and put research dollars into developing a vaccine.

I believe the Republicans should do what we have urged them to do for months and join Democrats in supporting the President's full emergency funding request. But if they continue to refuse, then at the very least, they should be willing to support a bipartisan first step toward protecting families from this virus, and Democrats will continue pushing for every necessary resource going forward.

Families across the country are looking to Congress for action on Zika. They do not have time for lengthy debates about offsets, and they don't have more time to wait. So I hope we can move very quickly to get this emergency funding package through the Senate and the House and onto the President's desk. If we act now, we can help protect our families across the country from the truly tragic consequences of this disease, and there is no reason to delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, for months Democrats have asked the Republicans who control the Senate to let us act, while the Zika virus has spread across South America, Central America, and several U.S. territories. For months, we have asked the Republicans who control the Senate to let us act, while more and more American travelers are back in the United States after contracting the Zika virus. For months, we have asked the Republicans who control the Senate to let us act, while health experts at the World Health Organization, the National Institutes of Health, and the Centers for Disease Control and Prevention have begged Congress for the resources to fight this disease. For months, we have asked Republicans who control the Senate to let us act, while more people infected by Zika have developed a debilitating and sometimes fatal condition that damages the nervous system. For months we have asked the Republicans who control the Senate to let us act, while more mothers infected by Zika have given birth to babies with severe brain defects. And for months, we have asked the Republicans who control the Senate to let us act, while the President has been forced to divert emergency funds from other critical areas, including the emergency Ebola response.

Today, months after President Obama first requested nearly $2 billion to fight the Zika virus in the United States, the Republicans who control the Senate will finally let us vote on options for funding the Zika response.

Today the Senate will consider three proposals. The first proposal would completely fund the President's response plan. It offers our best hope to fully protect Americans, and I will vote for that proposal. I plead with every Senator to do the same because that is

what our Nation's experts have said it will cost to limit the sickness, death, and deformity caused by the Zika virus.

I know that some Republicans understand this point. Senator RUBIO, whose State of Florida is at great risk for local transmission of Zika, recently said this:

> I believe in limited government, but I do believe one of the obligations of a limited Federal Government is to protect our people from dangers, whether they be foreign enemies or the risk of disease outbreak. . . . I don't think we want to be halfway through the summer and wake up to the news that hundreds and hundreds of Americans in multiple States have been infected and we did nothing.

Senator RUBIO supports fully funding the President's response plan. I hope it passes the Senate. If it doesn't, it will be because the majority of Senate Republicans vote against it. If that happens, we will be forced to consider another proposal.

The second proposal would give the President half of what is needed to fight the outbreak. I will support this proposal if that is the last resort, as will many Democrats, because this is a health emergency. If your ship is sinking and you need 12 lifeboats but you can only get 6, you take the 6. We will take whatever the Republicans who control the Senate are willing to give to protect the American people.

Cutting the Zika funding request in half might give Republicans a chance to tell people how tough they are on spending, and that may be how Republican politics works, but it is not how science works. It is not possible to delay a response to a health emergency for month after month without consequences. It is not possible to nickel-and-dime a response to a health emergency without consequences. Sure, the Republicans' half measure is better than nothing. But an estimated 4 million people are facing the prospect of Zika infection by the end of this year, and a half response is not good enough.

The final Republican proposal is even dumber. It would not only give the President about half of what is needed but it would cover the cost by gutting the Prevention and Public Health Fund, which provides significant support to local public health departments all across the country. You heard that right. Some Senate Republicans think the best way to fund America's emergency response to the Zika virus is to rob from America's frontline responders who help identify and track infectious diseases such as the Zika virus.

On the other side of Congress, House Republicans are kicking around an even more bizarre idea—funding only about one-third of the President's plan to fight Zika and doing it by cutting hundreds of millions of dollars out of our Ebola response. With the Ebola epidemic just passed and still no FDA-approved vaccine or treatment for Ebola, what could possibly go wrong with that plan?

I simply do not understand the Republicans. The responsible thing to do—the rational thing to do—is to invest the resources needed to stop the Zika threat in its tracks and to invest in more science and public health infrastructure so that we are ready when the next crisis comes.

As congressional Republicans embrace this irrational anti-spending ideology, this country is put in greater and greater danger. Instead of investing in research so we can develop effective treatments, instead of supporting careful planning so we are ready for the next health challenge, and instead of fully funding emergency response infrastructure so we are prepared to respond to new threats, these Republicans govern by simply lurching from crisis to crisis.

We are in this mess with Zika—a mess that is about to get a lot worse—because of stupid decisions made right here in Congress. Keep in mind that Zika, like Ebola, is a disease we have known about for years. But our ability to do the necessary research to eradicate these threats has been undercut by Republicans' desire to make more and more budget cuts, even when they put the health of Americans in danger.

This country's scientific research capacity has been decimated. Over the last decade, the budget of the National Institute of Allergy and Infectious Diseases has lost about 20 percent of its purchasing power—20 percent. The Prevention and Public Health Fund that helps build the infrastructure needed to prevent people from getting sick and to shut down outbreaks like Zika has been on the Republicans' chopping block year after year.

Here is the bottom line. Our doctors, scientists, and health officials need our complete support in fighting this virus. They have told us how much money they need to do that. The less money Congress gives them, the more people will be hurt by the Zika virus—more babies with heartbreaking deformities, more adults with devastating illnesses.

The Zika virus does not care what politicians in Washington decide is politically expedient. The virus is coming, and if Republicans block Congress from protecting the people of this country, then Republicans must accept responsibility for the devastating consequences.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, first of all, let me begin by saying how encouraged I am that we are finally seeing some action here in Congress dealing with the Zika virus. Today, we have not one but three separate proposals to deal with this which are going to come up for a vote.

I support fully funding the request made. People say the President's request. Fine, it came from the White House. But it is really the scientists' request, the doctors' request, and the public health sector's request for how to address this issue.

The fundamental point I make is twofold. We can pay for it. We can find $1.9 billion. By the way, we can always come back later and find it, too, although I know that is hard to see happening here in Washington. But this is a public health emergency that cannot wait for this extended debate on this issue, especially when you talk about an $18 trillion debt. Zika funding is not the reason why we have an $18 trillion debt. It is not the national driver of our debt. That is why dealing with the long-term security of Medicare and Social Security is so critical. But we can pay for $1.9 billion, and we should. But it is public health experts who have said the amount we need is $1.9 billion.

I continue to urge my colleagues to take this with the sense of urgency that the public health experts have. The people I have met with, the people I have interacted with, and the people I have been talking to are not political people. I haven't been talking to people in the White House political office. I have been meeting with people who work at the Centers for Disease Control. I have been meeting with people who work at the Florida Department of Health. I have been talking to department of health officials in Puerto Rico. I have been talking with doctors who are in the frontline of dealing with microcephaly and what it means long term for the children who have been impacted by it. That is with whom I have been talking.

They have outlined the kinds of things we need to be doing. But more importantly, what they outlined is that there is so much we still don't know about Zika. For example, we don't know what the long-term consequences are of a mother who is infected with Zika while pregnant and the child was born without microcephaly. We don't know what happens in 6 months, 9 months, 1 year, or 5 years down the road. But I do know that many medical experts believe there will be further manifestations of the disease's impact on the central nervous system in many of these children years after this debate in Congress is finished.

I do know that Puerto Rico is being ravaged by this. Puerto Rico is a territory of the United States. These are American citizens who have been infected with Zika. They don't have a Senator from Puerto Rico, although I am more than honored and grateful for the opportunity to speak on their behalf on these issues. But what people have to understand is—this is not the right way to approach it, but even if your approach is that it is Puerto Rico and it is not the mainland of the United States, then I invite you to go to the airport in Orlando or Miami, and you can see the daily flights and the constant flow of people back and forth.

We also look at the fact that the summer months are coming. This is a mosquito-borne infection. We know that mosquito season is here, and it is coming fast. We know that the Zika virus becomes more potent as temperatures get warmer. Guess what. It is

about to get really warm not just in Florida but throughout the Gulf Coast States and throughout the country.

We know that places such as Brazil have been deeply impacted by the Zika virus. Guess what. Tens of thousands of people are about to travel through the United States to and from Brazil for the summer Olympics.

We know that Major League Baseball canceled a game in Puerto Rico because they believed it was a serious enough risk that they didn't want to put the players at risk, not to mention the crowd.

We see something percolating, and we don't know much about it. We know enough about it to know it is a serious problem. We do not know how far this is going to go. As a result, we see the people of this country facing a public health threat, and our response should be to deal with it the way medical experts say we need to deal with it.

We can put language in the proposal that says: If you don't end up spending the full $1.9 billion and you don't need all of that money, all of that money automatically goes back to Treasury within it a year or two if it hasn't been spent.

Why take the chance? Why take the chance that at some point this summer we could have a significant and serious outbreak in the United States of America when all the Senators are back in their home States doing campaign stuff or whatever they are doing and have to come back here and deal with it and explain to the people why, when doctors and medical experts were warning us that this was a significant risk, we decided to lowball it and spend less than what was called for by experts.

By no means do I intend for this to sound as if I am criticizing Senators MURRAY and BLUNT. I thank them for their work. They have tried to come up with a bipartisan proposal that can pass.

I said earlier, I am proud of the amendment that my colleague from Florida, Senator NELSON, and I are proposing here today. I hope that the $1.9 billion amount passes, but if we are left with a vote on the Blunt-Murray amendment, I think that is better than nothing, and I will support it. But why are we taking this chance? It makes absolutely no sense.

While I am happy that the Senate will hopefully take action on this issue, I am concerned about what I hear coming from the House. I am glad that they are finally beginning to move on the legislation and that something is happening, but I am very concerned about the direction of their own funding measure. Their funding measure isn't even $1.1 billion. It is $622 million, and quite frankly, that will not cut it. If we don't spend more than that on the front end, I believe we will spend a lot more later on because the problem is not going to go away, and it certainly will not go away with $622 million to combat it. This is concerning to me because even if we do manage to pass the $1.9 billion request, I am afraid even that may not be enough for the long term.

The issue that seems to be holding them back is the desire to offset spending. As I said, I support that 100 percent. I believe we can find $1.9 billion and transfer it from some other part of our budget to ensure that we are not deficit-spending. We can do that and we should do that. I am in favor of doing that, but that will not keep me from trying to do something about it.

In times of public health emergencies, just like during times of natural disasters, I don't think we should delay action while we try to figure out these budgetary moves and try to agree on what we are going to cut from other parts of the budget. I still belive we should do it, but we cannot hold back for another few weeks while we are trying to get to that point.

The administration has already diverted half a billion dollars that was intended for the fight against Ebola, but the House would raid even more of the Ebola funds for the Zika response.

It is easy to say: Ebola is not in the headlines anymore. We are not reading about it that much, so it must not be a problem.

Ebola still exists. It is not polio. We haven't eradicated it from the United States or the world. It is just not a percolating crisis right now, but there is nothing to say that it couldn't pop up again.

By the way, these sorts of pandemics will become more and more common as people are able to extensively travel all over the world. We are at the crossroads of a lot of that travel.

I don't think I am prepared to walk away. Maybe they don't need the full half a billion dollars, but I think it would be shortsighted to say that Ebola is finished, so we don't have to worry it anymore. There has to be some money available in case that comes up again, because it could.

I believe the House can and should do better than what it has proposed and should provide offsets to the spending—provide the $1.9 billion offsets. I guarantee they will be able to find that fairly quickly. They could provide stringent accountability measures. They could stipulate in the law that they pass, for example, that if we are wrong and don't end up spending or needing anything close to $1.9 billion or even $1.1 billion, that the taxpayers' money will be returned to the Treasury. But let's not play with fire.

As of now, there are 112 people in the State of Florida who have been infected. We have many more American citizens who have been infected in Puerto Rico. There are many unborn children who are at risk, and many more will be impacted once mosquito season sets in. At the end of the day, these are the people we should be fighting for, and quite frankly, we can do much better than what the House is proposing.

This is a devastating disease. It has taken lives throughout our hemisphere, and the way it impacts unborn children alone should call us to action. We have seen the images from Brazil of the children born with microcephaly. This is a devastating condition. The cost of caring for those children throughout their lives is extensive, and we are going to do it. We need to do it, and we will do it, but let's try to prevent it. Let's try to get ahead of it. Let's try not to just be reactive but proactive.

There are reports in the press today that scientists have been able to take a significant step toward potentially creating a vaccine. Once there is a vaccine for Zika, this problem will be under control.

As I said earlier, let's not play with fire. I hope my colleagues will jump on board and fully fund the $1.9 billion. If they want, we can put language in the legislation that says that if the money isn't fully spent, it will be refunded to the Treasury.

Why take the chance? Why take a chance on an issue that is not yet well defined? Why take the chance on a disease that we still don't know everything about? Why take the chance that we could have an outbreak much worse than anything any of us anticipated and be caught off guard? Why take the chance that you will have to go home in August and September and explain to millions of people across this country why so many Americans are now being infected by this disease and you lowballed our approach to it a few months ago? Why take the chance?

Let's do it once. Let's get it right. Let's ensure that we are protecting our people and deal with it now and deal with it fully. This is our obligation, and I hope we will embrace it here today. There is no reason we should not fully fund this proposal and listen to the doctors and health care experts who are asking us for this and build from there. I hope that is what my colleagues will do in a few hours when we vote on these proposals that stand before us.

With that, 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. FLAKE. 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. FLAKE. Mr. President, I come to the floor to speak with regard to providing funding for the emerging Zika crisis that the Senate will be considering on the floor today.

We in this body and the entire Congress over the past several years have provided a lot of additional health-related supplemental funding. In fact, over the past 13 years, roughly $19 billion has been directed toward health-related emergency supplemental funding. This, of course, does not include the hundreds of billions of dollars in

other supplemental spending that has circumvented the budgetary oversight process.

With a national debt of $19 trillion, we have to make sure we budget for these types of emergencies. When we have appropriated on a supplemental basis $19 billion over the past 13 years—supplemental health funding—then we know we need to budget for this type of crisis and not simply go the supplemental route and go out from under our budgetary caps.

I will support cloture today on the measure that includes an offset. We have to be more fiscally responsible as we deal with these crises. This is a crisis we need to deal with, but we ought to at least attempt to offset that funding. I believe taxpayers deserve nothing less than that.

With that, 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.

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

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, it has been 3 months since the administration sent Congress the emergency funding request for Zika, and Congress hasn't acted on it. But today we have an opportunity to do so, and I hope we do.

We will have pending before the Congress three different options on how to fund this public health emergency, but we must realize it is an emergency, and we need to have a sense of urgency to protect the American people and to help those south of the border to be able to cope with it. What are we waiting for? The mosquitoes are here. The mosquitoes have not only come, they have already come.

I have said in the past that we can't build a wall to keep them out—the mosquitoes will not pay for it—but it is no laughing matter. The President has said we need $1.9 billion to fight Zika to stop it from doing any more harm. That is what I am fighting for. We know we need to get the job done.

It is not just Senator BARB talking. The World Health Organization has declared Zika a public health emergency. The President declared it as such. The Centers for Disease Control and Prevention, through Dr. Freiden, has said this is a national and international emergency. And Dr. Fauci, head of the Institute of Infectious Diseases and Neurology at NIH, whom we have turned to on so many occasions, has also said it. So every public health entity has validated that this is a serious public health crisis.

We can prevent its dire consequences. Through action, particularly related to mosquito control and working with pregnant women and women of childbearing age, we can deal with this. This is not some unknown disease that would suddenly be arriving on our shores for which we would have no knowledge and no tools. These are basic public health tools related to mosquito control and helping women of childbearing age.

If we refuse to act, this will be a self-inflicted wound on our own people, and the consequences are dire. For those who care about children—I am sure we have already seen what has happened south of the border with little children being born with microencephalitis. My gosh, it is heartbreaking. It is heartbreaking for the little child with a limited life expectancy and limited life opportunities, the responsibility that will come to the family—usually to the mother—and to the society that will have to care for that child.

Today we are talking about money, but we have to think about the human concerns. Both Dr. Freiden and Dr. Fauci have conveyed to me and other Members of this body, particularly those on the Appropriations Committee and on the Health and Education Committee, that there are other unknown health issues related to those over the age of 65 or those with compromised immune situations now. If you have a chronic condition like diabetes, you could be subject to really negative consequences from being bitten. We have heard about Guillain-Barre. There are other diseases that are a consequence of Zika that give arthritic symptoms that can last for over 10 years.

Why don't we do something about it? We know that mosquitoes carry Zika. We already know they are in several States. We know Puerto Rico is already being hard hit. Sports events and other events have been canceled. We know it is down in Florida. Look at the way Senators NELSON and RUBIO are working together. We need to act, and we need to act now because we do know these horrible and devastating impacts. We have heard eloquent and poignant and even wrenching descriptions of what happens to children.

I know a topic in our Congress and in the Senate has often been the unborn. Well, we really want to protect the unborn, and this is the way to do it. We have to stop the mosquitoes through mosquito control.

This is basic public health. We also have to work with those women who are pregnant or of childbearing age to know about the consequences and what actions they can take to be able to do that. We need to be able to do this at the Federal level. Congress needs to act.

They are already acting at a local level, but they are spending local money to be able to do it. My own Governor, a Republican, Larry Hogan, is acting. He convened a task force. He pulled his public health people together. He ordered his own health department to coordinate education and awareness with local health departments in Maryland. I salute Governor Hogan in taking that action. He has already authorized the distribution of thousands of prevention kits for pregnant women across the entire State. Those kits cost about $130,000 to put together and to distribute. Maryland is doing this on its own dime. Well, mosquitoes are a national consequence and even an international one.

The counties in Maryland are doing their job—again, not Democrat or Republican. Again, my Governor is a staunch fiscal conservative, but he knows public health saves money, along with helping people with their lives.

Anne Arundel County, the home of the State capital, headed by a Republican county executive, is acting. This local county is already distributing its own prevention kits. It is not only the State capital, it is the home of the Naval Academy. Everybody is acting on their own.

In Baltimore City, our mayor is acting, working with the Bloomberg School of Public Health. We are spending local money on mosquito control. They need help. They need help from their own government to deal with the issue south of the border as they come up here, and they need help in their own communities to be able to fund the basic public health measures that we know are tried and that we know are true to be able to do that. I really encourage us to be able to do this and not to do it by raiding our programs.

I absolutely oppose taking money from the Prevention and Public Health Fund to pay for Zika. The prevention fund provides resources to States against other public health problems. We can't prepare for and protect against Zika by taking funds from other public health activities. We don't know what the summer and the winter hold. States could lose as much as 40 percent of their surveillance dollars to track other infectious diseases.

We have been asked for a very straightforward set of options. There is the Nelson-Rubio amendment asking for $1.9 billion. That is what I support. It would fully fund our measures, both nationally and internationally, and particularly help deal with the spread of this disease and helping local communities.

I reject another amendment that will be coming, offered by the Senator from Texas, Mr. CORNYN, who is well intentioned, and I appreciate his sincere interest in this. But he is robbing the prevention fund. We need an urgent supplemental. This was an unexpected event, which means that it is temporary, it is unexpected, and we need to deal with it.

I really want to congratulate—I know Senator BLUNT and Senator MURRAY have been working on another option if the other two fail. Whatever it is, at the end of the day we need to take action. This is a public health emergency. We need to deal with it in the most expeditious way. I know every Senator here is concerned about it.

The mosquitoes have already come to Maryland. What we don't want is to be stung by its consequences. So let's get on with the business of the day. I thank my colleagues for dealing with this issue now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I want to talk about the amendment I have offered with Senator MURRAY and Senator MIKULSKI and Senator COCHRAN. The chairman and the ranking member of the Appropriations Committee have joined in that amendment, as have Senator GRAHAM and Senator LEAHY. The committees involved are truly looking at this, trying to find a way forward that allows us to take action. We do need to take action, as my good friend from Maryland has just so well explained.

There is no vaccine. There is no simple diagnostic test. There is no way to treat the virus once you get infected. So communities really don't have very many options right now. The limited resources they have to manage the one thing we can do something about immediately besides education—the local mosquito population—are resources that are not nearly adequate to meet the current need.

At this time, there is no way to fully prevent the infection, leaving high-risk populations at risk, especially pregnant women or women trying to get pregnant. That seems to be the population where the impact of this disease—the impact of this Zika infection—has not only the most short-term but the most long-term implications because of microcephaly and other things that are going to be impacting children born.

I am told by the Centers for Disease Control and Prevention that every indication now would be that once you have had Zika, you cannot get it again. It becomes the inoculation, so just because you get Zika and may at a later time become pregnant, you are not likely to have the same thing. That is one of the studies going on, to verify for sure that is the case and also to verify for sure how long after you have had Zika that pregnancy can still be a problem.

This is a growing problem. There are already 650 confirmed Zika cases in the U.S. territories, with the majority of those being in Puerto Rico. There are over 500 travel-associated cases of Zika in the United States. If they got it here, it has been through sexual transmission and not from the mosquitoes themselves because obviously it is not mosquito season yet, but that is very close.

This is a public health threat and clearly an emergency. This is not something we can plan now to deal with 2 years from now because 2 years from now would be too late to deal with this crisis. However, I want to make clear that our deliberations over the supplemental request have never been an either-or scenario. There has never been a scenario where we are either going to rubberstamp the administration's request or do nothing. That straw man will not work. That is not the situation.

We need to evaluate this request. The request has certain items the administration asks for that I think if you look at them not even very closely—and certainly when you look at them closely—you find out they are unnecessary, they are unwarranted.

This is a bill designed to address an emergency situation, not a bill designed to make the most of an emergency. For example, the administration's proposal has a request for the building and expansion of new Federal buildings; $85 million of that initial request was to build new buildings. There is no way those buildings would probably even be started during the so-called emergency timeframe or during the real emergency timeframe. Certainly they would not be of use during the timeframe. That is not a real reason to ask for money; it is just an excuse to ask for money. The Congress could, should, and I believe will say: No, we are not going to do that.

The second request I would like to point out today, the request to provide the department of health with $175 million of that $1.9 billion, was just a slush fund. It was just a fund with virtually unlimited authority to transfer that $175 million or any part of it to any purpose of any Federal Government agency.

There may be some purposes in this emergency we don't know about yet, but they are not going to be $175 million, and they are not the kind of emergency appropriations you couldn't get by other means where the Congress is clearly involved. We did not provide this kind of funding in the Ebola crisis when the Democrats were in charge of the Senate. We should not provide it today.

There is no reason for a $175 million undesignated fund to be used anywhere in the Federal Government, any more than there is a reason to take $85 million and build a new Federal building, and say ''Well, it is part of the Zika emergency'' because it clearly is not. If there is a need for a Federal building at CDC, the Centers for Disease Control and Prevention can come to the Congress and make that case. That is the way that should be done.

If this amendment prevails today, that money will not be available. It is not unreasonable to ask the administration for details on what activities would be funded. What are their priorities, and when would they realistically spend these funds?

The $1.1 billion emergency fund would take us through the end of not just this fiscal year but the next fiscal year, about the same time we would hope in talking to the National Institutes of Health that a vaccine will be available. Once a vaccine is available, we will need to look at this Zika infection in a new way, and we will get to look at it in a new way.

If the administration had been a little more transparent at first, maybe we could have reached this point earlier. But to suggest that the Congress has needlessly delayed funding is both unfair and untrue.

I also think that this is the time we can move forward. The role of the Appropriations Committee is to look at this and to see that the money appropriated is going to be spent in the right way.

In the meantime, the administration has made available to the Zika crisis almost $600 million. Mr. President, $589 million is a lot of money. It is particularly a lot of money when it is basically one-third of what was being asked for. Whether what was being asked for was necessary or not, $589 million of unobligated funds that were available in other places have been brought to this cause.

The fact that the administration did that shows in a good way just how serious they are about the crisis. If this were not a real crisis, they would not be taking $589 million that in some process would be spent somewhere else and say: Listen, we need to spend this on Zika right now. But for the people we work for, it is important to understand that $589 million is being spent on this, and that is no more than what would possibly have been spent if this appropriation would have happened the day the administration asked for it.

The Appropriations Committee took the necessary time to understand the funding needs and response requirements to ensure that we protect all Americans, including taxpaying Americans. We worked in a bipartisan manner to provide the Department of Health and Human Services and the Department of State with targeted funding to respond to Zika.

Today we have that result, a bipartisan amendment worked out between the leaders of the Appropriations Committee and the Labor HHS and State and Foreign Operations Subcommittees to meet this emergency. Specifically, I worked with my ranking member on Labor HHS, Senator MURRAY, to reach an agreement that will provide $850 million to the Department of Health and Human Services to respond in a three-pronged strategy.

First, that Department is to provide the funds necessary to develop vaccine candidates, therapeutics, and new diagnostic tools.

Secondly, the Centers for Disease Control and Prevention will be able to focus responsible efforts domestically and internationally on the highest priority activities, such as vector control, emergency preparedness, and public health outreach.

Finally, the supplemental provides targeted funding to Puerto Rico, which public health experts believe will be the most at-risk area in a Zika outbreak.

Additionally, this amendment, with the work of Senator GRAHAM and Senator LEAHY, includes $248 million for the Department of State and USAID to support other affected countries' ability to implement programs to reduce the transmission of the virus.

This amendment is a targeted response providing the funding needed through 2017. It includes funding for priority initiatives focused on prevention, control, and treatment. It does not include funding for unessential requests.

I hope at the end of the day all Members find a way to meet this emergency. I believe the bipartisan amendment we are offering is the most likely of these amendments to meet the need. Certainly, in my view, it is the amendment that has taken the most focus on exactly what is needed to meet this crisis and meet it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I would say to the Senator from Missouri that while this Senator is most appreciative that he and Senator MURRAY have come forth in a bipartisan fashion with about half of the funding that this Senator—also in a bipartisan proposal, since my colleague from Florida, Senator RUBIO, is the sponsor of this amendment with this Senator, I would point to the Senator's own words commending the administration that they recognized that this was crisis enough to go in and borrow $580 million from the Ebola fund to get started, since we couldn't get Congress off dead center until now.

I commend Senator BLUNT and Senator MURRAY for their action. I commend the leadership for being willing to put this on the T-HUD bill, appropriations bill, but for the Senator to suggest that he raised that point that it was such an emergency—$589 million—but the Appropriations Committee proposal only replaces the $589 million that has been taken from the Ebola fund. It replaces, replenishes it only with $88 million instead of $589 million.

By the way, the news just broke. There is another outbreak of Ebola.

This Senator is not here to talk about Ebola. This Senator is on the floor to talk about another health care medical emergency, of which there is well over 100 cases in this Senator's State of Florida. Senator RUBIO and I are desperately trying to help.

Before Senator BLUNT leaves, I wish to say one other thing. He mentioned that we need to control the vector. What does that mean? The vector is the gremlin that spreads the virus; that is, the aegypti strain of mosquito. That mosquito is now all over the southern United States, especially in Puerto Rico, and mosquito control costs money.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from one of my counties, the Osceola County Commission, saying that they desperately need the funds as they are out of funds for mosquito control.

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

MAY 12, 2016.

Subject: Mosquito Control—Urgent Need for Funding

EMERGENCY FUNDING REQUEST,

Florida Department of Health Emergency Prepardness and Response, Tallahassee, FL.

On February 04, 2016 Governor Scott declared a state of public health emergency for four Florida counties. This public health emergency has placed Osceola County under significant financial pressure. Our program is locally funded with an annual budget of less than $500,000 for arthropod control, so the County does not have the additional resources to address this catastrophic public health emergency.

At the time of the Governor's Declaration, Osceola already had ceased operations and gone into off-season mode. However, on February 05, 2016, local media covered the first case of Zika virus in Osceola County. Since then, the virus has expanded into several other areas and resulted in a substantial service demand increase, and the number of Zika cases is still climbing, even as resources are being depleted. Media continues to report that the positive cases are all travel-related—with Central Florida hosting more than 63 million visitors annually, and with Osceola County's predominant Hispanic demographic, we are the epicenter for this life-threatening virus.

Current staffing levels are not sufficient to meet this emergency. County resources are exhausted, and funds are not readily available to respond to this disaster. Lives are at stake.

To date, we have tried to be as creative as possible, reallocating staff and other departmental resources to respond to the public threat. We have shifted larvacide staff to go door to door, conducting Zika sweeps in response to service calls. This shifting of staff has reduced our ability to larvicide, which creates a catch-22 situation—larva not eliminated today become biting adult mosquitos tomorrow. While it's hard to predict all the potential mosquito control needs for the remainder of this year, the continuing emergency situation and citizen anxiety continues to require a heightened awareness and response.

Below is a list of currently identified funding shortfalls, with potentially more to come as the summer trap numbers rise.

Additional full-time temporary staff to perform day time sweeps and Larvicide	$200,000
Funding for increased aerial spraying	100,000
Additional Back Pack Sprayers (5 X 1800.00)	9,000
Extra on-hand fuels, chemicals, dry ice and baits	50,000
Private contractor for Tire pile removal	250,000
5 spray trucks with mounted sprayers to increase frequency of adulticide treatments county wide	200,000
Additional funding for spray driver pool (to compensate for additional work for night-time drivers)	80,000
Total initial request	889,000

Respectfully,

DONALD FISHER,

County Manager, Osceola County BOCC.

Mr. NELSON. What Senator RUBIO and I have is an emergency appropriation of $1.9 billion, although it is not treated that way in this appropriations bill.

The Centers for Disease Control predicts that up to 25 percent of our fellow American citizens on the island of Puerto Rico are going to be infected by the end of the year; that is, 800,000 people just there.

Already in the United States, we have over 1,000 cases reported in 45 States; 113 of those 1,000 are in Florida. Most of them are in South Florida, Miami-Dade County. Yesterday we just had another case that brought that total to 113. Those 113 cases are spread all over the State of Florida.

The community leaders, as indicated by this letter from Osceola County, are saying they are out of funds. Help. This is an emergency. With four reported cases of the virus so far just in that county, which is near Orlando, they have determined they will need to triple their annual budget for mosquito control.

The county manager writes:

> This public health emergency has placed Osceola County under significant financial pressure.
>
> County resources are exhausted, and funds are not readily available to respond to this disaster. Lives are at stake.

Think about what the House has done—a $600 million Zika bill. That is nowhere what we need. Such a figure is not only absurd, it is an insult to the men and women who are on the frontlines trying to battle this virus. These are local governments, such as the one I mentioned in Osceola County. We have an opportunity to respond.

This Senator understands it is already baked in the cake. Even though this proposal by Senator RUBIO and me is bipartisan, it is already baked in the cake that it is going to be the $1.1 billion, but beware. The crisis is looming. We haven't gotten an effective method for controlling the mosquito. We do not have a vaccine. All of these things take time, they take money, and it is going to need research. There is $277 million in this proposal that Senator RUBIO and I think needs to go to the National Institutes of Health to accelerate their research for a vaccine and other basic research.

When you compare the two competing provisions out here today—the committee position and ours—going to Puerto Rico, ours is $250 million. That island is devastated—$250 million for Medicaid funds. What is in the committee report is $126 million—half.

For example, take the $743 million in our proposal for the CDC, the Centers for Disease Control. In the committee, there is $449 million. Overall, take the funding to HHS. There is $105 billion in ours and roughly half, $850 million, in the committee provision.

I think we should not nickel-and-dime our response to what the World Health Organization has said and already declared a public health emergency of international concern. The urgency is now and we ought to do the right thing.

I conclude by staying we have the Olympics in a few months in Rio. Brazil is covered with Zika infestation and infection. Remember, it cannot

only be transmitted by the mosquito, the aegypti, but it can also be transmitted sexually.

Also, remember the doctors do not know—other than to suspect that it can be transmitted to the pregnant woman any time during the 9 months of pregnancy and it may not show up in the infant until years later in some developmental issue. They do know that in the first trimester of pregnancy, the infected virus is producing the babies with microcephaly. Such a case was just reported with an infected pregnant woman in Puerto Rico.

We have not heard the last of this, and you are going to see it magnified with regard to the Olympics. Sooner or later we are going to have to face the music. It looks like we are going to face the music with about half of the appropriation today. Ultimately, this is a full-blown emergency.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, while our colleague from Florida is on the floor, I thank him for being a loud and vocal proponent and for taking swift action. I thank the Senator for leading the fight.

Mr. NELSON. I thank the Senator for his support because he recognizes the emergency.

Mr. CARPER. Mr. President, I rise in support of emergency supplemental funding for Federal efforts to combat the impending threat of the Zika virus.

Reports of the spread of this virus are concerning. Actually, they are troubling, not just for public health officials but for many Americans who are reading about it in the paper and seeing coverage of it in the news almost by the hour. Families are reconsidering vacations they had planned, especially to more tropical locations.

As we approach the mosquito season, people are understandably worried about how this outbreak will affect them and their families, not just to go on a vacation and camping but literally to go outside and have a cookout or eat out on the porch.

We need to continue working to fully understand and combat the health risks that are posed by Zika. Just like our response to Ebola, our response to Zika must be an all-hands-on-deck effort.

In February, President Obama submitted a $1.9 billion emergency supplemental funding request to Congress to bolster programs and activities which would curb the spread of this virus. Given the real threat posed by Zika, I support the funding level requested by the President. I intend to vote for the amendment offered by our colleague from Florida, Senator NELSON, which would fully fund this request.

With that being said, I understand that a bipartisan agreement on funding has been reached between Senator BLUNT and Senator MURRAY, which would provide $1.1 billion toward the Zika effort. I appreciate their hard work in negotiating this language. I am going to support their amendment as well so our Nation's public health officials can take all necessary actions to combat the spread of this virus.

As we have heard, the Zika virus has spread explosively throughout Central America and South America. In fact, it has already reached Puerto Rico, other U.S. territories, and is expected to spread further north as the weather continues to warm.

Researchers have learned much about this virus in just the last couple of months. Their findings are indeed troubling.

Last month the Centers for Disease Control and Prevention announced there is now enough scientific evidence to confirm what many have long speculated—the Zika virus is the direct cause of severe birth defects.

Further complicating matters, it now appears that the mosquito primarily responsible for transmitting the virus has a wider presence in the United States than we had originally thought.

I have two maps. We will look at the first one.

The blue color is not good. Orange is less dangerous, less threatening in terms of the mosquitoes. The combination of the blue and the orange is troubling. If you look at the combination of blue and orange, it means that the two most worrisome mosquitoes are going to be covering the southern half of our country this summer.

The areas to the northeast and the Midwest, to the northern part, are somewhat less troubling, but my State of Delaware is right here.

Arizona, the State of the Presiding Officer, is right over here. Senator NELSON's State is right here. The only person on the floor whose State looks like they are going to escape is Maine. Senator COLLINS is here. Maybe she is in the clear, but she is here to help lead the fight to make sure we are all in this together and we are looking out for each other.

I wish to show another map. Major cities across the East Coast, including in the District of Columbia, could be hit hard by the Zika virus.

With mosquito season upon us and with more than 500 travel-related cases already diagnosed within the continental United States, we must be prepared for the possibility of outbreaks in some parts of this country. That is why I was glad to see President Obama and his administration take an early and proactive role in addressing Zika. Some of the actions already undertaken by Federal agencies include assisting State and local governments in mosquito-control efforts and ensuring that local health officials have the equipment they need to test people for this disease.

We also know that promising advances are being made in medical countermeasures and vaccine development. To date, these efforts have required the transfer of resources from other priorities, as we know, including Ebola. Last month the Obama administration announced it would redirect, on an interim basis, almost $600 million from other public health accounts to pay for Zika-related activities. I believe the President made the right call in light of the circumstances and the dire threat that is posed by the Zika virus.

Now, however, it is time for this Congress to do our job. It is my hope that we can come together in passing an amendment offered by our colleague from Florida, Senator NELSON. However, if we are unable to fully fund the President's request, I believe the funding provided by the Blunt-Murray amendment will go a long way toward supporting the many efforts currently being undertaken by the administration to combat Zika. I urge my colleagues to join me in providing the funding needed to stop the spread of the Zika virus.

Mr. President, I will close with this: When the President gave his State of the Union speech—I think right after the 2014 election—he had up in the Gallery sitting next to Mrs. Obama some of the folks who helped lead the fight against Ebola in Africa. There were doctors, nurses, and other people who developed vaccines and that type of thing. It was a proud moment for our country about 3 months after the election, the early part of 2015.

We were not directly threatened here by Ebola. They lost 40,000 people in Africa, in the western part of Africa. For the most part, there were a lot of scare tactics about Ebola used in the runup to the election here in this country, but the actual threat, in hindsight, was not that great.

What we did was we reached across the world and we invested a lot of taxpayer resources to help people who were in a terrible situation. We helped save literally hundreds of thousands of lives—their lives; not so much our lives but their lives. This is different. This is different. What we have at stake here is our lives and the quality of our lives and the ability of women to bring healthy babies into this world. It is not just us, it is our friends to the south of us in Mexico, Central America, South America, the islands of Puerto Rico and Cuba. We are all in this together.

This is an all-hands-on-deck moment, and we need a good team effort. The Senate is going to vote today on whether we are going to be a full partner in that effort, and we need to be that full partner. We need to do our job. And this is one of those days that I am confident and hopeful that we will.

Mr. President, I yield the floor. I note the presence of the Senator from Hawaii, which hopefully will not be affected by this virus. I am happy to yield to her.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, our Nation is facing a serious threat to public health. The Zika virus has the potential to be a major public health crisis.

According to the Centers for Disease Control, there are over 500 cases in the United States, including 9 in Hawaii. Currently, all of these cases are travel-related. There are 700 cases in U.S. territories, almost all of which were locally acquired. Summer, which is the peak travel season and peak mosquito season, is almost upon us. Every year, 40 million Americans travel to Zika-affected countries. It is just a matter of time before the threat of locally transmitted Zika becomes a reality in the United States.

Although the President sent his emergency funding request to fight Zika to Congress more than 3 months ago, I am glad to see Democrats and Republicans coming together now to prevent a major U.S. Zika outbreak. Public health experts at the Centers for Disease Control, Department of Health and Human Services, and elsewhere in the administration have said that $1.9 billion is needed to fight the Zika virus.

During the Senate's last State work period, I met with Hawaii researchers and health care providers, who agreed that we need this Federal funding to get ahead of Zika. This funding would go toward our vector-control programs, education, and vaccine development.

I visited a Hawaii company—Hawaii Biotech—that is working on a Zika vaccine. This company has a proven track record in developing vaccines. Hawaii Biotech has spent months working to develop a Zika vaccine using private funding. At this critical point of vaccine development, Dr. Elliott Parks and his team at Hawaii Biotech agree that a public infusion of funds will help them get over the finish line.

I also had the opportunity to visit with Governor David Ige, the Hawaii director of health, and health care providers. They all shared one message: that Federal funding is critical to getting ahead of a widespread Zika outbreak.

The funding we are voting on today could help companies like Hawaii Biotech develop a much needed Zika vaccine. It would help States like mine increase mosquito control and awareness on Zika.

Zika is not the benign virus we once thought it was, and funding only becomes more urgent as we learn about its harmful effects. Zika poses an imminent threat to pregnant women and, in reality, to all women of childbearing age. By now, we have all seen the harmful impacts Zika has on babies. The images and reports of babies born with microcephaly are heartbreaking. Zika can threaten our Nation's supply of donated blood. While blood banks across the country are working on methods to clean and test blood, they need funding to accelerate their research.

Congress can take steps to ensure the safety and well-being of all citizens. We can be proactive, not reactive, to impending threats such as Zika.

The Federal Government should play a leading role in coordinating and assisting local and State governments with mosquito control and supporting the latest research, much as we stepped up with Federal support when confronted with Ebola and avian flu.

While there are three Zika funding measures before us today, I strongly urge my colleagues to join me in voting yes on Senator NELSON's amendment to fully fund the President's request at $1.9 billion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, what we do next on Zika is not an ideological test; it is a test of our basic competence. It has nothing to do with one's views on the size and scope of the Federal Government because, after all, if you believe the government should do even just a few things, preventing a catastrophic epidemic has to be one of them.

Zika is a public health emergency, and we have to act now to fund $1.9 billion in supplemental funding to address it, as requested by the public health experts.

I congratulate Senators NELSON, RUBIO, BLUNT, and MURRAY for working across the aisle to reach these agreements, and I would especially like to offer my support for the Nelson-Rubio $1.9 billion compromise. The Nelson-Rubio amendment provides the full $1.9 billion in Zika funding through the following: approximately $743 million for the CDC, $277 million for NIH, $335 million for USAID, and $417 million for the State Department. And here is an important aspect of it: It also pays back the borrowed Ebola money that we need to ensure that countries stay prepared to prevent another Ebola crisis.

There are a few proposals to pay for this, but I want to make the following point: This is an emergency. It fits the definition precisely, and so it shouldn't require a so-called pay-for.

I would like to say something to the Members who have rediscovered their fiscal conservatism. Remember that we just passed a $622 billion tax subsidy package last December, and none of it was paid for—more than half a trillion dollars not paid for—and 5 months later we are nickeling-and-diming the Centers for Disease Control.

I recently visited CDC headquarters in Atlanta to learn more about their efforts to combat Zika, dengue, and other vector-borne diseases. I have total confidence in the CDC's ability to respond to challenges like Zika, but we have to give them the strongest funding possible to make sure they can do their good work. And taking money away from the Prevention and Public Health Fund will strip CDC and other important agencies of the funds they need to protect our country from within and from without.

It is fair to say that this is a Congress that has struggled to do its job. And even when it stumbles through a solution such as this, it sometimes creates a new set of problems. So far in addressing Zika, we have forced the administration to pull money from the CDC for Ebola or from States to address public health risks. If you want to find savings, there are plenty to be had in the Tax Code, including the more than half a trillion dollar package that was passed in December, and not a penny was paid for. There was $622 billion in tax subsidies—some great things in there, some questionable things in there—and not a penny of it was accounted for and paid for properly.

Regardless of your side of the aisle, we can all agree that this is the one thing the government ought to do: keep us safe.

Thank you to Senator RUBIO and others for their calls to make Zika funding nonpartisan. Investing in the CDC and other agencies will protect our citizens from horrific diseases and shouldn't depend on your philosophy regarding the size and scope of the Federal Government.

Let's do our job. Let's keep the people of the United States safe. Let's fund this emergency for Zika and keep us safe from Ebola and other dangerous diseases.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, today I wish to speak about the urgent need for Congress to approve emergency funds to fight the Zika virus.

The Zika virus is a rapidly growing public health threat, and the stakes for women are particularly high. I strongly believe Congress should approve the full $1.9 billion requested by the administration to fight the virus. Investing the required resources now will mean fewer cases of Zika down the road.

The virus is carried by two species of mosquito. They are found in 40 States in this country. These mosquitos have been found in 12 counties in California, including the five most populous: Los Angeles, San Diego, Orange, Riverside, and San Bernardino. More than 20 million people live in these counties.

There have been 503 travel-related cases in the United States so far, meaning an individual was infected during a trip to Latin America, South America, or the Caribbean, where the virus is widespread.

There have not yet been any reported cases of local transmission in the continental United States, although more than 700 cases have been reported in U.S. territories, including one fatality on April 29. It is only a matter of when, not if, we see the first case of local transmission, particularly as we approach the summer, when mosquitos are most active. By July, 7 States are expected to see high mosquito activity.

While scientists are still working to understand the effects of the Zika virus, they are more serious than we initially thought. Zika causes severe, brain-related birth defects in babies when women are infected during pregnancy.

Microcephaly, one of the most serious effects of Zika, causes babies' heads to be much smaller than normal. In severe cases, you will also see seizures, developmental delays, intellectual disabilities, feeding problems, and hearing and vision loss.

The Centers for Disease Control and Prevention continues to research the virus, and it could be several years before the full range of health effects is known.

The most common way people contract Zika virus is through mosquito bites, but there have been documented cases of the virus being spread from men to women through sexual contact. Scientists now believe sexual transmission is more common than initially thought.

Zika symptoms are mild—fever, rash, and joint pain—meaning that many people may become infected and spread with disease without knowing they have it. Unless we act now, we could end up with a significant number of Zika carriers who don't know they are infected.

As I mentioned previously, the administration has asked Congress for $1.9 billion in emergency funding to stop the spread of the Zika virus. Senator NELSON introduced a bill, which I have cosponsored, to provide the full $1.9 billion. Senator NELSON and Senator RUBIO have also introduced an amendment to the bill currently under consideration to provide the full $1.9 billion. Last week, an agreement was reached between Senators MURRAY and BLUNT on an amendment that would provide $1.1 billion in funding.

I applaud their efforts and know they worked hard to come to agreement on a package that could get broad bipartisan support. The Federal Government will use these funds for a number of prevention and mitigation activities, including controlling mosquito populations, researching and testing for the virus, educating the public, and developing a vaccine.

However, I think it is important to highlight what we are losing by funding the Zika response at $1.1 billion and not $1.9 billion. Reduced funding now will hinder our response in a number of ways.

It will be harder to address Zika in the future, with a potentially higher cost. Notably, the Centers for Disease Control and Prevention will receive nearly $300 million less. The National Institutes of Health will receive $77 million less. The Health and Human Services Emergency Fund will receive $83 million less. This means that testing may not be as widely available as it should be, and developing a vaccine may take longer.

There is also $114 million less to fight Zika abroad. We live in a global society. To prevent the spread of Zika virus, we must fight the disease where it is, not wait for it to come here.

It's also important to note that we can't launch prevention and mitigation activities overnight. It takes time to address mosquito populations and distribute testing kits. If we don't approve the necessary funds now and Zika spreads, funds approved later may not be as effective.

Past is prologue, and we have seen the effects of similar health crises. I remember when rubella was widespread in the United States before a vaccine was available. This is also a disease with mild symptoms. It spread easily and was particularly dangerous for pregnant women and their babies.

The rubella vaccination campaign in 1969 was critical to stopping this disease, which infected 12.5 million people from 1964–1965. In 2004, the United States was declared rubella-free. We're down to an average of 11 travel-related cases per year.

The point is we know enough about the Zika virus to understand that it is a serious threat. We also know from history how important it is to address public health threats as early as possible. This is especially important when the virus is carried by an insect as common as mosquitoes and the initial symptoms of the disease are mild or even undetectable.

In closing, Congress cannot afford to delay. I strongly urge the Senate to approve the administration's sensible request to fight this growing public health threat. Thank you.

Mrs. BOXER. Mr. President, today I wish to speak in opposition to Senator CORNYN's amendment. This amendment eliminates protections under the Clean Water Act related to spraying pesticides into the Nation's rivers, streams, and lakes to control mosquitoes.

Pesticide pollution is a significant problem and a major contributor to poor water quality in our Nation's water bodies. According to the Environmental Protection Agency, more than 1,800 waterways in the U.S. are known to be polluted by pesticides, and many more may be polluted but are not monitored. We know that pesticides harm fish and wildlife and are linked to a wide range of damaging human health impacts, including cancer and harm to pregnant women, infants, and children.

Exempting pesticide spraying from the Clean Water Act is completely unnecessary to control the spread of mosquitoes to address the Zika virus. In 2011, EPA issued a streamlined Clean Water Act general permit, which allows operators to get one permit for up to 5 years. The permit requires simple management techniques and reporting to protect water quality, fish and wildlife habitat, swimming, and recreational uses.

Most mosquito control districts around the country already have authorization to spray pesticides to control mosquitoes under this existing pesticide permit. In addition, EPA's permit includes provisions to allow immediate spraying to address public health emergencies. If a local government is not currently authorized to spray under EPA's permit and a pest emergency is declared at the local, State, or Federal level, pesticides can be immediately sprayed to address the health concerns without approval by EPA or a State.

In the case of Zika, States or local governments can declare a pest emergency under the general permit in areas where they believe Zika-carrying mosquitos may be a problem, and they can immediately begin spraying pesticides to control the spread of the virus.

These requirements are a commonsense approach to ensure gallons of excess pesticides are not dumped into our waters, and they provide sufficient flexibility to address public health threats, such as Zika.

The Cornyn amendment is not about improving the response to Zika. It is a backdoor attempt to gut the Clean Water Act, one of our Nation's bedrock environmental laws.

I urge my colleagues to oppose the Cornyn amendment and help keep our waterways clean.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3922, AS MODIFIED

Ms. COLLINS. Mr. President, I ask unanimous consent that notwithstanding the adoption of the Feinstein-Portman amendment No. 3922 that it be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place in title II of division A, insert the following:

SEC. ____. Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, or 2019 under that section.

Ms. COLLINS. I thank the Chair.

The PRESIDING OFFICER (Mr. PERDUE. The majority whip.

Mr. CORNYN. Mr. President, shortly the Senate will vote on three different versions of appropriations bills that will provide the needed money to help combat the anticipated challenges we are going to have with the Zika virus, which we have talked a lot about. Obviously, Zika is a threat, particularly to women of childbearing age because of the horrific birth defects associated with it, most prominently microcephaly, or basically a skull that is smaller than normal, leading to premature death and, obviously, horrific injuries.

There is bipartisan support for this legislation.

First of all, we will have a chance to vote on the President's request of $1.9 billion. The biggest objection I have to that $1.9 billion is that it really doesn't come with a plan that says how the President will spend that money. It also is not paid for. As the Presiding

Officer well knows, we have a huge national debt, and there is no reason to just gratuitously rack up more debt in order to deal with this public health concern.

There is a second vote we will have on a $1.1 billion appropriations bill. This is the product of the good work done by Senator ROY BLUNT of Missouri and Senator PATTY MURRAY of Washington. They have cut down the President's request from $1.9 billion to $1.1 billion, and they believe this will fund the needed work not only of this fiscal year but into the next fiscal year as well. That is also not offset or paid for, and I think that is a problem.

First of all, the House has proposed a roughly $600 million bill that is fully offset, so we are going to have some differences between the House and the Senate over how we address the Zika virus challenge.

The third is a piece of legislation I have offered that I would certainly ask my colleagues to support. This is fully offset out of something called the Prevention and Public Health Fund that was created by the Affordable Care Act. So there is money in the Treasury now that could help pay for the $1.1 billion. I should say that about $900 million of it could be paid for now, and by next year there will be more money put into this Prevention and Public Health Fund.

As we can see, the Affordable Care Act provides that. This Prevention and Public Health Fund is ''to provide for expanded and sustained national investment in prevention and public health programs.'' I can't imagine any more urgent public health program or one that we should be looking to prevent more than this particular threat, the Zika virus.

I would point out that the Prevention and Public Health Fund has been used to fund some things—many good things, some which I think are questionable, like promoting free pet neutering, encouraging urban gardening, and boosting bicycle clubs. Certainly, prevention of these horrific birth defects and the threat of the Zika virus spreading through the continental United States and its impact on our population is more important than these.

So I ask my colleagues, please, let's deal with this threat in the responsible way that we all agree we should, but let's do so in a fiscally responsible way as well. There is no reason to gratuitously add to the deficit and the debt. We can do this in a responsible way from a public health standpoint and fiscally as well.

Mr. President, I know the Senator from New York, Mr. SCHUMER, is coming to the floor at noon, and we are going to present a matter for the Senate's consideration. I don't see him here yet, but I am told he is on his way. So let me turn to that topic, and I know Senator SCHUMER will be here momentarily.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. CORNYN. Mr. President, all of us remember the horrible events of September 11 and the grief and pain so many people went through in New York. Roughly 3,000 people lost their lives. Obviously, the family members have not forgotten that, and the Nation hasn't forgotten their loss either.

The Senator from New York, Mr. SCHUMER, and I have introduced legislation called the Justice Against Sponsors of Terrorism Act. This is bipartisan legislation which would enable Americans and their family members who lost loved ones on that horrible day to pursue their claims for justice against those who sponsored those acts of terrorism on U.S. homeland.

This bill was reported out of the Senate Judiciary Committee without objection, and similar legislation passed the Senate unanimously last Congress. I believe that kind of unanimous support sends a clear message: that we will combat terrorism with every tool we have available and that the victims of terrorist attacks in our country should have every means at their disposal to seek justice.

I am grateful for the work of the Senator from New York, Mr. SCHUMER, in introducing this bill along with me and Chairman GRASSLEY for shepherding it through the Senate Judiciary Committee. I also appreciate the support of a large bipartisan group of like-minded Senators in this Chamber. We worked with a number of Senators, including the Senator from Alabama and the Senator from South Carolina, who expressed concerns about earlier versions of the legislation. I appreciate their willingness to work with us to deal with their concerns in a way that now has gained their support.

This legislation amends the Foreign Sovereign Immunities Act passed in 1976. So we already have a piece of legislation on the books that waives sovereign immunity under some circumstances, but the problem is that it does not extend to terrorist attacks on our homeland by countries and organizations that have not already been designated as state sponsors of terrorism. This makes some small changes in that legislation that first passed in 1976 to expand the scope of that to allow the families of the 9/11 tragedy to seek justice in our courts of law.

Mr. President, there are some aspects of the bill that I would like to discuss in particular, and to that effect I would like to enter into a colloquy with my friend on a number of points.

Senators SESSIONS and GRAHAM had expressed concern that earlier versions of this legislation might be interpreted to derogate too far from traditional principles of foreign sovereign immunity and put the United States at risk of being sued for our operations abroad. We worked extensively with them on this issue.

To alleviate the concerns they raised, the substitute amendment to S. 2040 narrowly tailors the immunity exception in several way.

First, it is limited—like the Foreign Sovereign Immunity Act's ''tort exception''—to physical injury ''occurring in the United States.'' The act of international terrorism that causes the injury must also take place ''in the United States.''

This focus on U.S. territory avoids the issues raised by the State Department regarding section 1605A, the ''State Sponsor of Terrorism'' exception to the FSIA passed decades ago by Congress. Section 1605A permits jurisdiction over acts that occur anywhere, but is limited to certain states.

Second, jurisdiction can only be predicated on acts of terrorism and not on acts of war, as both terms are defined under the Anti-Terrorism Act.

Third, the injury must be ''caused by'' the tortious act or acts of the foreign state. This language, which requires a showing of jurisdictional causation, is drawn from decisions of Federal courts interpreting section 1605A. Courts interpreting new section 1605B should look to cases like Kilburn, Rux, and Owens, the analysis of which we intend to incorporate here.

Finally, this new version adopts the language of 1605A regarding the conduct of officials, employees, and agents of foreign states. This language incorporates traditional principles of vicarious liability and attribution, including doctrines such as respondeat superior, agency, and secondary liability.

Mr. SCHUMER. I thank the Senator from Texas.

My friend the senior Senator from Texas is exactly right: we have made several changes to the bill since the last time it was introduced—and passed—to make it as narrow and targeted as possible.

I join him in thanking Senators SESSIONS and GRAHAM for working with us to strike the right balance.

I have two points on this.

Congress addressed terrorism under the FSIA decades ago, in what became section 1605A, the exception for ''state sponsors of terrorism.'' I want to make clear that JASTA is responding to a very specific issue about terrorism on U.S. soil. It is not our intent to imply anything about other areas of law. Other provisions of this statute allowing victims of terror to sue foreign governments for acts of international terrorism have a longstanding jurisprudence that JASTA is not meant to alter.

The new version of the legislation also includes an important new tool for the executive branch to address litigation against a foreign sovereign under section 1605B.

Section 5 allows the Department of Justice to seek a stay of the litigation—including related cases, not against the foreign state itself—if the government certifies that it is involved in good-faith discussions to resolve the matter. This stay can be extended.

Of course, if the administration seeks to use this new authority, it should be

prepared to provide substantial evidence of good-faith negotiations to the court such as details about those involved in the discussions and their authority to reach a resolution, where and when the discussion occurred and a timeline for resolving the matter.

I wish to say a few words about secondary liability under the Anti-Terrorism Act, which JASTA addresses.

The purpose of the Justice Against Sponsors of Terrorism Act is to hold foreign sponsors of terrorism that target the United States accountable in Federal courts.

One thing that has come up in our discussions of this bill is whether the bill's provisions would extend civil liability under the Anti-Terrorism Act to situations where someone has been forced to make payments or provide aid to aid to a foreign terrorist organization under genuine duress or, for example, as ransom payments for the release of someone taken hostage. This type of conduct is outside the scope of traditional aiding and abetting liability and our bill does not change that.

To sum up, the Foreign Sovereign Immunity Act has been amended, and amended again, in its relatively short life, in order to strike the proper balance between our interests abroad and the rights of our citizens to obtain redress when they are victims of wrongdoing—no matter who the perpetrator is. This version of JASTA would move our laws even closer to that ideal balance.

I yield again to the senior Senator from Texas.

Mr. CORNYN. Mr. President, I would also like to say a few words about secondary liability under the Anti-Terrorism Act, which JASTA addresses.

This bill is called the Justice Against Sponsors of Terrorism Act. It helps fulfill the promise of the original Anti-Terrorism Act, which was intended to ''interrupt, or at least imperil, the flow of money'' to terrorist groups. So, while JASTA clarifies the rule for secondary liability, which may attach to terrorism sponsors, it doesn't impact other aspects of the ATA that may also make them liable. For example, this bill is not intended to alter how violations of sections 2339A—material support—or 2339C—terrorist financing—can be the basis for direct liability under the ATA.

Mr. President, I would add, there is already litigation pending by the families who lost loved ones on 9/11, and right now there appears to be somewhat of a split in the Federal courts with regard to the scope of sovereign immunity and whether it applies. This legislation would basically clarify that both for pending cases and for future claims.

At this point, I would defer to my friend, the Senator from New York, for any statement he would care to make, and then I would be happy to offer a unanimous consent request.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my good friend from Texas for yielding and for the great job he has done. This is another example of bipartisan legislation and, in fact, another example of a Cornyn-Schumer collaboration, which works pretty well around here.

Senator CORNYN and I have introduced this bill for the last three Congresses, first under the leadership of Senator LEAHY and then under Senator GRASSLEY. It has twice passed without objection through the Senate Judiciary Committee, once by the full Senate. I thank Senators LEAHY and GRASSLEY for their help as well.

The bill is very near and dear to my heart as a New Yorker because it would allow the victims of 9/11 to pursue some small measure of justice by giving them a legal avenue to hold foreign sponsors of terrorism accountable for their actions.

The courts in New York have dismissed the 9/11 victims' claims against certain foreign entities alleged to have helped fund the 9/11 attacks. These courts are following what we believe is a nonsensical reading of the Foreign Sovereign Immunities Act. For the sake of the families, I want to make clear beyond a shadow of a doubt that every entity, including foreign states, will be held accountable if they are found to be sponsors of the heinous act of 9/11.

My friend, the senior Senator from Texas, and I have worked hard to narrow the bill to strike the proper balance between our interests abroad and the rights of our citizens to obtain redress when they are victims of terrible wrongdoing. We had a colloquy for the RECORD that goes into more detail on some of the legal nitty-gritty, but we cannot lose sight of the bigger picture: What this legislation means to the victims of 9/11 transcends day-to-day politics.

One of the most impassioned advocates of this bill is Ms. Terry Strada, who is seeking justice for her husband Tom. Tom lost his life in the North Tower on September 11. Terry didn't just lose a husband; she lost a father to a young son of 7, a daughter of 4, and a tiny baby boy who was born shortly after the towers fell. She lost a loving father and her best friend. Terry Strada and many others are seeking what we would all be compelled to seek if we suffered such loss at the hands of hate and evil, which is simply justice.

The fact that some foreign governments may have aided and abetted terrorism is infuriating to the families if justice is not done. That is what they seek—justice, justice, justice.

Terry and her three children have championed this bill for over a decade. They are not cursing the darkness—as would be human nature to do—at their terrible, unjust, and almost inexplicable loss. Instead, her family and many other families have chosen to light candles, to do whatever they can to make sure this never happens again, so that any foreign entity that would seek to choose to help and aid and abet and do terrorism here on our shores will pay a price if it is proven that they have done so.

So Terry and the other families are lighting candles—a saintly act. I thank them and all the other families as well—Monica Gabrielle, Mindy Kleinberg, Lori Van Auken, Kristen Breitweiser, Patty Casazza—for their tireless advocacy and patience.

In conclusion, JASTA is long overdue—a responsible, balanced fix to a law that has extended too large a shield to foreign actors who finance and enable terrorism on a massive scale. The victims of 9/11 and other terrorist attacks have suffered such pain and heartache that they certainly should not be denied justice.

Mr. President, I yield to my colleague from Texas for the unanimous consent request.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I thank my colleague from New York for his comments and for his partnership in working on this important legislation.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 362, S. 2040.

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

The bill clerk read as follows:

A bill (S. 2040), to deter terrorism, provide justice for victims, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice Against Sponsors of Terrorism Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) International terrorism is a serious and deadly problem that threatens the vital interests of the United States.

(2) The Constitution confers upon Congress the power to punish crimes against the law of nations and therefore Congress may by law impose penalties on those who provide material support to foreign organizations engaged in terrorist activity, and allow for victims of international terrorism to recover damages from those who have harmed them.

(3) International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.

(4) Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.

(5) It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under the Anti-Terrorism Act of 1987 (22 U.S.C. 5201 et seq.).

(6) The decision of the United States Court of Appeals for the District of Columbia in Halberstam v. Welch, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and

abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of the Anti-Terrorism Act of 1987 (22 U.S.C. 5201 et seq.).

(7) The United Nations Security Council declared in Resolution 1373, adopted on September 28, 2001, that all countries have an affirmative obligation to ''[r]efrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts,'' and to ''[e]nsure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice''.

(8) Consistent with these declarations, no country has the discretion to engage knowingly in the financing or sponsorship of terrorism, whether directly or indirectly.

(9) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.

(10) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.

(b) PURPOSE.—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.

SEC. 3. FOREIGN SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

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

''(5) not otherwise encompassed in paragraph (2), in which money damages are sought against a foreign state arising out of physical injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of the office or employment of the official or employee (regardless of where the underlying tortious act or omission occurs), including any statutory or common law tort claim arising out of an act of extrajudicial killing, aircraft sabotage, hostage taking, terrorism, or the provision of material support or resources for such an act, or any claim for contribution or indemnity relating to a claim arising out of such an act, except this paragraph shall not apply to—

''(A) any claim based upon the exercise or performance of, or the failure to exercise or perform, a discretionary function, regardless of whether the discretion is abused; or

''(B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, interference with contract rights, or any claim for emotional distress or derivative injury suffered as a result of an event or injury to another person that occurs outside of the United States; or''; and

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

''(e) DEFINITIONS.—For purposes of subsection (a)(5)—

''(1) the terms 'aircraft sabotage', 'extrajudicial killing', 'hostage taking', and 'material support or resources' have the meanings given those terms in section 1605A(h); and

''(2) the term 'terrorism' means international terrorism and domestic terrorism, as those terms are defined in section 2331 of title 18.''.

SEC. 4. AIDING AND ABETTING LIABILITY FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2333 of title 18, United States Code, is amended by adding at the end the following:

''(d) LIABILITY.—In an action under subsection (a) for an injury arising from an act of international terrorism committed, planned, or authorized by an organization that had been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as of the date on which such act of international terrorism was committed, planned, or authorized, liability may be asserted as to any person who aids and abets, by knowingly providing substantial assistance, or who conspires with the person who committed such an act of international terrorism.''.

(b) EFFECT ON FOREIGN SOVEREIGN IMMUNITIES ACT.—Nothing in the amendments made by this section affects immunity of a foreign state, as that term is defined in section 1603 of title 28, United States Code, from jurisdiction under other law.

SEC. 5. PERSONAL JURISDICTION FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

Section 2334 of title 18, United States Code, is amended by inserting at the end the following:

''(e) PERSONAL JURISDICTION.—The district courts shall have personal jurisdiction, to the maximum extent permissible under the 5th Amendment to the Constitution of the United States, over any person who commits or aids and abets an act of international terrorism or who conspires with the person who committed such act, for acts of international terrorism in which any national of the United States suffers injury in his or her person, property, or business by reason of such an act in violation of section 2333.''.

SEC. 6. LIABILITY FOR GOVERNMENT OFFICIALS IN CIVIL ACTIONS REGARDING TERRORIST ACTS.

Section 2337 of title 18, United States Code, is amended to read as follows:

''§ 2337. Suits against Government officials

''No action may be maintained under section 2333 against—

''(1) the United States;

''(2) an agency of the United States; or

''(3) an officer or employee of the United States or any agency of the United States acting within the official capacity of the officer or employee or under color of legal authority.''.

SEC. 7. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action—

(1) pending on, or commenced on or after, the date of enactment of this Act; and

(2) arising out of an injury to a person, property, or business on or after September 11, 2001.

Mr. CORNYN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Cornyn substitute amendment 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. 3945) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice Against Sponsors of Terrorism Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) International terrorism is a serious and deadly problem that threatens the vital interests of the United States.

(2) International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.

(3) Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.

(4) It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under chapter 113B of title 18, United States Code.

(5) The decision of the United States Court of Appeals for the District of Columbia in Halberstam v. Welch, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of chapter 113B of title 18, United States Code.

(6) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.

(7) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.

(b) PURPOSE.—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.

SEC. 3. RESPONSIBILITY OF FOREIGN STATES FOR INTERNATIONAL TERRORISM AGAINST THE UNITED STATES.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605A the following:

"§ 1605B. Responsibility of foreign states for international terrorism against the United States

''(a) DEFINITION.—In this section, the term 'international terrorism'—

''(1) has the meaning given the term in section 2331 of title 18, United States Code; and

''(2) does not include any act of war (as defined in that section).

''(b) RESPONSIBILITY OF FOREIGN STATES.—A foreign state shall not be immune from the jurisdiction of the courts of the United States in any case in which money damages are sought against a foreign state for physical injury to person or property or death occurring in the United States and caused by—

''(1) an act of international terrorism in the United States; and

''(2) a tortious act or acts of the foreign state, or of any official, employee, or agent of that foreign state while acting within the scope of his or her office, employment, or agency, regardless where the tortious act or acts of the foreign state occurred.

''(c) CLAIMS BY NATIONALS OF THE UNITED STATES.—Notwithstanding section 2337(2) of title 18, a national of the United States may bring a claim against a foreign state in accordance with section 2333 of that title if the foreign state would not be immune under subsection (b).

''(d) RULE OF CONSTRUCTION.—A foreign state shall not be subject to the jurisdiction of the courts of the United States under subsection (b) on the basis of an omission or a tortious act or acts that constitute mere negligence.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605A the following:

''1605B. Responsibility of foreign states for international terrorism against the United States.''.

(2) Subsection 1605(g)(1)(A) of title 28, United States Code, is amended by inserting ''or section 1605B'' after ''but for section 1605A''.

SEC. 4. AIDING AND ABETTING LIABILITY FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2333 of title 18, United States Code, is amended by adding at the end the following:

''(d) LIABILITY.—

''(1) DEFINITION.—In this subsection, the term 'person' has the meaning given the term in section 1 of title 1.

''(2) LIABILITY.—In an action under subsection (a) for an injury arising from an act of international terrorism committed, planned, or authorized by an organization that had been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as of the date on which such act of international terrorism was committed, planned, or authorized, liability may be asserted as to any person who aids and abets, by knowingly providing substantial assistance, or who conspires with the person who committed such an act of international terrorism.''.

(b) EFFECT ON FOREIGN SOVEREIGN IMMUNITIES ACT.—Nothing in the amendment made by this section affects immunity of a foreign state, as that term is defined in section 1603 of title 28, United States Code, from jurisdiction under other law.

SEC. 5. STAY OF ACTIONS PENDING STATE NEGOTIATIONS.

(a) EXCLUSIVE JURISDICTION.—The courts of the United States shall have exclusive jurisdiction in any action in which a foreign state is subject to the jurisdiction of a court of the United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act.

(b) INTERVENTION.—The Attorney General may intervene in any action in which a foreign state is subject to the jurisdiction of a court of the United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act, for the purpose of seeking a stay of the civil action, in whole or in part.

(c) STAY.—

(1) IN GENERAL.—A court of the United States may stay a proceeding against a foreign state if the Secretary of State certifies that the United States is engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

(2) DURATION.—

(A) IN GENERAL.—A stay under this section may be granted for not more than 180 days.

(B) EXTENSION.—

(i) IN GENERAL.—The Attorney General may petition the court for an extension of the stay for additional 180-day periods.

(ii) RECERTIFICATION.—A court shall grant an extension under clause (i) if the Secretary of State recertifies that the United States remains engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

SEC. 6. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action—

(1) pending on, or commenced on or after, the date of enactment of this Act; and

(2) arising out of an injury to a person, property, or business on or after September 11, 2001.

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

Mr. CORNYN. Mr. President, I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2040), as amended, was passed.

Mr. CORNYN. 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. CORNYN. Mr. President, I yield the floor.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

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

Mr. BLUMENTHAL. Mr. President, there is an urgent need that we must address—I hope it will be later in the day—which is emergency funding to facilitate a rapid response to a spreading public health crisis—now in Puerto Rico but threatening the rest of our Nation. There must be a rapid, robust response to the public health emergency the Zika virus poses.

Zika is a vicious, virulent virus capable of crippling and killing. We have seen its effects in some cases of developmental disability that has resulted to children. It poses a threat to 4 million people in the Americas.

Connecticut may not be generally thought to have a warm climate, but the mosquitoes are swarming and spawning there. They include a type of mosquito—the Asian tiger—that has now been documented to carry Zika. This poses an immediate and urgent threat for Connecticut and for the entire eastern coast and Northeast United States.

There is a way that Connecticut is contributing to a solution. Two of our companies in Connecticut, Quest and Protein Sciences, are actively working on a vaccine. I visited Protein Sciences recently and saw firsthand the work that is being done there, but the scientists at that company and others working on a vaccine need this emergency funding. That is their plea to us, and I hope we will respond to it today—not just because the vaccine is needed, but it must be part of a broader effort, to include eliminating and eradicating mosquitoes wherever possible, educating the public on how to protect themselves and particularly their children and pregnant women against this disease.

In Connecticut, there have already been six Zika diagnoses to date. There have been none resulting from infections in Connecticut but still affecting pregnant women. Our experience documents that any State in our country may be eventually affected.

My plea today is that we use this opportunity to pass emergency funding and not deplete or gut a critical resource—the Prevention and Public Health Fund. For example, this fund has provided $324 million for section 317 immunization grant programs, which States rely on to maintain and increase vaccine coverage, particularly for uninsured Americans and for needed responses to disease outbreaks. Invading and decimating this fund will do lasting damage to the public health of America because the Prevention and Public Health Fund is the Federal Government's largest single investment in prevention.

Over the past 5 years, the fund has put more than $6 billion toward overdue investments in disease prevention and public health promotion. Raiding

this fund would wreak havoc on our efforts to reduce chronic disease rates, immunize our children, address infectious disease outbreaks and, ironically, lower health care costs.

There is a saying I have heard numerous times on the floor of the Senate and at other public forums: An ounce of prevention is worth a pound of cure. That lesson has been brought home by our experience with Ebola as well as with other public health threats. It is equally true of Zika. We should endeavor to eradicate mosquitoes and educate the public on the spread of this disease before it causes microcephaly, other developmental disabilities, and loss of vision and hearing in newborns. It is a threat to adults, as well as to newborns. Undercutting the investments we have made to date in public health is far from the right course to take. With women and families across the country looking to Congress for action, now is the time for us to take advantage of the bipartisan measures that are before us.

I urge that we support those bipartisan measures that will help us increase readiness and surveillance, develop a vaccine, and educate communities about how we can better protect women and children, as well as others, from this vicious and pernicious disease.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. BURR. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BURR. Mr. President, I rise today to speak on the importance of fighting the Zika virus and the urgency of being prepared for the full range of threats we may face, whether naturally occurring, such as Zika, or manmade.

To some, this may look like a grasshopper, but that is actually a mosquito. The question is, Prepared for all hazards? We still do not have answers to all the questions surrounding Zika, but we do know this: Zika is a very serious public health threat, and we need to act. That is why I support the Blunt-Murray amendment to bolster our Nation's response to it.

The CDC has indicated that the mosquitoes responsible for spreading the virus could be found in a significant portion of the United States, including my State of North Carolina. What makes this virus particularly troubling is that it has the potential to cause tragic birth defects in babies born to mothers infected with Zika. The virus has also been linked with serious neurologic conditions. The sad news of reported cases of microcephaly is an urgent call to us that this virus poses a very serious threat to pregnant women and their unborn children. We need to take action to help these women deliver healthy babies and stop the spread of the virus.

It is concerning to know that we do not have drugs to prevent or treat Zika, and we will likely not have them until after the summer when mosquitos are present in many of the communities back home.

Zika underscores the importance of supporting a flexible, all-hazards approach and response framework under the Pandemic and All-Hazards Preparedness Act—legislation I authored almost a decade ago—to ensure our Nation would be better prepared for the range of serious public health threats we might face, such as Zika. It also underscores that Mother Nature always has the potential to throw us a curveball, this time in the form of a virus with the potential for devastating birth defects transmitted through a simple mosquito bite. This mosquito-borne virus also highlights why we must be prepared with the appropriate tools to protect the health of America from situations in which infectious diseases are moving from animals to humans.

Thankfully, because of the Pandemic and All-Hazards Preparedness Act, we have been better prepared to respond to Zika and other recent threats. But this work is never done, and we must always remain vigilant when it comes to medical and public health preparedness and response. The next threat may be naturally occurring, or it may be the result of a deliberate attack. We need to be prepared for all of them.

After 9/11, Congress established the BioShield Special Reserve Fund to encourage the development of countermeasures that meet specific requirements for use against chemical, biological, radiological, and nuclear agents that the Department of Homeland Security has determined pose a material threat against the United States population sufficient to affect our national security. These are threats like anthrax, Ebola, hemorrhagic fever, and smallpox. Like Zika, the American people expect us to be ready to respond to these threats.

Unfortunately, I am not going to be able to support the amendment offered by my colleagues from Florida because it would gut BioShield. The President's fiscal year 2017 budget proposed decreasing BioShield by $160 million, and then weeks later, with Zika's emergence, the administration proposed raiding the BioShield fund. These actions do not instill confidence that the Federal Government is prepared to handle these threats and will be a committed partner in these public-private partnerships—partnerships that are crucial for defeating Zika. I want to work with the administration to improve our Nation's biodefense preparedness and response, especially with regard to emerging infectious diseases, but gutting BioShield is not the answer.

I also wish to take a moment and talk about the Biomedical Advanced Research and Development Authority, or BARDA, as I call it. BARDA is currently helping innovators navigate the development of the ''valley of death'' by supporting advanced research and development of medical countermeasures and spurring innovation, such as platform technologies, to ensure that we are as nimble as possible when confronting serious public health threats. BARDA is on the frontline of combating Zika because it is a linchpin in advanced medical countermeasures.

It is also critical that we support BARDA in fulfilling its mission. The Blue Ribbon Study Panel on Biodefense recently issued a report that found there are ''serious gaps and inadequacies that continue to leave the Nation vulnerable to threats from nature and terrorists alike.''

We cannot lose our focus on preparing for the threats we have identified. By strengthening our work in this area, we will be better prepared for the next naturally occurring threat. Regardless of the threat, we know the American people expect us to protect them from it and to be prepared to combat it. Today the threat is Zika. Two years ago the threat was Ebola. And the years before that, it was a novel flu strain. We have been here before. We don't know what the next threat will be or how it will arise, but by staying focused on identified threats and being vigilant to finish what we start, we will be better prepared for the next threat, whether naturally occurring or the result of a deliberate attack.

I strongly support the Blunt-Murray Zika amendment because it will help protect women, babies, and families threatened by Zika in North Carolina and across the United States. It will also ensure that we continue to make progress against a full range of threats we may face in the future. I believe we must confront the threat of Zika with the resources this tragic virus demands and the compassion that women and children deserve. The Blunt-Murray amendment does both. I look forward to supporting it and continuing to fight to ensure that Americans are protected from Zika and all other threats we might face.

While the Presiding Officer and chairman are here, I might add that America is the world's response. We are the ones who funded and initiated the cure for Ebola. We are the ones who took the seasonal flu variations and modified them to reflect the greatest threat. And America will be the one—for the world—that addresses a cure, vaccine, or countermeasure for Zika. The good news is that, as a Congress,

over 10 years ago we set up the architecture to be able to be ahead of things like Zika and Ebola. Quite frankly, during different administrations under different control, we failed to fund the things that we recognized we needed to do.

As we have this crisis and we respond to it, let's also reassure the American people that we are going to invest in that architecture and that we will be ahead of novel diseases. I call it novel. We have known about Zika for over 40 years, and the fact is that technology now allows us to address this in a different way. Let's invest in those platform technologies. Let's make sure we have an architecture that allows advanced development for the vaccines or the countermeasures. Let's not let down the American people on the next disease or the next threat that we might face.

I thank the Presiding Officer and the chairman.

I yield the floor.

RECESS

THE PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided between the managers or their designees.

The Senator from Maine.

Ms. COLLINS. Mr. President, at this point I wish to yield to Senator REED of Rhode Island, the subcommittee ranking member and the comanager of this bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me thank the chairman for her consideration. I rise in support of the Zika supplemental amendment offered by Senators MURRAY and BLUNT, as well as the amendment offered by Senator NELSON.

The threat of the Zika virus is a serious public health issue and Congress must act to help minimize the spread before we have an epidemic on our hands. It has been over 2 months since the Administration asked for emergency funds for a comprehensive response to the Zika virus and to speed up development of a vaccine. This should not be a partisan issue, and inaction leaves us more susceptible to this serious public health emergency. This disease is spreading rapidly in other countries, and as we saw last year with Ebola—and with other mosquito-borne illnesses—we are living in an interconnected world and we are not immune to the spread of these diseases.

Already, there are over 1,000 cases of Zika virus in the United States and U.S. territories, including over 100 pregnant women. We have only seen two cases so far in my home State of Rhode Island, but the virus is spreading and it isn't going away on its own. We will certainly see these numbers increase as we approach the summer months.

I had the opportunity to host a discussion in Rhode Island about this topic just a few weeks ago, bringing together Federal officials from the Centers for Disease Control and Prevention and the National Institute for Allergy and Infectious Diseases, as well as public health officials from the Rhode Island Department of Health, among other experts in the State. Everyone agreed that funding is needed immediately to ensure that we are prepared for Zika.

State and local public health departments will be critical to strengthening efforts to prevent and diagnose cases of Zika, among other mosquito-borne illnesses this summer. While transmission of mosquito-borne illnesses has been limited in the United States so far, it is critical that state and local public health departments have the resources they need—in addition to ongoing communication with the CDC—so they have the most up-to-date information on diagnostics and testing for mosquito-borne illnesses.

The NIH also needs more resources to help fast-track research and development of a vaccine for the Zika virus. The Zika virus has the potential to circulate in the United States over the long term, and we need to be prepared for the fact that we will be combating this disease for more than just a few months in the summer.

We also need more research on the virus. The Zika virus has been around for decades, and there have been outbreaks in other parts of the world, but we didn't know it could cause a birth defect called microcephaly that impacts brain development until this year. We still don't know the long-term impacts on these children and their mothers.

I plan to support Senator NELSON's amendment to fully fund the administration's Zika supplemental request. I appreciate his efforts to push this issue and to help ensure that we have robust funding to help combat the threat of Zika.

While Senator NELSON's approach is preferable, I also plan to support the amendment of Senator MURRAY and Senator BLUNT to provide $1.1 billion in funding to address Zika. This amendment is a bipartisan compromise, and my hope is that no less than this funding level will move forward and be signed into law before we head into the summer months.

It is so critical that we move quickly on this so our state and local health departments will have the resources they need to deal with the potential growing cases in the coming months. Senators MURRAY and BLUNT have been working for weeks on this amendment, and I want to thank them for their commitment to get to this agreement.

I will oppose Senator CORNYN's amendment, which would make harmful cuts to the Prevention and Public Health Fund. This is a classic case of robbing Peter to pay for Paul. The Prevention and Public Health Fund makes exactly the kinds of investments in our public health infrastructure that better prepare us to deal with emergencies like Zika or Ebola.

The Prevention and Public Health Fund also helps fund disease prevention programs such as cancer screenings and immunization programs that save us money in the long run. Instead of cutting the Prevention and Public Health Fund to pay for the Zika supplemental, we should actually be investing more into these programs. So it is my hope we will reject this approach and instead pass emergency legislation today to deal with the Zika virus.

The funding that will be made available as a result of today's votes will be critical in the efforts to prevent outbreaks of the disease in the United States and hopefully the creation of a vaccine in the near future.

There is still a lot we don't know about the Zika virus—and once we pass this emergency funding package, Congress will still need to work together to continue evaluating needs and determining whether more resources are necessary.

I look forward to working with my colleagues to protect Americans from the potentially devastating impacts of the Zika virus.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, shortly the Senate will proceed to consider three alternative proposals to provide much needed funding to combat the Zika virus. I am deeply concerned about the rapidly emerging and evolving Zika virus, which poses a particular threat to pregnant women and can cause serious birth defects.

To learn more about this virus and other public health challenges, I recently toured the Centers for Disease Control and Prevention in Atlanta, GA, with my friend and colleague Senator ISAKSON. I was deeply impressed by the team of extraordinarily dedicated public servants who work there. These scientists leverage an enormous range of knowledge to protect the American people, including through rapid response to infectious disease threats.

CDC's experts told me they call the mosquito that carries the Zika virus the cockroach of the mosquito world because it is so difficult to get rid of. This mosquito can breed in water that fits within the size of a bottle cap. It is commonly found in the United States in areas like Florida and our gulf coast.

There are now more than 1,000 cases of Zika virus in the United States and

its three territories, including two laboratory-confirmed cases in the State of Maine. Earlier, one of our colleagues showed a map of the States that are most affected by Zika, but the fact is, due to travel, there are confirmed Zika cases in virtually every single State, but of course Puerto Rico in particular has been especially hard hit, with the number of cases soaring. These statistics are even more alarming when we consider that we have not yet reached the summer months when mosquitoes tend to be more prevalent. Recent studies suggest that Zika might spread across the warmer and wetter parts of the Western Hemisphere. As many as 200 million people in our country live in areas where the mosquito that carries the virus could potentially thrive.

You may have read what may seem like good news—that the Zika virus is asymptomatic in approximately 80 percent of those affected, but CDC recently concluded that the virus causes microcephaly and a range of other severe fetal brain defects. Americans are justifiably worried about the Zika virus, as the failure to prevent its spread could have devastating consequences for our families.

In addition to the human and emotional toll, the Zika virus may ultimately cost the United States an astonishing sum of money when we consider that we already spend more than $2.6 billion per year on hospital stays related to birth defects. So the investment we are making today is not only the right thing to do from a humanitarian and public health perspective, it is also the right thing to do from an economic viewpoint.

In addition to these serious birth defects, the Zika virus has been linked to Guillain-Barre syndrome, a disease that can cause paralysis and even death.

It is imperative that we take steps to combat the Zika virus without delay. To that end, I support the bipartisan compromise agreement worked out by Senators BLUNT and MURRAY to provide an additional $1.2 billion to combat the Zika virus, including $361 million for the CDC and $200 million for the National Institutes of Health. We can and we should do more to plan for emerging disease threats through the regular appropriations process so we do not have to turn frequently to emergency supplemental funding, but in this case the Zika virus is an imminent and evolving public health threat that cannot wait and that cannot be ignored.

The CDC has a very specific plan to rapidly respond to this very real threat, including by developing diagnostic tests that will help us identify the virus and help to educate providers and the public about appropriate prevention methods. I think it is important to understand that the CDC is the interface with State and local public health centers and agencies, so its role is absolutely critical in the education and prevention process.

The National Institutes of Health is similarly prepared to conduct research into vaccines that might help us better prevent the virus and the conditions that it can tragically cause, but again that requires funding.

The CDC has sounded the alarm in its warning about a serious Zika outbreak in our country. It is essential we devote sufficient financial resources to meet this new challenge. I am convinced that today the Senate will do its part to deal with this serious threat to our public health.

Thank you, Mr. President.

Mr. REED. Mr. President, I have a parliamentary inquiry: How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 1½ minutes remaining, and the Senator from Maine has zero time remaining.

Mr. REED. Mr. President, I yield back the remaining time on our side.

The PRESIDING OFFICER. All time has been yielded back.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3898 to amendment No. 3896 to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Marco Rubio, Debbie Stabenow, Harry Reid, Sheldon Whitehouse, Richard J. Durbin, Al Franken, Jeanne Shaheen, Robert Menendez, Brian E. Schatz, Joe Manchin III, Bill Nelson, Charles E. Schumer, Michael F. Bennet, Edward J. Markey, Benjamin L. Cardin, Tom Udall, Gary C. Peters.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3898, offered by the Senator from Kentucky for the Senator from Florida, to amendment No. 3896 to H.R. 2577, shall be brought to a close?

The yeas and nays are mandatory under this rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—50

Ayotte	Gillibrand	Nelson
Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Rubio
Brown	Kirk	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Cassidy	McCaskill	Udall
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NAYS—47

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Sasse
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johnson	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Daines	McConnell	Vitter
Ernst	Moran	Wicker
Fischer	Murkowski	

NOT VOTING—3

Cruz	Enzi	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3899 to amendment No. 3896 to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roy Blunt, Roger F. Wicker, Marco Rubio, Lamar Alexander, Richard C. Shelby, Thad Cochran, John McCain, Michael B. Enzi, Jeff Flake, John Cornyn, Shelley Moore Capito, Johnny Isakson, Richard Burr, Bob Corker, Susan M. Collins, John Hoeven.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3899, offered by the Senator from Kentucky for the Senator from Texas, to amendment No. 3896 to H.R. 2577, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mrs. ERNST). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—52

Alexander	Flake	Perdue
Ayotte	Gardner	Portman
Barrasso	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hatch	Rounds
Burr	Heller	Rubio
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sessions
Cochran	Johnson	Shelby
Collins	Kirk	Sullivan
Corker	Lankford	Thune
Cornyn	Lee	Tillis
Cotton	McCain	Toomey
Crapo	McConnell	Vitter
Daines	Moran	Wicker
Ernst	Murkowski	
Fischer	Paul	

NAYS—45

Baldwin	Gillibrand	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Peters
Booker	Hirono	Reed
Boxer	Kaine	Reid
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—3

Cruz	Enzi	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3900 to amendment No. 3896 to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roy Blunt, Roger F. Wicker, Marco Rubio, Lamar Alexander, Richard C. Shelby, Thad Cochran, John McCain, Michael B. Enzi, Jeff Flake, John Cornyn, Shelley Moore Capito, Johnny Isakson, Richard Burr, Bob Corker, Susan M. Collins, John Hoeven.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 3900, offered by the Senator from Kentucky, Mr. MCCONNELL, for the Senator from Missouri, Mr. BLUNT, to amendment No. 3896 to H.R. 2577, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—68

Alexander	Franken	Murphy
Ayotte	Gillibrand	Murray
Baldwin	Graham	Nelson
Bennet	Hatch	Peters
Blumenthal	Heinrich	Portman
Blunt	Heitkamp	Reed
Booker	Hirono	Reid
Boozman	Hoeven	Rounds
Boxer	Isakson	Rubio
Brown	Kaine	Schatz
Burr	King	Schumer
Cantwell	Kirk	Shaheen
Capito	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Manchin	Tillis
Casey	Markey	Udall
Cassidy	McCain	Vitter
Cochran	McCaskill	Warner
Collins	McConnell	Warren
Coons	Menendez	Whitehouse
Donnelly	Merkley	Wicker
Durbin	Mikulski	Wyden
Feinstein	Murkowski	

NAYS—29

Barrasso	Gardner	Risch
Coats	Grassley	Roberts
Corker	Heller	Sasse
Cornyn	Inhofe	Scott
Cotton	Johnson	Sessions
Crapo	Lankford	Shelby
Daines	Lee	Sullivan
Ernst	Moran	Thune
Fischer	Paul	Toomey
Flake	Perdue	

NOT VOTING—3

Cruz	Enzi	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 29.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Maine.

AMENDMENT NO. 3946 TO AMENDMENT NO. 3900, AS MODIFIED

Ms. COLLINS. Madam President, I call up the Blunt amendment No. 3946.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. BLUNT, proposes an amendment numbered 3946 to amendment No. 3900, as modified.

Ms. COLLINS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the periodic submission of spending plan updates to the Committee on Appropriations)

On page 10 of the amendment, line 1, strike ''. The'' and all that follows through the period on line 3, and insert the following: '': *Provided*, That such plans shall be updated and submitted to the Committee on Appropriations of the Senate every 90 days until September 30, 2017, and every 180 days thereafter until all funds have been fully expended.''.

Ms. COLLINS. Madam President, I would now like to yield time to Senator ISAKSON for a statement.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I thank the Senator from Maine for the recognition.

AMENDMENT NO. 3900, AS MODIFIED

I want to commend Senator COLLINS and Senator REED for their hard work and great leadership on this amendment, Senator MURRAY and Senator BLUNT for bringing this issue before us, and the Senate for having the good sense to invoke cloture on it this afternoon.

If anybody in the audience or in this room doesn't think this is an emergency, they should have been with Senator COLLINS and me 2 weeks ago at the CDC in Atlanta. We spent 4 hours looking at the depiction of what a Zika outbreak is going to look like if it doesn't stop and if we don't abate it.

There have already been 1 million cases in the Caribbean, Central America, and South America and 500 cases in the United States of America, and it is going to grow. The faster we get our arms around it, the better off the American people are going to be.

This is a lot of money, but it is only a pittance compared to what it would cost if the epidemic got out of control and we didn't stop it and defeat it. This money will go to Labor, Health and Human Services, the State Department, the CDC, and other entities to provide the education, training, and information necessary to get control of this disease.

Remember what happened with Ebola. When it broke out and we finally got involved, only through CDC's ability to educate and also to contain and control the disease did we finally get our arms around it and stop the epidemic. The same thing is going to be true with Zika. We need to contain, control, and get the necessary education to the countries to see to it that we stop it.

I commend the Senate for invoking cloture on the amendment today. I commend these two Senators for their hard work, and I am glad we are on the leading point of the spear. I want everybody to be clear—this is an emergency. Had we not invoked cloture on this amendment today, in months we would have had a greater emergency because Zika would have spread unabated in the Southern United States.

Lastly, I want to give great credit to Senator COLLINS for all the hard work she has done on health and human services for so many years and for her hard work for the CDC. On behalf of Dr. Frieden, we are glad you finally came and visited. God bless you.

I yield back.

The PRESIDING OFFICER. The Senator from Maine.

OPIOID EPIDEMIC

Mr. KING. Madam President, we just invoked cloture on an amendment to deal with the funding of an incipient epidemic—an epidemic that has serious ramifications for our society and for our country—and it is right that we did that.

I rise today, however, to point out the fact that we are in the midst not of an incipient epidemic but a real epidemic that since lunchtime today has killed 15 people in this country. Fifteen people have lost their lives since the middle of the day today. The epidemic I refer to, of course, is heroin and opiate drug abuse and addiction. This is a crisis which is upon us right now.

A month or so ago, we passed with great fanfare the CARA bill, the comprehensive addiction bill. It was the right thing to do. It was a good bill, but it had no funding. Passing a bill like that with no funding is like sending the fire department to a fire with no water. We cannot deal with this problem until we have the capacity to provide treatment to the people who need it.

Right now there is a huge shortage of treatment beds. There is even a shortage of detox beds, let alone treatment. When a person finally gets to the point where they are struggling with this terribly destructive disease and they are ready to embrace and take on the treatment, to not have it available or to have it available at an exorbitant cost is tragic.

We are losing lives every hour—47,000 people a year—and it is expanding and exploding, and it is tearing our communities apart.

I am delighted that we invoked cloture on an amendment involving the Zika virus. It is important that we do so. But we also should be attending to this crisis that is staring us right in the face and is tearing our country apart.

I hope we can soon get to an amendment that will allow us to begin the process of funding the resolution of this scourge before it takes more lives and before it tears apart more families and communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, today the Senate invoked cloture on an amendment to provide more than $1 billion in emergency spending to help combat the Zika virus. I support this effort. I think it is a good amendment, and I commend our leaders in the Appropriations Committee for reaching this bipartisan agreement.

However, I join my colleague from Maine, my colleague from West Virginia, and all of those who are disappointed that the opioid epidemic is not being treated with the same degree of urgency.

Some Senators on the other side of the aisle have said it is their preference to deal with the opioid epidemic through the regular appropriations process. Let me say that I am not encouraged by the results so far. With all due respect to my colleagues, an extra $1 million here and there for a few programs, which is what we are seeing in the appropriations process, is not going to address the nationwide crisis that Senator KING has said is going to kill tens of thousands of Americans this year.

While the HHS appropriations bill is still being drafted, because of the tight budget caps that are in place for this fiscal year, I am not optimistic that it will include the type of game-changing funding that we need to stem the tide of this crisis. Unfortunately, we saw that the Commerce, Justice, and Science appropriations bill included only minor increases to programs to address the heroin and opioid epidemic. That is why we need emergency funding, and we need it now.

In March, the Senate had an opportunity to provide $600 million in emergency funding to address this crisis, but despite strong bipartisan support, that amendment was defeated on a point of order. Congress needs to rise to this challenge, just as it has done during previous public health emergencies and just as we are doing right now to address the Zika virus. Just last year Congress approved $5.4 billion to combat the Ebola outbreak, which killed one American, but in 2014, 47,000 Americans died from drug overdoses. Each day we wait, another 120 people die of drug overdoses. We are losing one person a day in New Hampshire.

Now is the time to act. I urge my colleagues to reconsider.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, first of all, I thank my good friend from New Hampshire, Senator SHAHEEN, for putting in this most needed funding to fight this epidemic, and I thank Senator KING from Maine as well. We are all fighting it.

My State has been hit the hardest of all the States, and New Hampshire is right behind us as far as having more deaths from opioid drug abuse than any other State. If you put what we are asking for into perspective and look at what we have done over the years since the war on drugs began about four decades ago, we have spent $1 trillion in the United States, but we are fighting this war the wrong way. We have all looked at this as a horrific crime, and we have just kept putting people away. In that period of time, we spent $450 billion to lock up these people in Federal prisons and most of them were locked up for nonviolent crimes.

We need to look at this. This is an illness, and to treat an illness, you have to have funding. We just talked about Zika, and we have done it for Ebola. I even checked what we have done with polio. Since we eradicated polio, we have saved this country $220 billion. Can you imagine what would have happened if we hadn't? We wanted to have it eradicated around the world by the year 2000.

The savings is enormous, but the bottom line right now is productivity. I have the lowest workforce participation in the country right now in West Virginia. A lot of it is due to the addictions that people have. In 2014, we had 42,000 West Virginians—including 4,000 youth—who sought treatment for illegal drug use but failed to receive it. There was no place for them to go. They wanted to change their lives. They asked in every way possible to do that, but we have no treatment centers.

This goes a long way to basically help treat an illness which is absolutely destroying America, not just in West Virginia, New Hampshire, and Maine, but I am talking about all 50 States. We have an epidemic we are dealing with today. Yet we are not dealing with it because we have no treatment, and that is because no one has put the priorities and values that we have in this country to eradicate this horrible scourge in our country.

I ask all of my colleagues to please reconsider the funding that is needed to fight opioid abuse with proper treatment around the country.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

BROWN V. BOARD OF EDUCATION ANNIVERSARY AND FILLING THE SUPREME COURT VACANCY

Mr. KAINE. Madam President, I rise to discuss the pending vacancy on the U.S. Supreme Court, and I do so on a very momentous day in American legal history. May 17, today, is the anniversary of the Supreme Court's decision in the pivotal case of Brown v. Board of Education. On May 17, 1954, the Supreme Court ruled that the promise of equality—stated as paramount in the Declaration of Independence and then reaffirmed in the 14th Amendment to the Constitution passed in the aftermath of the Civil War—could not be denied to little school children based on their skin color. The Brown v. Board case was actually five cases consolidated together—one from Virginia, one from Kansas, one from Delaware, one from South Carolina, and one from the District of Columbia.

While most of us know what the Brown case resolved, few remember that the Brown ruling was in serious jeopardy because of the death of a Supreme Court Justice and the deep divisions on the Court among the remaining eight members. It was only through the prompt filling of a judicial vacancy that the Court was able to come together and render a ruling in America's best interest.

The Brown case was originally argued in 1952, and the court that heard the argument was hopelessly divided. In fact, it was so divided that they asked that the case be reargued in 1953, and then to make matters worse, Chief

Justice Fred Vinson died before the reargument. By many accounts, his death left the Court evenly divided over an issue of the most fundamental importance. Had the vacancy left by the death of Judge Vinson persisted, there is no way of predicting whether the Supreme Court could have even resolved the case. Imagine how different our history as a Nation would be if the Supreme Court had been unable to decide on a matter of fundamental importance.

President Eisenhower nominated former California Governor Earl Warren to fill the vacancy. The Senate did its job, held a prompt hearing, and confirmed the appointment. Chief Justice Warren then used his skill to cut through the division and convince his colleagues that the Court should speak unanimously and say that a child's skin color should not determine which school he or she should attend. Because the Senate did its job, the Court was able to do its job, and all of America was lifted.

I have listened to my colleagues and Virginia citizens about the current Supreme Court vacancy for 3 months. I have come to this conclusion: I think the Senate is treading on dangerous ground here. We are communicating—and I think the communication could be unintentional—a message to our public that is painful, and our actions in this high-profile matter are creating pain among many of my constituents. I fear that a precedent is about to be set that could undermine all three branches of our government.

I offer these comments today because the Senate can correct the dangerous message we are sending, and I hope that calm reflection will call us to honor the great traditions of this body.

The death of Justice Scalia on February 13 created a naturally occurring vacancy on a Court that is statutorily required to have nine members. Within hours of Justice Scalia's death, the majority leader announced a blockade on the vacancy, declaring that no nomination by President Obama would ever receive a hearing or a vote. This hastily announced blockade has been described as follows: The majority thinks the American people should decide on the Presidential race, and therefore, this nomination should be for the next President to make, even if that means a Supreme Court vacancy for more than a year.

I want to examine the majority's rationale. What has the Senate done in other instances when a vacancy has occurred during the last year of a President's term? Well, that is easy enough to find out. Before Justice Scalia's death, more than a dozen Justices have been confirmed during a Presidential year. For the last 100 years, with the exception of nominees who have withdrawn their nomination, the Senate has taken action on every pending nominee to fill a vacancy on the Court.

In the past, some Senators have suggested that a vacancy occurring during the final year of a Presidential term should be entitled to less deference than other Executive nominations, but that is related to the question of whether or not a Senator votes yes or no, and, of course, Senators are free to vote yes or no on nominees. But the refusal to even consider a nominee is unprecedented.

Beyond the precedent of previous Senate actions, let's look at article II, section 2, of the Constitution. It says that the President ''shall nominate'' and ''appoint''—''by and with the Advice and Consent of the Senate''—various officials, including Supreme Court Justices.

While all agree that the advice and consent provision gives the Senate the ability to affirm or reject a nominee, there is nothing in the clause suggesting that the Senate can blockade the consideration of a nominee, and there is certainly nothing in the clause to suggest that the President's appointed powers or the Senate's confirmation powers are somehow limited in the last year of a Presidential term.

Finally, the meaning of the constitutional clause was extensively discussed as the Constitution was drafted, approved, and ratified by the States, and Alexander Hamilton's Federalist Paper 76 also discusses the provision at length. All understood that the advice and consent provision was an opportunity for the Senate to determine whether a Presidential nominee for a Senate confirmable position possessed ''fit character.'' That is the check against Presidential power intended by the clause. The President, knowing that a Senate would inquire into the character of a nominee, would not just nominate people purely for partisan, personal, or regional reasons—wanting to fill it with people from my State, for example. ''Fit character'' would require that the President nominate somebody who could pass that scrutiny in the Senate. ''Fit character'' is a phrase with some significant subjectivity to it, giving each Senator the ability to decide what it means in a given instance. But the position that the character of the nominee doesn't matter at all—as evidenced by the majority's view that there would be no meetings, no hearings, and no vote regardless of the person nominated for the vacancy—is directly contrary, in my view, to the intent of the provision.

I look at this, and I believe the asserted rationale that we should not take up the Garland nomination because the vacancy occurred in the final year of a Presidential term is at odds with the text of the Constitution, with the clear meaning of the text, as explained during the drafting of the provision, and with the clear line of Senate action in previous cases.

What could explain the blockade of Judge Garland? I obviously don't know, and I can't comment upon motivations that I am unaware of, but I do want to discuss how it appears—a perception that we are leaving, possibly unwittingly, based on my discussions with Virginians. The current Senate blockade is variously interpreted as an opposition to the nominee, as opposition to the particular President making the nomination, or as some effort to undermine judicial independence.

Let's look at those three interpretations that are very commonly held by Virginians and others. The first interpretation: Is it opposition to the nominee? I think we can dispense with that pretty quickly. The blockade strategy is not based on the character of the nominee, Judge Merrick Garland, and I can assert this safely because the blockade strategy was announced—no meeting, no hearing, no vote—before the President even nominated Judge Garland. It was said that regardless of the character of a particular nominee, they would not entertain a nomination from this particular President. This is ironic, given that the nomination for a Supreme Court Justice is fundamentally about the very essence of justice and that the essence of justice must carry with it a duty to consider each individual on his or her own merits. The position that we would refuse to consider Judge Garland on his own merits seems contrary, to me, to the very notion of justice itself.

Now that Judge Garland has been nominated, we also know that the blockade is not about the character of the nominee. Judge Garland has an esteemed record as a prosecutor, private practitioner, and Federal appellate judge on the D.C. Circuit Court of Appeals. He is the chief judge on that court. His judicial service alone is approaching the 20-year mark on a court that most believe is second in importance only to the U.S. Supreme Court.

I have not seen any Member of the majority assert any credible weakness in Judge Garland's background, integrity, experience, character, judicial temper, or fitness for the position. Indeed, the majority's senior Member, a respected former chair of the Judiciary Committee, has praised Judge Garland as exactly the kind of jurist who should be on the Supreme Court.

In my recent interview with Judge Garland, I came away deeply impressed with his thoughtful manner and significant experience as a trial attorney and judge. This is no ivory tower jurist, but instead a man who understands the real-life struggles of plaintiffs and defendants, lawyers and juries, legislators and citizens, and trial judges who depend upon the Supreme Court to give clarity and guidance to the rules that impact the most important issues of their lives.

I think we should give President Obama his due in proposing a nominee with such impeccable credentials. I reject the first possible explanation that the majority's opposition is about the nominee. In fact, a determination that Merrick Garland was not of fit character to even receive consideration as a Supreme Court Justice would set such a high bar for appointees that it is hard to imagine anyone ever clearing it.

Since the Garland blockade has nothing to do with the character of the nominee, many perceive that it is instead explained by the majority's views of this President.

Is there something about President Obama that would warrant his Supreme Court nominee receiving second-class treatment compared with past Senate practice?

Could it be the circumstances of the President's election? Some Presidents have been elected with less than a majority vote of the American public and have thus been burdened with the notion that they did not have a mandate from the American public, but President Obama was elected in both 2008 and 2012 with overwhelming majorities in the electoral college, and his popular vote margins in both elections were also relatively strong in comparison with the norm in recent Presidential elections. So there is nothing about the legitimacy of President Obama's elections that would warrant treating this President's nomination different from previous Executives.

This makes extremely puzzling the majority's claim that they want to ''let the American people decide.'' The American people did decide. They gave President Obama the constitutional responsibility to nominate Justices to the Supreme Court from his first day in office to his last. Some may not be happy with the decision, but it is insulting to the President and it is insulting to the American electorate who chose him, according to longstanding and clear electoral rules, to demean the legitimacy of his election.

Could it be the unique unpopularity of this President? I think one could hypothesize a situation where a President, in the last year of his term, is so unpopular that a Senate might conclude that the public is no longer supportive of the Executive, but that is not the case with President Obama. The President's current popularity is actually quite strong compared with other Presidents during their final years in office. So there is nothing about the President's popularity with the American electorate that would warrant treating his court nominee different than the treatment afforded to past nominees.

So what could it be about President Obama that would warrant the blockade of his Court nominee in a manner completely different than the way the Senate has treated all other occupants of the Oval Office? In what way is this President different to justify such treatment?

I state again what I have said before. Obviously, I don't know the answer. I cannot say why the Senate would be so willing to break its historic practice and, by my reading of the Constitution, to refuse consideration of a nomination made by this particular President, but I can say it is painful and offer some thoughts about how it appears to many of my neighbors, to many of my constituents, as well as to many of my parishioners with whom I attend church. They reacted with alarm when news came that certain leaders had declared, soon after President Obama was elected, that their primary goal was to assure that he would not be reelected. They watched with sadness as some in Congress raised questions about whether he was even born in the United States. They saw some in Congress question his faith and his patriotism. They observed a Member of Congress shout ''you lie'' at this President during a televised speech to the entire Congress. They noticed, recently, as the Budget Committees of both the House and Senate refused to even hold hearings on the President's submitted 2017 budget—the only time a President has been treated in such a manner since the passage of the Budget Control Act of 1974. In short, they are confused and they are disturbed by what they see as an attack on this President's legitimacy. I am not referring to an attack on this President's policies, which should always be fair game for vigorous disagreement, and I have often attacked this President's policies, but instead what people are worried about is some level of attack on the very notion that it is this individual occupying the Oval Office.

This latest action—the refusal to even consider any Supreme Court nominee afforded by President Obama in his final year, when other Presidents were granted consideration of their nominees—seems highly suspicious to them. When that blockade is maintained, even after the President affords to the Senate a nominee of sterling credentials, the suspicion is heightened. When the asserted reason is the need to ''let the people decide,'' thus suggesting that the people's decision to elect this particular President twice is entitled to no respect, they are deeply troubled. What can explain why this President—the Nation's first African-American President—is singled out for this treatment?

Again, I don't know, but we cannot blind ourselves to how actions are perceived. The treatment of a Supreme Court nomination by this President that departs from the practice with previous Executives and that cannot be explained due to any feature of the particular nominee under consideration feeds a painful perception about motivations. The pain is magnified when it is in connection with an appointment to the Supreme Court, whose very building proclaims in stone over its entrance the cardinal notion of ''Equal Justice Under Law.''

There is a third interpretation of the Garland blockade that is also troubling. Some see the blockade as just sort of power politics—as an attempt to slant the Court. The death of Justice Scalia creates concern among those who fear a natural transition on the Court, so there is an effort to stop that natural and lawful transition.

The blockade on filling a naturally occurring vacancy, in my view, is harmful to the independence of the article III branch. Even in the 3 months since Justice Scalia's death, the Court's rulings have shown the challenges of an eight-member Court. On four occasions already, the Court has been unable to render a clear decision in a case of great importance. Since the blockade, if successful, will probably maintain the artificial vacancy until the spring of 2017, it is likely to happen in other cases as well. So lower courts, and all persons whose rights and liberties are subject to rule by this Court, are deprived of the clarity on Federal issues that the Court was designed to provide, but it is more than just a hobbling of the Court's ability to decide individual discrete cases.

Seventy years ago, when Winston Churchill spoke at Westminster College about the descent of an Iron Curtain across Europe, he defined the differences between free societies and those driven by tyranny. Key to his description of free societies was an independent judiciary. It is an independent judiciary that serves as a bulwark against Executive or legislative power grabs, protecting the liberties of an individual from an overreaching Executive or from a majoritarian legislature that does not fully grasp the rights of minorities. That is what an independent judiciary is designed to do. I think we all know this independence of the American judiciary has been one of the great hallmarks of American democracy.

In my view, the blockade of the Garland nomination undermines this independence. The Judiciary Act of 1869 sets the composition of the Court at nine Justices with life tenure, and that statute has remained in force for 150 years. When President Franklin Roosevelt didn't like certain rulings of the Supreme Court in the 1930s, he tried to expand the Court and elbow out older Justices by proposing a forced retirement age and an expansion of the numbers in that Judiciary Act of 1869. Everybody understood that FDR's actions were an attempt to attack the independence of the judicial branch, and so congressional leaders of both parties stood up to stop him.

I think this current blockade is the legislative equivalent of what President Roosevelt tried to do. Refusing to consider an Obama nomination in order to artificially maintain a Court vacancy for more than a year is as much an attack on the judiciary as trying to expand it beyond nine members. I hope we would agree with this: Whether an independent judiciary is attacked by the executive or the legislative branches, we need to be equally diligent in repelling that attack.

American diplomats work every day around the world trying to convince other societies of the virtues of the rule of law and the independent judiciary, but the current blockade, unless corrected, suggests that we do not practice what we preach. By refusing to fill a naturally occurring vacancy,

we send the message that the rule of law and an independent judiciary are ultimately secondary to having a more favorable or a more compliant judiciary, even when we have to weaken it to obtain what we want.

I once lived in a country with a military dictatorship that held this view of the judiciary. The judiciary was not prized for its independence but instead was priced for its slavish obedience to a few in control of society. By refusing to fill a Supreme Court vacancy because a partial and weakened Court is deemed more acceptable than a full and lawfully constituted Court, we move away from one of our best traditions—to become more like legal systems that we are working to change around the world every day. In doing so, we weaken the judiciary by leaving this vacancy that has already affected proceedings, we weaken the Executive by hobbling the constitutional power to fill dually constituted executive and judicial positions, but we also weaken the legislative body, which has that important duty of checking these nominees for fitness of character, and by doing it without even being willing to cast a vote, I think we hurt our own institutional credibility.

In conclusion, I harken back to 1954. A matter of fundamental importance to our Nation was before the Supreme Court. The death of a Justice left an eight-member Court that had already shown it was deeply divided and likely unable to reach a ruling, but the Senate did its job and filled the Court and the Court could then render a ruling that changed the course of American history for the better.

We should learn from that history and do our job. Persisting with this current blockade and sending these possibly unintentional messages is deeply dangerous. The refusal to carry out the commands of the Constitution and the Judiciary Act of 1869, to abide by the Senate precedents, to fill a naturally occurring Supreme Court vacancy, to offer the advice and consent that is part of a Senator's job description, and to entertain a well-qualified nominee—even for a hearing, much less a vote—will not be viewed favorably in the bright and objective light that history will shine on all of our actions.

We can fix this. If the Judiciary Committee will hold a hearing, cast a vote, report Judge Garland to the floor, and then ensure that the Senate debates this nomination and holds a floor vote, we will uphold our responsibility. Judge Garland might be confirmed or he might be rejected, but in taking action—rather than mounting an unprecedented blockade—we preserve the ability of each Senator to make the judgment about whether Judge Garland possesses the fit character necessary for this position. We act in accordance with the Constitution and the Judiciary Act of 1869, we follow the traditional practices of the Senate—practices that have served us well, as the case of Brown v. Board of Education shows—and we cure the painful and dangerous message that is communicated by the current blockade strategy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise to follow the eloquent remarks of my colleague from the State of Virginia and to remark upon 62 years—62 years since Brown v. Board was handed down by our Supreme Court; 62 days since Judge Merrick Garland was nominated by our President to fill a vital vacancy on our Nation's highest Court. I wish to thank and commend my colleague, a very able attorney and someone who has argued cases passionately around a wide range of issues but none so much as civil rights.

As Senator KAINE rightly pointed out, the history of Brown v. Board is that a series of cases were brought together from across several States—including his State of Virginia and my State of Delaware—gathered together and argued in front of the Supreme Court by Thurgood Marshall, then chief counsel of the NAACP, and ultimately decided in 1954. Initially, a divided Court was unable to render judgment because in the spring of 1953, Chief Justice Vinson had died, leaving the Court then in a similar situation as it is now—divided on a range of vital and important issues.

The good Senator from Virginia has reminded us that our failure to act now—our failure to do our job and to follow the dictates of our Constitution, the ''shall'' language in article II, section 2—the failure of this body to offer any hearing or vote on this very capable circuit court judge sends the wrong message, not just here within this country to our citizens but around the world.

The Senator from Virginia spent time—and it changed his life and his perspective—in Central America as a younger man in a country where judicial independence was a fiction on paper. I, too, spent time in the 1980s in a country in Southern Africa known as South Africa, where this same legal system that existed here under Jim Crow existed there under the name of apartheid. It is to that country I go in just 2 weeks, with Congressman JOHN LEWIS of Georgia and with the children of Robert Kennedy, to commemorate the 50th anniversary of a speech given in Cape Town 50 years ago.

It is a striking moment for us to reflect on the importance and the power and the centrality of Brown v. Board in wiping away the dark stain of Plessy v. Ferguson, that obscene legal fiction rendered in 1896 that ''separate but equal'' allowed us to square the horrible distension of justice in our country of a separation between the races with the words in our Constitution, the words above the Presiding Officer, the words above the entrance to our Supreme Court, the words above the Presiding Officer's desk in our Chamber, ''E pluribus unum''—from many, one—more importantly, the words above the Supreme Court entrance, ''Equal Justice Under Law.''

We have these soaring words in our foundational documents and in our most important government buildings that suggest that we will ''dispense justice equally,'' that we will be gathered from many differences in backgrounds into one. Yet the reality in this country, for its initial decades, more than its initial century, was anything but.

It was 62 years ago today that the Supreme Court of these United States issued a unanimous decision wiping Plessy v. Ferguson away.

I rise briefly to comment that I grew up in a small town in Delaware known as Hockessin. It was a so-called ''Colored'' school in Hockessin that was the basis of one of these cases. There were actually two cases from Delaware: Belton v. Gebhart from Claymont, related to the Claymont High School, and Bulah v. Gebhart, relating to the Hockessin Elementary School. In both cases, a famous lawyer from Delaware named Louis Redding took their cases to the Delaware courts. A brave judge, Judge Collins Seitz, rendered a judgment that found the discriminatory practices in the State of Delaware illegal. It was that case that was affirmed—of the five gathered—in Brown v. Board.

Although Delaware has a very troubled and checkered racial history, these cases are ones of which I and my constituents can justifiably be proud. Moments when the courts of this country have stepped up and wiped the stain of racism and of legal segregation from our books are moments of which we can and should be proud.

As my colleague from Virginia pointedly reminded us, for 62 days the incredibly qualified and capable district court judge nominated by our current President has waited—waited for an answer from this body, waited for a hearing before the Senate Judiciary Committee, on which I serve, waited for a vote. In the century that there has been a Judiciary Committee of this body, every previous nominee who has not withdrawn has received a hearing, a vote, or both.

What are we so afraid of in allowing this talented judge to come forward, to lay his views and his credentials and his experience before this body or a committee of this body? What is the concern? My colleague from Virginia has asked and I ask, what is the animating concern that insists that for 62 or 63 or 64 or more days, Judge Garland must wait, throughout this entire year perhaps, into next year? How many cases will remain undecided by an equally divided Court due to our unwillingness or the unwillingness of many in this Chamber to do their job, to take up the challenge, to have a hearing, and to cast their vote?

With that, I simply want to say that it is to me of grave concern that we have not acted as a body, that we have

not acted collectively to provide a path forward for this talented, capable judge. Many in this Chamber may find him not to be capable or qualified, but without a hearing, how would you know? He has submitted a full response—thousands of pages—to the questionnaire typically expected before the Judiciary Committee of any nominee. His record is before us—abundant, voluminous. He has more experience than any previous nominee as a Federal circuit court judge. What is the concern that would prevent us from moving forward?

On this 62nd anniversary of the most important decision, in my view, in the history of the U.S. Supreme Court, Brown v. Board, I call on my colleagues to once again show the courage of Louis Redding, of Judge Seitz, of Justice Warren, and of all of those who rendered central decisions in the history of this country that allowed our Supreme Court to operate independent of political interference and capable of making real the promise above our Supreme Court of ''Equal Justice Under Law.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am very honored and I feel very privileged to be a member of this body today as we commemorate the anniversary of Brown v. Board of Education. I thank my colleagues, the distinguished Senator from Delaware, and most especially my very good friend and colleague from Virginia for his very eloquent and powerful remarks and also for bringing us together in this colloquy today.

Sixty-two years ago on this day, the Supreme Court unanimously struck down as unconstitutional the segregation of schools by race, declaring that ''separate but unequal schools are inherently unequal.'' Today, that proposition seems so obvious as to be indisputable and the fact of a unanimous Supreme Court seems inevitable, but it was hardly inevitable 62 years ago.

It is a triumph and tribute to American justice that it happened and that it happened at all given the staunch and implacable resistance that there was to that proposition 62 years ago. In fact, the Supreme Court courageously stepped forward to advance American justice and establish a milestone and reestablish the principle that it is enshrined in our Constitution that every citizen is entitled to equal protection under law.

The battle to upend years of racial and educational inequity remains unfinished today. If we emerge from this colloquy with any message, it must be that the work remains unfinished and there is so much more work to be done in the spirit and letter of the law.

The culmination of decades-long work and strategy by innovative lawyers, community organizations organizers, and other advocates of social change was that decision. It is a tribute to their work as well and a reminder that individuals can make a difference in our system, can litigate to a successful conclusion, can advocate principles that are a matter of moral imperative. It took an act of the Supreme Court, of an independent judiciary, to declare educational segregation unconstitutional and integration the law of the land.

As a law clerk on the U.S. Supreme Court in the 1974–1975 term, working for Justice Harry Blackmun, I had the chance to watch arguments, some of them on pressing issues of the time, but also to talk with some of the Justices who watched or even participated in the Brown decision, including Justice Thurgood Marshall, the chief counsel for the plaintiffs in Brown.

Anybody who thinks that decision was inevitable should talk to some of the lawyers who were involved in the litigation and who eventually advanced it to the Supreme Court and to its successful conclusion and read the history of the controversy within the Court and the internal debate that took place about the proper role of the Court and the principles to be applied. It was far from inevitable. But it also shows how the branches of government, working together and collaboratively advancing justice in America, are important to the fundamental dynamic of our constitutional system.

The Brown decision took enforcement. President Dwight Eisenhower led that effort in one of the toughest tests in the massive protest in Little Rock, AR, just 3 years after Brown.

Ten years after Brown, Congress expanded the logic of this great decision to pass the Civil Rights Act of 1964 making segregation in public places like restaurants illegal as well.

Reading and reviewing the dynamics of the Court at the time, one wonders what would have happened if there had been only eight members. How history might have been different. Justice might have been delayed and perhaps history changed for the far worse, justice denied as a result of that delay.

The group of Justices who unanimously issued the decision was no intellectual monolith; they were members nominated to the Court by Presidents Roosevelt, Truman, and Eisenhower. Before the Court came an issue of major significance, which they came together to evaluate on principles of law that we all share, that discrimination is invidious and intolerable and violations of the Constitution will be held unacceptable in the Court.

Today, congressional Republicans, very frankly, hamper the ability of the Supreme Court to answer important legal questions of our time by refusing to hold even a hearing or a vote for Judge Merrick Garland. Their doing so has left the bench of the Supreme Court with only eight Justices. That lack of a ninth Justice diminishes and in many respects even disables the Court, as we saw just yesterday in a decision that might well have been decided otherwise if there had been nine Justices to give a majority to one point of view or another.

Justice Scalia warned against this very issue, stating that ''eight justices raise the possibility that, by reason of a tie vote, [the Court] will find itself unable to resolve the significant legal issue presented by the case. . . . Even one unnecessary recusal impairs the functioning of the Court.''

Justice Scalia's foresight was prescient. In two recent cases, even before the one yesterday, the Court deadlocked, unable to reach a definitive pronouncement on the law, because of a 4-to-4 tie. Unnecessary circuit splits cause uncertainty, which in turn hampers the activities of ordinary citizens, of small businesses wondering what rules will apply to them, whether it is banking rules or investment regulations, hampering their ability to plan and create jobs.

The Washington Post recently reported that the Court's acceptance of new cases has slowed significantly, leaving crucial unresolved legal questions without definitive answers. That is not how our system is supposed to work. That is not how the Founders saw it. That is not how the Supreme Court could resolve the Brown v. Board of Education challenge. The Supreme Court must have a full complement of Justices to effectively address these complex, challenging, urgent issues faced by our Nation today.

I reject the notion that the Senate's refusal to act, as laid out in no uncertain terms by our Republican colleagues, fulfills our constitutional obligation. It is our obligation to advise and consent on the President's nominee. We ''shall'' do so. That is the constitutional mandate—not when it is politically convenient, not when we think it is advantageous, but when the President nominates, whoever the President is, whether it is President Eisenhower nominating Earl Warren or Presidents Truman and Roosevelt, who nominated other Justices on the Supreme Court who decided Brown v. Board of Education.

We cannot afford to weaken the Federal judiciary's credibility, the trust and confidence of the American people in the authority of our judiciary. Its authority depends on it being above politics. Alas, what the Senate is doing is dragging the U.S. Supreme Court into the muck of partisan bickering.

Brown v. Board of Education became the law of the land because of the U.S. Supreme Court's credibility. The Supreme Court had no police force to enforce it. It had no armies or mandatory physical force. It had its credibility and its authority, its moral authority because it was above politics in the minds of most Americans. That is the reason President Eisenhower was able to do what he succeeded in enforcing at Little Rock and the Presidents afterward have done similarly.

Most importantly, I hope we all take time today to reflect on the importance of the Brown decision and recognize the grit and courage of the men and women who fought to end school segregation only 62 years ago. The best way of honoring their legacy is to do our job and our duty constitutionally, to fulfill that duty and their legacy by considering Judge Garland's nomination without further delay.

I yield the floor and recognize my distinguished colleague from New Jersey.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from New Jersey.

Mr. BOOKER. Madam President, I rise to discuss—along with my friends and colleagues on the Senate floor—what is a momentous anniversary for our country, the 62nd anniversary of the Brown v. Board of Education decision, its legacy, and the work that still remains before us.

I thank my colleagues for standing and speaking on this anniversary and understanding that it was 62 years ago today the Supreme Court unanimously affirmed that separate could never be equal, that under the law—at the very least—every child born in America, regardless of the color of their skin, had the right to pursue a quality education.

The Court found that separate schooling of children based on their race was in direct violation of the 14th amendment of the Constitution. The Court's finding is perhaps best summarized by this excerpt from Justice Warren's opinion when he said:

> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other ''tangible'' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

Those were historical words. This not only made clear at the time that the deep and profound illegality of segregation was real, but it set a legal standard for generations in posterity that reflects our deepest held American values, that we as a nation believe in equality. We as a nation believe in our interdependency to one another.

In the decades since the Brown ruling, the implementation of the Court's decision has contributed to a lot of progress. Frankly, I stand here today because of the progress and momentum that was exhibited by that decision.

Right before Brown v. Board of Education, only about one in seven African Americans, then compared with more than one in three Whites, held a high school degree.

Today we have come so far the Census Bureau reports that 87 percent of Black adults have a high school degree, nearly equal to that of Whites, which are at 89 percent. Before Brown, only about 1 in 40 Blacks earned a college degree. Now, more than one in five Black students are going to college. This is extraordinary progress we have seen in our country, something we should all celebrate.

Under the law, at the very least, the Supreme Court clearly affirmed all Americans' right to a quality education and in doing so affirmed equal value, dignity, and worth of our kids.

However, it is also worth reflecting on the anniversary of Brown that our Nation has struggled to live up to these standards in full. Brown advanced a civil rights movement that helped desegregate many parts of American society, but we still have work to do. Let us take this anniversary to recognize not just our progress, to celebrate not just that milestone, but to understand that the work of equality, the work of recognizing the value, the worth, and how much we need each other as a community still goes on.

In fact, just yesterday, six decades after the Supreme Court in Brown struck down the doctrine of ''separate but equal,'' a Federal judge ruled that a school district in Mississippi was continuing to operate a segregated, dual secondary school system: one set of schools for Whites and one set of schools for Blacks.

Across the country right now, about 40 percent of Black and Latino students attend intensely segregated schools—meaning more than 90 percent minority student body—and White students are similarly segregated from their peers of color. Only 14 percent of Whites attend schools that one would consider multicultural, multiracial, and reflecting the diversity of our country, and too many of our schools continue to fall short of our low-income and minority students. In other words, too many of our students of color and of low-income students are concentrated in poor-performing schools.

More than 1.1 million American students are attending over 1,200 high schools in our Nation that fail to graduate one-third of their students. To me, this is an outrage. It is an immoral affront to whom we are. We still have work to do.

Our Nation is still struggling to live up to the ideals and, indeed, the judicial standards set by Brown in the realm of education in many ways because of our failure to live up to this standard in so many other areas of our American life.

There still exists, in the words of Dr. Martin Luther King, that ''Other America.'' Dr. King spoke of this in the year before I was born—in 1968—about the ''Other America.'' He spoke of the duality that persisted, the disparities in housing, education, employment, and in income. He spoke of what he referred to very pointedly as the myth of time, the misguided idea that only time can solve the problem of racial injustice, the idea that things will work out for themselves.

As happy as I am about the progress we have made as a country, I have to say that we still have so much work to do almost 50 years after King spoke those words. Time has not solved the problem. There remain challenges in our country. This duality is more subtle in some ways than it was in 1954, but there still exists injustice in America. From housing to education, de facto segregation along socioeconomic and racial lines has blended together, in many ways replacing what was then de jure segregation.

Census data has shown that residential segregation by race has declined very slowly but that Whites still live largely in neighborhoods with low minority density. People of color still live in neighborhoods with high minority density. Many of these neighborhoods were designed through policies that were discriminatory against minorities. We still are seeing the legacies of those policies from redlining to FHA policies, to HUD policies that were designed to create segregation. The legacy of that still exists in segregated neighborhoods today.

While poverty rates among African Americans has fallen over the past half century—something we should be proud of—Black poverty rates are still more than double that of Whites. That means the same for kids today. Children of color are often twice as likely to be poor as White children.

In fact, one out of the three Hispanic children growing up today are growing up in poverty. One in six African-American children live in what is called extreme poverty on less than $8 a day.

This is not who we are as a nation. Our children are our greatest natural resource. In a global, knowledge-based economy, when we are competing against other nations from Germany to Japan, in this kind of economy, the most valuable natural resource a nation has is not oil or coal or gas, it is the genius of our children.

Many people think Brown was about achieving greater justice for Black people, but what we really understand—especially in retrospect—as we see African Americans now contributing in every area of life, the reality is this was about bringing justice to all of America.

Brown was saying that, hey, we as a country cannot stand if we are apart because a house divided does fall. Brown was saying the truth is, we do better when we are together, like the old African saying that says: If you want to go fast, go alone. But if you want to go far, go together—because we as a country need each other. It is like those words on the Jefferson Memorial, written in our Declaration of Independence, when we knew—to make this country work—we needed one another, so much so that those Founders pledged to each other their lives, their fortunes, and their sacred honor.

In this competitive nature, we cannot afford to waste things. Worse than the gulf coast oilspill, we are wasting the potential of our children when we leave so many floundering in poverty and lack of educational opportunities.

Children growing up in poverty right now have dramatically negative life outcomes compared to people who are not growing up in poverty. In fact, right now in America, where 20 percent of children live in poverty, only 9 out of every 100 kids born in poverty will make it to college, often an index of being able to be successful, manifesting your genius, finding greater ways to contribute to the whole.

We have work to do. In particular, we have work to do in an area that drives so much of the injustice in our country. One of the great ways we are seeing injustice in my generation that was not the case in my parents' generation, that was not a reality in the 1950s, has been the criminal justice system. Something has happened and exploded. Injustice in our country is growing like a cancer on the soul of our country.

The same Supreme Court where that great case was decided, where written above the wall is ''Equal Justice Under Law,'' we now see a nation that has a criminal justice system that is not affording equal justice to all Americans.

Unfortunately, we see that often falling among racial lines. We have this explosive drug war, which has not been a War on Drugs, but it has been a war on people, particularly the most vulnerable people in our society, from people who are addicted to substances, from people who have mental illnesses, from people who are poor, and, yes, disproportionately directed toward minorities.

We now see a criminal justice system where we know, based upon data analysis, there is no difference between Blacks and Whites in usage of drugs. In fact, there is no difference in selling drugs between Blacks and Whites, but the reality is, if you are African American in this country, you are 3.7 times more likely to be arrested for those drug crimes.

If you are churned into the criminal justice system as a result of those arrests, just one arrest for a nonviolent drug offense—something that the last two Presidents have admitted to doing—and you are arrested for that, then you find yourself in a world where, as the American Bar Association says, you have literally 40,000-plus collateral consequences, where you find it exceptionally difficult to find employment when you finish with your sentence. You find it incredibly difficult to get a loan to perhaps start a business, to even attempt to get a business license or a Pell grant. If you can't feed yourself, in many cases, you find it hard to even get food stamps or to find public housing assistance.

We now live in a nation where we have so overincarcerated disproportionately some areas of our country, that today 1 in 13 Africa Americans are prevented by law from even voting. They have lost their right to vote because of a felony conviction. In some States, the overincarceration for drug crimes is so great that we see, in places such as Florida, that one out of every five African Americans has lost their right to vote.

This isn't just affecting those people who are churned into the system, it is affecting their children as well.

Today in America, one in nine Black kids are growing up with a parent behind bars, which means it affects their financial well-being and it affects their ability to rise up out of poverty because they are being thrust down into it. In fact, a recent study has shown that we as a country—as a whole—would have 20 percent less poverty if we had incarceration rates similar to those in other industrial nations.

So here we celebrate the anniversary of this momentous decision that took a huge step for our Nation in the march toward justice and equality, but because of staggering injustices like we see in our broken criminal justice system, kids often struggle more in school and are poorer and have fewer opportunities for success.

So 62 years after Brown, we know our schools don't exist in vacuums. They exist because of the communities around them. When communities of privilege have the same amount of violations of drug crimes as communities of poverty, yet the communities of poverty experience a criminal justice system that has so much more incarceration, we are often condemning children to having greater hills to climb and greater mountains of injustice in front of them.

I stand here on this day to celebrate so much this great decision but also to remind us that we have work to do in this country until we can begin to live up to this ideal of patriotism, which is love of country and which to me necessitates that we love each other. We don't always have to agree with one other. We don't always have to get along. But we have to recognize that every one of us in this Nation has value, has worth. We need each other, and we need our children to do well because if my neighbor's child loses, I lose. If they go to prison, I pay. But if they succeed—if they become a teacher, an artist, a biologist, an inventor, a businesswoman—then they contribute to this country and my children benefit because your children succeeded. That is the story of America.

We cannot afford to leave people behind as we, as a nation, strive for excellence and greatness. We cannot be a nation that is truly reaching its potential if we are wasting so much of that potential on the sidelines.

I would be remiss if I did not also speak to a process issue. While we are still working to fulfill the vision of Brown, it is more urgent now than ever that we have a fully functioning Supreme Court. We were fortunate to have had a functioning Supreme Court in 1954. There were nine Justices doing their job, a President willing to do his job, and a Senate—all working in a time of great tumultuous change in our Nation. People were focused and steadfast—in both parties—toward creating greater justice. With people in their seats, in their jobs, I have faith in America and in our ability to get it right.

We need to make sure that today we give every opportunity to get the job done, to do the work that is necessary. It is important that we fill positions and vacancies, and the one on the Supreme Court now is clearly needed.

So today is an important day of remembrance, but history shows that we cannot simply get stuck applauding our past. The glory and greatness of ancestry is truly worthy of our reverence. But if we are to honor those who struggled before, if we are to honor those milestones, if we are to celebrate the history that shows us at our best when we came together—Black American, White American, Latino American, Indian American, Asian American—if we are to celebrate those great days of the past, we must celebrate them not just with cheers and remembrances but by redoubling our work in accordance with those values.

We must have a sense of urgency. Time is not neutral. We must use it. We cannot just count the great days of the past. We must make this day count as we continue the work of our Nation, as we continue to be the country that we say we are—a nation of liberty and justice for all.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

HONORING POLICE DETECTIVE BRAD LANCASTER

Mr. MORAN. Madam President, I rise this afternoon in the middle of this debate on an appropriations bill because of the timing of a tragedy in our State and the reality that this is a week of importance to reflect upon what happened in Kansas just a few days ago.

I wish to honor the life of Police Detective Brad Lancaster. He was a member of the Kansas City, Kansas Police Department, and he was killed in the line of duty. On May 9 of this year, Detective Lancaster joined Kansas City, KS, patrol officers in responding to a call about a suspicious person. When law enforcement arrived, the suspicious person fled into a field where Detective Lancaster exchanged gunfire and was hit twice. Unfortunately, ultimately, he died from his injuries.

Detective Lancaster gave his life to keep his community safe, and he deserves our highest respect and appreciation, our love and care for his family, for his service, and for his sacrifice. His friends, family, and neighbors remember Brad Lancaster's commitment to his community and its extension beyond his 9 years of service to the Kansas City, Kansas Police Department.

Before joining the police department, Brad served in the U.S. Air Force and completed two tours of duty abroad, including one in Kuwait during Desert Shield. Neighbors say Brad was a family man and one who was always there to offer a helping hand.

Detective Lancaster is survived by his wife Jamie and two daughters,

Brianna and Jillian. I join the Kansas City community and law enforcement agencies across the country in our prayers for Detective Lancaster and his family as we mourn his death.

This tragic loss occurred just prior to National Police Week, a time in which we celebrate those who leave their homes and families each day and put their lives on the line to keep our neighborhoods safe. So today, during this National Police Week, and especially in the wake of this tragic death in Kansas City, I wish to express my sincere thanks and appreciation to American law enforcement officers and their families and to thank them for working tirelessly amid dangerous conditions for the sake of others and for upholding the law and for the burdens they shoulder and the sacrifices they make on a daily basis. We owe so much to these everyday heroes.

Law enforcement officers perform some of the most difficult and hazardous jobs in America. A routine traffic stop can turn into deadly gunfire, a shootout without warning. Members of this legislative body and communities across America alike must do everything we possibly can to prioritize and protect the lives of those who protect us.

Federally, efforts like the Justice Assistance Grant Program and the bulletproof vest grant program help enhance the safety of our law enforcement officers, and Congress's continued support of these efforts is important. This body passed the Fallen Heroes Flag Act, which was signed into law on Monday. This week, I hope the Senate will unanimously adopt a resolution to express appreciation to the police officers and honor each of the 123 who were killed in the line of duty last year.

Support and appreciation for law enforcement must be delivered not only in the communities where officers have been killed but to every officer every day. When we as Americans commit to the safety, training, and support of law enforcement, we can help to secure our streets, strengthen our communities, and, hopefully, reduce the number of deaths in the line of duty.

May Kansas City, KS, police detective Brad Lancaster and each of those fallen heroes rest in peace.

Madam President, 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. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Madam President, I ask unanimous consent to address the Senate as in morning business.

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

NOMINATION OF ERIC FANNING

Mr. MCCAIN. Madam President, I am here with my good friend from Kansas and dedicated Member of the U.S. Senate—an expert on national security, a person who has served with honor in the U.S. Marine Corps, and has served in this body and in the other body honorably in positions of responsibility. Where we may have had a disagreement, my friend has shown he is a man of conviction regarding the detainees from Guantanamo coming to the United States of America. But he also understands fully the importance of the position of the Secretary of the Army.

Senator ROBERTS and I have worked closely together on this year's Defense Authorization Act to ensure the administration does not have the authority to release or transfer detainees on the mainland. Unfortunately, the administration has failed for over 7 years to present a substantive plan on how they intend to close Guantanamo Bay, to me, to the Congress, to my colleagues, or the American people.

Thanks to Senator ROBERTS' efforts, this year's bill extends the prohibition to any reprogramming request to transfer or release detainees. These provisions confirm that President Obama will not be able to move detainees to the mainland of the United States of America in the coming year.

I want to point out that I understand Senator ROBERTS' emphasis and value that he places on Fort Leavenworth. Fort Leavenworth is the intellectual center of the United States Army. This is where General David Petraeus spent 2 years developing strategy for the surge—at Fort Leavenworth. This is where the up-and-coming leaders of the U.S. Army—and other services as well, but primarily the U.S. Army—go to get their training, their intellect, and their ability to lead. So I can fully understand why my friend from Kansas would be adamantly opposed to the transfer of detainees to Fort Leavenworth, which would change the complexion and the makeup of that very important place in the past, present, and future of the U.S. Army.

So I thank my colleague from Kansas for his agreement today. I would ask him to say a few words before I ask consent that this nomination be considered.

Again, I appreciate my old friend whose passion, whose commitment to the people of Kansas is without equal—which also accounts for the fact that they have sent him here to represent them on several occasions.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I thank my colleague and my good friend from Arizona for enabling me to make a few remarks to address the nomination of Mr. Eric Fanning to serve as Secretary of the Army.

I have pledged to the people of Kansas that I would do everything in my power to stop President Obama from moving terrorist detainees to Fort Leavenworth, KS. The Senator from Arizona has certainly described the situation very well: It is the intellectual center of the Army. I believe today that I can tell Kansans that the threat from this administration will go unfulfilled.

Last week, in a private meeting with Deputy Defense Secretary Robert Work, I received the assurances I needed to hear to release my vote on Mr. Fanning. Make no mistake. I think President Obama's threat to act by Executive order still remains. However, Secretary Work has assured me that, as the individual charged with executing a movement of detainees to the mainland, he would be unable to fulfill such an order before the close of this administration. Practically speaking, the clock has run out for the President.

As I have stated on this floor and to my good friend and colleague, the distinguished Senator from Arizona, my issue has never been—let me make this very clear—with Mr. Fanning's character, his courage, or his capability. He will be a tremendous leader as Army Secretary and will do great by our soldiers at Fort Leavenworth, Fort Riley, and—let me emphasize—every soldier serving our Nation today.

I just talked to Mr. Fanning this afternoon and let him know I was releasing this hold and wished him good luck on his speech to the graduates of West Point. I look forward to voting for Mr. Fanning, who has always had my support for this position.

I am happy to support his nomination today with these new assurances from the administration and from the chairman and ranking member of the Senate Armed Services Committee to work with me to strengthen provisions on funding for the transfer of detainees to the mainland in this year's National Defense Authorization Act. I have worked closely with Chairman MCCAIN and Ranking Member REED. I look forward to completing work on an authorizing bill shortly. Additionally, the Senate Appropriations Committee is committed to prohibiting funding for construction or modification to any facility in the United States for the purpose of housing detainees in this year's MILCON funding bill currently on the floor.

With the clock running down on the last months of the Obama administration, it is increasingly improbable that this administration could bring high-value terrorists and their associated risks to an American community like Fort Leavenworth, KS.

The bottom line is this: We have run out the clock, and Congress looks to prohibit this administration from moving detainees to the mainland at every turn. As the Secretary of Defense and the Attorney General have testified before Congress, moving detainees to the mainland is prohibited by law and will remain so through the end of this President's term.

I again thank my friend and my colleague, Senator MCCAIN, for working

with me to work this out. My congratulations to Secretary Eric Fanning—Army Secretary Eric Fanning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I again thank my old friend from Kansas for his agreement to move forward. I look forward to continuing our long, many years' effort together to keep this Nation safe.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 477 only, with no other executive business in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Eric K. Fanning, of the District of Columbia, to be Secretary of the Army.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCAIN. Madam President, I know of no further debate on the nomination.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the question is, Will the Senate advise and consent to the Fanning nomination?

The nomination was confirmed.

Mr. MCCAIN. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, 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.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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

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

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

AMENDMENT NO. 3897

Mr. BROWN. Madam President, I rise today to speak in opposition to the Lee amendment No. 3897. I wish to take a moment to thank Senator COLLINS and Senator JACK REED for their terrific work on this bill and for how they teamed up to manage this bill in pretty much the right way.

With this legislation, we are making critical investments in our transportation, housing, and community development programs. In this country today, one in four families who rent spend more than half of their income on housing. We have been taught from young adulthood on that you shouldn't spend more than 25, 30, or 35 percent at the most on house payments or rent, yet one-fourth of Americans are spending more than half of their income on housing.

I recently read the book ''Evicted'' by Matthew Desmond. In that book, one renter was quoted as saying that when her paycheck came in, her rent eats first. She had kids who were hungry. She had bus tokens to buy so she could get to work. With all of the challenges she had, she said: My rent eats first. We know what that means.

In housing, whether it is in rural Maine or whether it is in urban or rural Ohio, we know that rental prices have continued to go up and up. Evictions are so much more common than they were a decade or, especially, two decades ago. That has to change, and it makes clear why we need to maintain our existing affordable housing resources.

This bill focuses on improving the quality of federally assisted houses and removing lead paint hazards from homes. We know the effect that has on us. We learned from Flint about water, but we know an even bigger problem is lead in paint. In 2007, in the city that I call home, the city of Cleveland—the ZIP Code I live in, 44105—there were more foreclosures in my ZIP Code than any ZIP Code in the United States. We also know in cities like Cleveland and rural areas like Appalachia, where most of the housing stock is World War II or older, almost all of that housing stock has toxic levels of lead paint.

The bill pays particular attention to transit safety. The Banking Committee oversees transit. Senator MIKULSKI has worked with Senator SHELBY and me, as well as our colleagues representing the local area—Senators WARNER, CARDIN, and KAINE—to make sure the FTA has the resources needed to oversee the Washington Metro. It is something we have neglected for decades.

I wish to thank my colleagues for working with us to ensure that young foster care alumni don't have to choose between getting the education they need to be self-sufficient and having a roof over their heads. I wish more funds were available for these important investments—particularly, additional funding to address family homelessness. But I thank my colleagues for their work within the subcommittee's funding constraints and their attention to these critical issues. I especially thank the chair, SUSAN COLLINS, for that.

Unfortunately, Senator LEE's amendment will undermine some of the good we are doing with this legislation. It will prohibit the Department of Housing and Urban Development from carrying out a key component of the Fair Housing Act of 1968. When Congress passed that bill in the wake of the assassination of Martin Luther King, Jr., it made housing discrimination illegal in every State in the Nation for the first time.

For generations, redlining, restrictive covenants, and outright discrimination kept families of color locked out of entire neighborhoods and created segregated communities that linger to this day. These were tools of racial oppression as well as economic oppression, and in far too many cases, they went hand in hand. The Fair Housing Act made these despicable practices illegal everywhere.

Congress included another important component in the Fair Housing Act: a requirement that HUD and its grantees administer their federal housing and urban development grants in a way that would affirmatively further fair housing. State and local governments and public housing authorities were required to use their Federal funds in ways that would reverse, rather than reinforce, segregation in these communities. But today, the outlines of decades-old discrimination are still too visible.

I listened to a preacher on Martin Luther King Day on a cold Cleveland January morning 2½ years ago. He said something we all know but don't think enough about: Life expectancy is connected to your ZIP Code. Whether you grow up on the east side of Cleveland, whether you grow up in a wealthy suburb, whether you grow up in Appalachia, whether you grow up in a prosperous small town, your ZIP Code determines whether you have access to good health care, to quality education, to social support necessary to succeed. When where you live matters this much, we all have a moral obligation to ensure that families can live in the neighborhoods of their choice and to ensure that communities are creating opportunity in every ZIP Code. Unfortunately, in the 50 years since our country passed the Fair Housing Act, HUD has not provided enough direction to help communities meet this goal.

A 2010 GAO report recommended that HUD take action to improve its process for meeting its obligations, including three things: establishing standards and a format for grantees to follow, requiring grantees to establish timeframes for implementing their plans, and requiring grantees to submit their analyses to HUD for review.

HUD developed a new rule that will finally help local governments across the country support and foster fair housing policies that create vibrant and integrated communities. This rule was developed through a 2-year public process. Twelve of my colleagues and I urged Secretary Castro to develop a

strong rule after considering comments from stakeholders.

Senator LEE's amendment would stop HUD from responding to those GAO recommendations. The updated rule will give communities the clarity and the tools they need to meet their obligations and fulfill this duty that this Senate has supported in a bipartisan way for going on five decades now.

Some of the questions communities will ask during these assessments may demand that they think in new ways about how to create housing opportunities for all the residents, regardless of race, religion, disability, or the size of their families. These are the types of questions this body told the country to ask when it enacted the Fair Housing Act in 1968.

We need to invest Federal resources in ways that provide access to opportunity to all citizens in every ZIP Code.

I urge my colleagues to vote no on the Lee amendment.

INVICTUS GAMES

Madam President, last week athletes from around the world traveled to Orlando to compete in the second Invictus Games. Like all athletes, they participate for many reasons—camaraderie, personal discipline, the joy of the game. But the Invictus competitors are so much more: They are veterans who fought for our country and our allies and were wounded or suffered mental injuries in service to a cause greater than themselves.

The games were founded in 2014 by England's Prince Harry to bring Active-Duty servicemembers and veterans together to compete in an international sporting event and to recognize their achievements. These warrior athletes have already given so much for our country. They have seen the horrors of combat, spent months and years away from their families, and suffered injuries, both visible and not so visible. They have been changed forever by the realities of war but, as Invictus shows, they have not been defeated.

The name of the games comes from the poem of the same name by the 19th century British poet William Ernest Henley. ''Invictus'' means ''unconquered.''

On a personal note, ''Invictus'' was my father's favorite poem, which we shared at his funeral. I became even more interested in these games because it means ''unconquered.''

Madam President, I ask unanimous consent to have printed in the RECORD the poem ''Invictus'' by William Ernest Henley.

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

''INVICTUS''

(By William Ernest Henley)

Out of the night that covers me,
Black as the pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud.
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the Horror of the shade,
And yet the menace of the years
Finds and shall find me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate,
I am the captain of my soul.

Mr. BROWN. Madam President, the words of ''Invictus'' have inspired men and women for generations, and the spirit is alive in the athletes who represented their countries in Orlando.

Three people from my State competed on the U.S. team. Army CPT Kelly Elmlinger is a mother, cancer survivor, and fierce competitor who grew up in Attica in Seneca County, which is in my part of the State. She brought home the gold for our country in the women's 400-meter dash.

Team USA included Brian McPherson, a Marine Corps sergeant from Nashport, just east of Columbus. Sergeant McPherson has battled a traumatic brain injury sustained while deployed in Iraq when a suicide bomber walked into his unit. He competed in track and field and cycle competitions. He said:

I am a son, brother, uncle, professional, Marine, and athlete who proudly stands before you after being ravaged by war. I was and am changed from these events but they lead me to what I now consider a greater path.

Those times have taught me much about myself, while giving me the additional skills to leave the Marines and integrate back into society.

Competitions like this have been so important to that journey.

He said:

Adaptive sports gave me the strength to be an example for fellow servicemembers, civilians, and myself. I learned of a passion I didn't know existed deep within me.

Sports have given me an outlet and time to sort through my thoughts and emotions.

Lastly, Stephen Miller, a retired Navy officer from Cleveland, competed in indoor rowing in Orlando. He said:

Training helps to remind me that I am part of a team and family. I get to share the experiences, recovery and memories not only with US athletes, but also with our allies and comrades.

He, Sergeant McPherson, Captain Elmlinger, and all of the Invictus competitors embody William Ernest Henley's words:

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate,
I am the captain of my soul.

These athletes have mastered fate on the battlefield, the sports field, and have overcome more trials than almost any of us could imagine. Their perseverance serves as a testament to the power of the human spirit. It isn't sympathy or charity that we owe these heroes; we owe them gratitude, respect, and the opportunity to live a life that befits their service and sacrifice for our great Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3900, AS MODIFIED

Mr. LEAHY. Mr. President, I want to speak in support of the Blunt-Murray-Graham-Leahy amendment, which provides $1.1 billion in emergency funding to combat the Zika virus.

The map of the United States beside me beside me shows the Centers for Disease Control's estimate of the range of the two types of mosquito that may spread Zika. As you can see, this public health emergency is not in some far-off land. It could easily end up in the backyards of tens of millions of Americans. Before I discuss the pending bill I want to mention that earlier this afternoon I voted for the Nelson-Rubio Zika supplemental, which would have provided the full $1.9 billion requested by the President months ago.

It is mystifying to me that Republicans voted to defeat that amendment, considering that Zika is spreading faster and in more ways than predicted when the President first requested those funds. The excuse we have heard for months, particularly from House Republican leaders, is that they don't have enough information about the proposed uses of the funds.

Have they bothered to attend any of the briefings, or if briefings weren't enough, to pick up the phone and call the head of the CDC, or the Director of the National Institute of Health, or any of the other experts who have been sounding alarm bells since last year?

In a little over a year the Zika virus has spread from Brazil to almost every country and territory in this hemisphere. There is no question that it is spreading faster and is more dangerous than was anticipated just a few months ago.

As this map shows, more than half the continental United States, including my own state of Vermont, is now projected to be within the range of Zika carrying mosquitos. The virus can have devastating consequences for many of those who become infected, particularly children. We need to act, and if there is one area where politicians should not second guess the medical experts, it is how to respond to public health emergencies.

So what did the House of Representatives do? First, they don't treat the Zika crisis as an emergency, even though it has spread to 36 countries and territories in this hemisphere and has been declared a public health emergency by the World Health Organization.

The House bill, introduced yesterday, would cut the amount requested by more than two-thirds, rob from other programs like the funds to combat Ebola, and limit the availability of Zika funds to the remaining 4 months of this fiscal year. More than half a billion dollars in Ebola funds have already been reprogrammed to combat Zika because it would have been irresponsible for the administration to wait any longer while Congress

failed to act as the mosquitoes came north. But Ebola remains a deadly threat. Cases of Ebola continue to be confirmed in West Africa, and we have seen how one Ebola case today can become a dozen cases tomorrow and a hundred cases the next day. How quickly people here forget the fear that gripped this country after a single Ebola-related death in Texas 2 years ago. The funds we appropriated to combat Ebola are being put to good use, including to strengthen the capacity of African countries to respond to future outbreaks of Ebola or something even worse.

The emergency funding in this bill includes $258 million for the Department of State and USAID to combat Zika in Latin America and the Caribbean. These funds will support efforts to control the spread of Zika and other insect-borne diseases, including to protect maternal health, expand public education on prevention, and encourage private sector research for the development of vaccines and diagnostics. These funds will provide contributions to international organizations, including the World Health Organization and the Pan American Health Organization, to reduce the impact of the disease on infants and their families, and accelerate diagnosis. Funds are also included for Department of State and USAID operations to implement programs in the field, and provide medical support for U.S. citizens, State Department, USAID, and other Federal Government employees stationed overseas.

If the Zika virus is not controlled in Latin America and the Caribbean, a year from now, it will likely be worse than projected and more costly to control. And if we continue to rob Ebola funds, which are being used for the purposes Congress intended, we simply shift the risk from one life-threatening disease to another. That makes no sense at all.

If there is one thing on which Republicans and Democrats, House and Senate, should agree it is doing whatever is necessary to protect the American people from dangerous, contagious diseases. It is past time for us to act, and I urge all Senators to support the Blunt-Murray-Graham-Leahy amendment.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from New Hampshire.

NATIONAL POLICE WEEK

Ms. AYOTTE. Mr. President, I rise today in recognition of National Police Week to honor and thank the men and women in uniform, law enforcement officers in our great State of New Hampshire who do a phenomenal job every single day keeping us safe.

When I worked as attorney general, I was honored to work directly with our law enforcement officers at every level in our State. We have the very finest law enforcement officers in the State of New Hampshire. During this week, I want to thank them for every single thing they have done under the difficult circumstances they face every day in order to make sure our communities are safe in the State of New Hampshire.

Tragically, just last week we had an example of the dangers our police officers face every single day when two Manchester police officers were shot in the line of duty early Friday morning.

Early Friday morning, Officer Ryan Hardy encountered a situation on Second Street, where he noticed the description of someone who had robbed a gas station the night before. As he was approaching this individual, Officer Hardy was shot multiple times at close range. The individual fled, and then this suspect fired into a group of police officers, and when he did that, he unfortunately also shot Officer Matthew O'Connor in the leg. Both of these police officers acted with great heroism, tenacity, and courage in the work they do every single day on the streets of Manchester. All of the police officers who responded that day did a phenomenal job, but that is an example of what our police officers are facing on a daily basis. They don't know whether the next stop they make of someone is going to go bad. Unfortunately, early on Friday morning, it did go bad.

We are so grateful for their service, for the service of Officer Hardy and the service of Officer O'Connor. We are grateful and blessed that despite significant injuries, they are doing OK and they did not get killed in the line of duty.

I just want to say to them, I want to say to the Manchester Police Department, and I want to say to their wives, Amanda and Elise—because families serve too. We worry about our police officers, but I know from having served as attorney general of New Hampshire that every time we are home on Thanksgiving or we are home on Christmas or we are home on some other holiday or great occasion, guess what our police officers are out doing. They are out patrolling our streets and our highways, keeping us safe, making sure we can enjoy that moment with our families. But their families worry. They worry when they are out: Is my loved one going to come home?

So I say to the families of our law enforcement officers as we stand here during National Police Week: Thank you. Thank you for what you do in allowing your loved ones to serve and for supporting our law enforcement officers because families serve too.

We are so grateful for what Officer Hardy and Officer O'Connor did on that early Friday morning, and we are grateful to all of the officers who responded to that call. I am grateful they are doing well in their recovery. We wish them the very best. They continue to be in my prayers and in my family's prayers for a speedy recovery. All of the police officers in our State are in my prayers.

When I was attorney general, two of the most difficult moments I had were giving a eulogy at the funerals of two police officers who were killed in the line of duty during my time as Attorney General. One of them, Officer Bruce McKay, had served the Franconia Police Department for 12 years, and he was brutally murdered in 2007 during a traffic stop. The other police officer was Officer Michael Briggs. In fact, on Sunday I am going to the dedication of a community center in Manchester in honor of Officer Michael Briggs.

It is hard to believe it has been 10 years since he was killed in the line of duty, but the fact that they are naming a community center in his honor there in the center of Manchester, where he helped so many young people and so many people in how he served the people of Manchester, is a testament to the kind of person he was.

I got to know the family of Officer Michael Briggs very closely, including his parents Lee and Maryann and his wife Laura and his sons, Brian and Mitchell. I want them to know today—I know it has been almost 10 years, but I will never forget—and we will never forget—their sacrifice and certainly what Officer Michael Briggs did for the State of New Hampshire, his heroism.

In fact, before he served as a Manchester police officer—as I think about coming toward the 10th anniversary of his death—before he served as a police officer, he served as a marine, serving our country in the line of duty. He served as a corrections officer also and did an incredible job. In fact, he received awards for saving people's lives, running into burning buildings to save people in the line of duty. I will never forget that he saved the life of the individual who murdered him. He had saved his life before. Unfortunately, he was murdered by a career criminal in the line of duty. That is a true example of the heroism of our police officers, the service and sacrifice they make, as well as their families. Unfortunately, that says it all right there.

So today as I stand on the Senate floor, I think about my time as attorney general, I certainly think about the families of the police officers who have been killed in the line of duty in New Hampshire and the sacrifices that every single day our men and women in uniform make on our behalf.

On Friday in New Hampshire there will be a law enforcement memorial ceremony. It is a ceremony I plan to attend. It is a ceremony where each year we read the names that are etched into the memorial of those law enforcement officers who have been killed in the line of duty in New Hampshire. There have been far too many—far too many—who have made the ultimate sacrifice so the rest of us could live our lives in safety and in happiness. One of the privileges I had as attorney general was to read the names of our law enforcement officers who were killed in the line of duty, to recognize their service and their sacrifice, with often many of their family members there—family members who would offer a

flower or a beautiful wreath to recognize the sacrifice of their family so we could remember their family member, the law enforcement officers who were killed in the line of duty.

Today on the Senate floor I would like to read the names of these police officers who were killed in the line of duty in New Hampshire. I know we will recognize them in New Hampshire on Friday, but I want to recognize them on the Senate floor. They are, from Cheshire County, Deputy Sheriff John Walker, Sr.; from Dover, Officer George Pray; from Laconia, Police Officer Charles H. Dolloff; from Strafford County, Deputy Sheriff Charles E. Smith; from Manchester, Sergeant Henry McAllister; from Manchester, Inspector William M. Moher; from Exeter, Officer Albert L. Colson; from Nashua, Patrolman James H. Roche; from Carroll County, Sheriff Harry M. Leavitt; from New Hampshire State Police, Raymond Elliott; from Lancaster, Chief Andrew T. Malloy; from New Hampshire State Police, Trooper Harold B. Johnson; from Colebrook, Chief Fred T. Towle; from Nashua, Patrolman Michael Latvis; from New Hampshire State Police, Lieutenant Ivan H. Hayes; from Northumberland, Officer Joseph H. Platt; from Nashua, Patrolman Edward C. Graziano; from New Hampshire Fish and Game, Conservation Officer William Mooney; from New Hampshire Fish and Game, Conservation Officer Gary Waterhouse; from Farmington, Assistant Chief Louis A. Sheets; from Berlin, Officer Robert Devoid; from Berlin, Officer Dorman Wheelock; from Gorham, Officer Jerome O. Piet; from Rockingham County, Department of Corrections Officer Robert Charles Prescott; from New Hampshire Fish and Game, Conservation Officer James Clark II; from Nashua, Acting Chief Armand J. Roussel; from Seabrook, Chief Charles S. Knowles; from Durham, Lieutenant Robert Hollis, Jr.; from Berlin, Sergeant Paul G. Brodeur; from Manchester, Officer Ralph W. Miller; from New Hampshire State Police, Trooper Richard F. Champy; from Somersworth, Patrolman Donald R. Kowalski; from Jaffrey, Police Supervisor William E. O'Neil, Sr.; from Hanover, Chief James H. Collins; from Derry, Sergeant Thomas C. Kelly; from New Hampshire State Police, Trooper Gary P. Parker; from New Hampshire State Police, Trooper Joseph Edward Gearty; from Antrim, Chief of Police Ralph C. Brooks; from New Hampshire State Police, Sergeant James Stanwood Noyes; from East Kingston, Officer Melvin Alan Keddy; from Auburn, Lieutenant Donald Eaton; from New Hampshire State Police, Trooper Leslie George Lord; from New Hampshire State Police, Trooper Scott Edward Phillips; from Epsom, Patrolman Jeremy T. Charron; from Manchester, Officer Michael Leland Briggs; from Franconia, Corporal N. Bruce McKay; from Greenland, Chief of Police Michael P. Maloney; and from Brentwood, Patrolman Stephen Arkell.

As I read those names, it obviously strikes me—it is shocking how many names are on that wall in our State. Having met and worked with so many of our law enforcement officers—they are incredibly brave. The sacrifices of their families are tremendous.

Most recently, I went to two community events to recognize—really memorialize—these fallen heroes. The Maloney family and the Arkell family have started foundations to help other police families, to help have scholarships in the names of these two decorated officers. Unfortunately, those are the two most recent additions to this wall.

Chief Maloney embodied the values of service, integrity, and honor. His leadership in the Greenland Police Department will never be forgotten. He was admired by everyone in the community. This is another example of the sacrifice our police officers make. He was only a few days before his retirement. He could have stayed in the station, but he went out to the call with his fellow officers and, when the situation escalated, Chief Maloney did what he always did. He put his life before his fellow officers, and because of his sacrifices that day, other lives were saved. Unfortunately, we lost Chief Maloney in the line of duty just days before his retirement. If that is not a hero, I don't know what is and who is.

When I think about his family, and having gotten to know his family, I know today, as we think about the importance of this week, I just want to say thank you to them and just let them know they continue to be in our prayers, and we will not forget Chief Maloney's service and his sacrifice and his heroism.

Likewise, just like Chief Maloney, Officer Stephen Arkell was taken from us far too soon. He was an unsung hero. He went about his extraordinary work as a police officer very quietly and humbly, going above and beyond the call of duty not only as a police officer but as a coach in his community, as someone who has helped so many other people and made a difference in people's lives. During his 15-year career as a police officer, he made a difference for the people of Brentwood. He made us proud, and he was another true hero in his community.

Today, during National Police Week, I want to say to his family, who recently had a 5K in his honor to provide scholarships for others in the Brentwood community, thank you for your sacrifice. We will never forget the sacrifice of Officer Stephen Arkell.

During National Police Week, as I stand on the Senate floor, one of the things that has bothered me is, too often the rhetoric we have been hearing about our police and our law enforcement officers out in the public discussion has been negative. It has been negative. It has been sweeping. It has been basically stereotyping our police, and it has been wrong. So, today, during this important week, I want to say to our law enforcement officers in New Hampshire, I want to say to the law enforcement officers across this country who keep us safe: Thank you. We stand with you. We are proud of you. We have your back because we know you have our backs every single day, because we would not be a free and safe society but for the sacrifices our law enforcement officers make every single day in New Hampshire and in every State in this country. They are the thin blue line between us and those who want to do us harm and threaten our way of life.

So when we hear people who are making sweeping generalizations about our police that are negative, I want the people of this country to think about what it would be like if we didn't have the courageous law enforcement officers who patrol our streets every single day, who go out on nights and weekends and holidays when we are safely home sleeping, who are out making sure we are safe. We should stand up for our law enforcement officers.

This week, of all weeks, as we are here for National Police Week, we need to honor our law enforcement officers. We need to thank our men and women in uniform who patrol our streets and our highways and in every way protect us, whether as corrections officers or Fish and Game officers or as State police—at every single level in the State of New Hampshire, we say thank you. We stand with you. I thank you. I hope that as we stand here this week, all of us will make sure that we thank also the Capitol Police for the incredible work they do here keeping us safe and defending this Capitol.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to speak about an amendment that I am going to propose right away. It is about fidelity to the Constitution and the Bill of Rights—specifically, fidelity to the Second Amendment as it involves the Department of Veterans Affairs.

There appears to be a troubling trend within the VA. As of December 2015, almost 99 percent of the names listed on the ''mental defective'' category for the National Instant Criminal Background Check System, otherwise known as the national gun-ban list, are from the Veterans Administration. Once a person's name is on that list, they are banned from owning or possessing a firearm. Their Second Amendment rights are completely null and void.

Now, why is this happening? Once the VA determines that a veteran requires a fiduciary to administer benefit payments, the VA reports that veteran to the gun-ban list, resulting in a total denial of a veteran's right to possess and own firearms. In other words, their Second Amendment rights are being denied.

The VA has attempted to justify its actions by relying on regulations that grant limited authority to determine incompetence only in the context of financial affairs. So I quote: ''Rating

agencies have sole authority to make official determinations of competency and incompetency for the purpose of insurance and disbursement of benefits.''

It is clear, therefore, that the VA's core regulatory authority applies to matters of competency for financial purposes. Importantly, this financial fiduciary standard has been employed since way back in the 1970s. It has nothing to do with regulating firearms. Yet that is exactly what is happening. Firearms are being regulated. Federal law requires that before a person is reported to a gun-ban list, they be determined a ''mental defective.''

The Bureau of Alcohol, Tobacco, Firearms and Explosives created a regulation to define what ''mental defective'' means. It includes, among other requirements, that a person is a danger to self or others. Granted, the VA regulation at issue and the ATF regulation do share some of the same language. But the intent and the purpose are totally different. On the one hand, the VA regulation is designed to appoint a fiduciary. On the other hand, the ATF regulation is designed to regulate firearms.

Now, this is a huge distinction. The level of mental impairment that justifies taking away the right to possess and own firearms must rest at a severe and substantial level—a level where the mere possession of a firearm constitutes a danger to self or others. That decision is never made by the VA, or the Veterans Administration, before submitting names to the gun-ban list.

As such, imposing a gun ban is a harsh result that could sweep up veterans that are fully capable of appropriately operating a firearm for self-defense purposes. So how does this work, then, in practice? The Daily Caller interviewed a veteran who had been a victim of this VA process for an April 21, 2015, article.

The veteran reportedly told a VA counselor, who asked about how he handles his finances, that on the mere suggestion of his wife, he now uses auto debit for bills so he doesn't have to go to the post office. The VA doctor put down that he doesn't pay his own bills, and his wife handles his finances. The next thing he knew was that his wife was appointed as his fiduciary and his name was placed on the gun-ban list.

Whether or not he handles his own finances, what does that have to do with talking away a veteran's right to self-defense? After all, this is the core purpose of the Second Amendment—self-defense. Self-defense is a natural right of all individuals. It is a God-given right. It is a right that existed before the Declaration of Independence and the Constitution were ever drafted. It is a sacred right.

The Supreme Court has held the Second Amendment to be a fundamental right. So, when the Federal Government erases that right for any given individual, it better then have compelling justification to do so. Assigning a fiduciary is not a compelling justification. That is especially so when the VA does not even determine whether veterans are a danger to themselves or others before reporting the names to that gun-ban list.

Further, the VA fails to offer adequate constitutional due process protections. The standard of review—clear and convincing evidence—is particularly low in light of the fact that a constitutional right is involved. Hearsay is allowed in the hearing process, and the burden of proof is on the veteran to show that they are competent to manage their finances. In essence, it is the veteran who has the burden of proof of showing that they should maintain their Second Amendment rights, although, again, that is not even the purpose of the hearing. That cannot stand. When constitutional issues are at stake, the burden ought to be on the government.

Finally, the hearing that does take place is before VA employees, not a neutral arbiter. With these significant flaws, it is clear that the VA regulatory scheme is inherently suspect. Importantly, these VA regulations have been in place since the 1970s, well before even the existence of a gun-ban list. The Supreme Court held the Second Amendment to be a fundamental right in 2010. Associate Justice Alito, who wrote the opinion of the Court, stated: ''It is clear that the Framers . . . counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty.''

It cannot be said that the VA's regulatory scheme adequately protects the liberty interests of the veteran—quite the contrary. The VA regulatory scheme is an example of the Federal Government once again going too far. As government expands, liberty contracts. There are just too many flaws in the VA's regulatory scheme that result in a failure at ensuring constitutional demands are met.

There has been no update to the VA's protocols since the Supreme Court's decision in 2010. During the course of my oversight of this issue, not even the Department of Justice can adequately explain why there has been no substantive update to the gun-reporting system. That is why I have introduced this amendment.

My amendment is simple. It is straightforward. It makes perfect constitutional sense. It simply requires that before the VA reports names to the Department of Justice for eventual placement on the gun-ban list, the Veterans Administration must first find that a veteran is a danger to himself, herself, or others, and that finding must be done via judicial order.

These requirements do three important things: First, it makes the ''danger to self or others'' standard applicable to the VA. We all agree, don't we, that dangerous persons must not own or possess firearms.

Second, it shifts the burden of proof from the veteran and onto the government, where it ought to be. Third, it fixes the conditional due process issues by moving the hearing from the VA to the judicial system.

Like I said, these are commonsense constitutional fixes, but, more importantly, it is what our Nation's veterans deserve. Our veteran population is sacred. They deserve the thanks of a grateful Nation, not the iron fist of an out-of-control Federal Government.

Most importantly, the government must not unfairly target our veteran population simply because some may have challenges after returning home from war, like maybe having someone handle their finances. The fact that almost 99 percent of the names in the gun-ban list of the category that we call ''mental defective'' are from the VA raises suspicion that our government is unfairly targeting veterans.

That is why the American Legion and the Veterans of Foreign Wars have expressed strong support for my amendment. There is nothing more offensive to the principles of liberty than when the government takes away a person's constitutional rights when it has no right to take away those constitutional rights. Moreover, I have heard from Iowa veterans that some veterans are even reluctant to seek care from the VA for fear of losing their Second Amendment rights.

It is outrageous, then, that veterans are afraid to seek the care they have actually earned by being in service to their country because the VA might deprive them of a constitutionally protected right without due process. This must stop.

I urge my colleagues to support this legislation. Support it on constitutional grounds, support it on fairness grounds, and support it for the sake of veterans who may be wrongly targeted. To all of our Nation's veterans, I say: God bless you, and thank you for your service to our great country. You deserve better than to have your rights violated by the very agency that is supposed to fulfill our Nation's commitment to you.

I urge my colleagues to join me in making this very bad situation right—constitutionally right.

Mr. President, I ask unanimous consent to have printed in the RECORD a May 16, 2016, letter from the VFW supporting this approach.

I repeat for my colleagues that the American Legion supports it, but they couldn't get a letter to us.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, May 16, 2016.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the nearly 1.7 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I write in support of

your amendment to H.R. 2577, which would protect veterans' rights under the Second Amendment of the United States Constitution.

Currently, when the Department of Veterans Affairs (VA) makes the determination that a veteran would benefit from the assistance of a fiduciary to handle his or her finances, VA sends that veteran's name to the National Instant Check System, preventing them from legally purchasing firearms. The VFW has long opposed this practice, believing that veterans who swore to support and defend the United States Constitution should not lose their rights under the Second Amendment simply because they need fiduciary assistance. The need for a fiduciary in no way implies that they are a danger to themselves or others. By ensuring that no veteran loses his or her right to purchase firearms without order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction, your amendment would put an end to this objectionable VA practice.

The VFW thanks you for your leadership on this issue, and your commitment to protecting veterans' constitutional rights and liberties. We look forward to working with you and your staff to pass this much needed amendment.

Sincerely,

RAYMOND C. KELLEY,
Director, VFW National Legislative Service.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3925.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I listened carefully to the explanation of my friend and colleague from Iowa. I hope there are several things we can agree on at the outset. The first is that we don't want someone who is a convicted felon or is so mentally unstable that they cannot be trusted to own or purchase a firearm. I hope we can agree on that.

Mr. GRASSLEY. I agree.

Mr. DURBIN. Good.

I hope the next thing we can agree on is that we want to make certain that our veterans are treated fairly, that they are given every consideration for having served our country, but we do not want to put them in harm's way either by way of suicide or by committing a crime with a gun, and we want to have a process that respects that goal. I hope my colleague and friend from Iowa would agree with that.

The problem we have is the Senator from Iowa is amending an appropriations bill. The difficulty you face when you amend appropriations bills, in most instances, if you are not authorizing and strictly sticking within the four corners of an appropriations bill, you can cut off funds—no funds shall be spent for—and that is what the amendment of the Senator from Iowa does. No funds shall be spent at the Veterans' Administration for—and he just described the process.

Here is the difficulty. This amendment as written doesn't solve the problem; it creates a bigger problem.

I will concede at the outset to the Senator from Iowa that we should be sitting down and resolving a very serious issue between the definition of ''mental defect'' and ''mental competency'' between the NICS law and the VA. There is plenty of room for us to sit down and come up with a reasonable way to deal with the situation. But the amendment offered by the Senator from Iowa just basically says, unfortunately, that we are going to weaken the law that prohibits people with serious mental illnesses from buying guns.

Currently, the Department of Veterans Affairs informs the FBI NICS gun background check database when a veteran has been found in a VA proceeding to be mentally incompetent because of injury or disease. I want to make sure that is clear in the RECORD. This is what it says. In connection with an award of veterans' benefits, the VA formally may determine as ''mentally incompetent'' a person who ''because of injury or disease lacks the mental capacity to contract or to manage his or her own affairs, including disbursement of funds without limitation.'' This is an adjudication, a hearing on mental competency which goes to the question of whether the veteran is mentally incompetent because of injury or disease.

Under the amendment offered by the Senator from Iowa, VA mental health determinations would no longer count as prohibiting gun possession. Tens of thousands of names currently in the NICS system would likely need to be purged, meaning these people could go out and buy guns. Last year the VA told my staff they had supplied 174,000 names to the NICS database because of diagnosed mental conditions.

I do not dispute what the Senator from Iowa suggested—that some of these veterans may be suffering from a mental illness not serious enough to disqualify them from owning a firearm, but certainly many of them do.

Last year the VA told us that this list of 174,000 names includes 10,168 individuals diagnosed with paranoid schizophrenia, 3,981 individuals with major depressive disorder, 2,835 individuals with bipolar disorder, and many others who have been found to have very serious mental illnesses.

Allowing people with these serious mental illnesses to buy guns raises the very serious risk of suicide and violence. Already we are seeing an average of 22 suicides by veterans every single day. That is double that of the civilian population. To hand guns over to people such as the 14 or 15,000 whom I have just described who have serious mental illness is dangerous—dangerous to them, members of their family, and to the public.

The VA's referral process is not haphazard. There are due process safeguards to make sure the VA is not referring names inappropriately. The VA has set up a relief program for a veteran to contest a finding of mental competency. If we need to revisit that process—and as I said at the outset, I am not arguing that we shouldn't—we need to do it in the context of substantive legislation so that we treat the veterans fairly, treat their families fairly, and treat the public fairly in dealing with this constitutional protection. But simply invalidating the mental health records of 170,000 people the VA has supplied to the FBI, as this amendment would do, is dangerous—dangerous to the veterans, dangerous to their families, and dangerous to the public.

Let's do this in a thoughtful, orderly way, not by an appropriations bill.

I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first, we are not talking about convicted felons here, like the first thing the Senator from Illinois started to say. What we are trying to do is protect the constitutional rights of veterans, Second Amendment rights, and we are preventing the government from spending money to violate the constitutional rights.

As I just made clear, the main purpose of the VA regulation is to appoint a fiduciary, not to regulate firearms, but it has the effect of regulating firearms. This standard has been in place since the 1970s. It has nothing to do with regulating firearms.

Don't you think that since the Supreme Court held the Second Amendment to be a fundamental right in 2010, there ought to be an update of this system?

Indeed, Federal law made clear that the regulations prescribed by the VA Secretary are limited to ''the nature and extent of proof and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws,'' 38 USC 501. Again, that provides no authority to regulate firearms, but it has that impact.

Just like the Senator from Illinois, I don't want dangerous persons to have firearms, but the government must first prove a person is a danger before taking away their constitutional rights.

I am somewhat disappointed that Members on the other side of the aisle would object to even considering an amendment that simply protects veterans from having a fundamental, constitutional right taken away and doing it without due process.

When we were in the minority, we were accused of being obstructionist because we wouldn't go along with the then-majority leader's efforts to block Senators of both parties from offering amendments. Now that we are in a majority, Senator MCCONNELL has tried to restore the tradition of having amendments considered from both sides of the aisle. Yet we have these old

tricks—still refusing to vote on amendments that show the American people whose side they are on.

I think this is an opportunity to show you are on the side of the veterans—veterans who probably handled guns in Iraq and Afghanistan not being able to do that here.

I don't understand what is so tough about voting on whether veterans' constitutional rights should be protected. It should be clear to anyone paying attention who is obstructing. They tried to destroy the Senate as a deliberative body when they were in the majority. Now they are obstructing a vote on protecting the fundamental constitutional rights of those who have put their lives on the line for our country.

Shame on you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, before my friend and colleague leaves, we have worked together for years, and I respect very much his legislative capability. He and I are working together on some very important legislation.

I am not a member of the Veterans' Affairs Committee. I don't know if the Senator from Iowa is a member—he is not. This is a subject matter that is in the jurisdiction of that committee.

Let me just concede at the outset that reporting 174,000 names to the FBI goes too far, but eliminating 174,000 names goes too far. We need to find a reasonable way to identify those suffering from serious mental illness who would endanger themselves, their families, or others and to sort out those who don't fit in that category. We can do that and we should do that in a reasonable way, so we are respectful of veterans and also respectful of the general public's right to be safe from the misuse of firearms.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would just say a simple thing. I have already said we don't want dangerous people to have guns. But the point is that the VA is not identifying the people who might be a danger to themselves or a danger to society. As the Senator from Illinois says, they are simply doing it because ''You can't handle your own finances.'' That is where their constitutional rights are being denied. Their constitutional rights are being denied by a VA employee—maybe somebody who doesn't know anything about mental health—and that is wrong. That is what we are trying to prevent.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Collins substitute amendment No. 3896.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate Amendment No. 3896 to Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Susan M. Collins, Roy Blunt, John Cornyn, Richard Burr, Bill Cassidy, Roger F. Wicker, Johnny Isakson, Marco Rubio, Mark Kirk, Lindsey Graham, Chuck Grassley, Jerry Moran, Orrin G. Hatch, John Hoeven, John Barrasso, John Boozman.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the underlying bill, H.R. 2577.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 138, H.R. 2577, an act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Susan M. Collins, Roy Blunt, John Cornyn, Richard Burr, Bill Cassidy, Roger F. Wicker, Johnny Isakson, Marco Rubio, Mark Kirk, Lindsey Graham, Jerry Moran, Chuck Grassley, Orrin G. Hatch, John Hoeven, John Barrasso, John Boozman.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 444 through 447, 467, 217, 218, 479, 480, 482, 484, 553, 554 through 558, with no other executive business in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Linda Thomas-Greenfield, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2015; Linda Thomas-Greenfield, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2021; John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2019; Linda I. Etim, of Wisconsin, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2021; Georgette Mosbacher, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2018; Todd A. Fisher, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2016; Deven J. Parekh, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2016; Robert Annan Riley III, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia; Karen Brevard Stewart, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands; Matthew John Matthews, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum; Marcela Escobari, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development; Swati A. Dandekar, of Iowa, to be United States Director of the Asian Development Bank, with the rank of Ambassador; Adam H. Sterling, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic; Kelly Keiderling-Franz, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay; Stephen Michael Schwartz, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Somalia; Christine Ann Elder, of Kentucky, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia; and Elizabeth Holzhall Richard, of Virginia, a Career Member of the Senior

Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lebanese Republic.

Thereupon, the Senate proceeded to consider the nominations.

Mr. MCCONNELL. Mr. President, I know of no further debate on the nominations and ask unanimous consent that the Senate vote on the nominations en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Thomas-Greenfield, Leslie, Etim, Mosbacher, Fisher, Parekh, Riley, Stewart, Matthews, Escobari, Dandekar, Sterling, Keiderling-Franz, Schwartz, Elder, and Richard nominations en bloc?

The nominations were confirmed en bloc.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—Continued

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENTS NOS. 3934, 3918, 3905, 3926, 3961, AND 3941 TO AMENDMENT NO. 3896

Ms. COLLINS. Mr. President, I am pleased to report that due to a lot of hard work on both sides of the aisle by Senators and their staffs, the leaders, and particularly my colleague Senator REED of Rhode Island, we have another group of amendments we are able to clear tonight.

I therefore ask unanimous consent that the following amendments be called up en bloc and reported by number: amendment No. 3934, offered by Senator KING; amendment No. 3918, offered by Senator RUBIO; amendment No. 3905, offered by Senator HELLER; amendment No. 3926, offered by Senator RUBIO; amendment No. 3961, offered by Senator MANCHIN; and amendment No. 3941, offered by Senator BOOKER.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments en bloc by number.

The senior assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for others, proposes amendments numbered 3934, 3918, 3905, 3926, 3961, and 3941 en bloc to amendment No. 3896.

The amendments are as follows:

AMENDMENT NO. 3934

(Purpose: To authorize the use of funds to carry out a matching program with the Department of Education to identify veterans who are unemployable due to a service-connected disability and who are also borrowers of Federal student loans in order to streamline and expedite the process through which such veterans may discharge their Federal student loans)

On page 223, line 9, after ''interoperability:'' insert the following: ''*Provided further*, That, notwithstanding any other provision of law, $300,000 shall be available to carry out a matching program with the Department of Education to identify veterans who are unemployable due to a service-connected disability and who are also borrowers of Federal student loans in order to streamline and expedite the process through which such veterans may discharge their Federal student loans.''.

AMENDENT NO. 3918

(Purpose: To shorten the time given to a property owner to respond to a violation of a contract and the time given to the Secretary to develop a Compliance, Disposition, and Enforcement Plan)

On page 152, strike lines 1 through 13 and insert the following:

(1) The Secretary shall notify the owner and provide an opportunity for response within 15 days of UPCS inspection results. If the violations remain, the Secretary shall develop a Compliance, Disposition and Enforcement Plan within 30 days of the UPCS inspection results and must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

AMENDMENT NO. 3905

(Purpose: To prohibit funds from being used to provide housing assistance benefits to individuals convicted of certain criminal offenses)

At the appropriate place in division A, insert the following:

SEC. ____. None of the funds made available under this Act shall be used to provide housing assistance benefits for an individual who is convicted of—

(1) aggravated sexual abuse under section 2241 of title 18, United States Code;

(2) murder under section 1111 of title 18, United States Code; or

(3) any other Federal or State offense involving—

(A) severe forms of trafficking in persons or sex trafficking, as those terms are defined in paragraphs (9) and (10), respectively, of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); or

(B) child pornography, as defined in section 2256 of title 18, United States Code.

AMENDMENT NO. 3926

(Purpose: To determine the effectiveness of Real Estate Assessment Center physical inspections)

At the appropriate place in division A, insert the following:

SEC. ____. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall prepare a report, and post the report on the public website of the Department of Housing and Urban Development (in this section referred to as the ''Department''), regarding Real Estate Assessment Center (in this section referred to as ''REAC'') inspections of all properties assisted, insured, or both, under a program of the Department, which shall include—

(1) the percentage of all inspected properties that received a REAC-inspected score of less than 65 within the last 48 months;

(2) the number of properties in which the most recent REAC-inspected score represented a decline relative to the previous REAC score;

(3) a list of the 10 metropolitan statistical areas with the lowest average REAC-inspected scores for all inspected properties; and

(4) a list of the 10 States with the lowest average REAC-inspected scores for all inspected properties.

(b) The Comptroller General of the United States shall prepare a report, and post the report on the public website of the Government Accountability Office, regarding areas in which REAC inspections of all properties assisted, insured, or both, under a program of the Department should be reformed and improved.

AMENDMENT NO. 3961

(Purpose: To allow airports to use airport improvement program funds to repair damage to runway safety areas caused by natural disasters)

At the appropriate place in division A, insert the following:

SEC. _____. (a) Subchapter I of chapter 471, as amended by this subtitle, is further amended by adding at the end the following:

''§ 47144. Use of funds for repairs for runway safety repairs

''(a) IN GENERAL.—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b) from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

''(b) AIRPORTS DESCRIBED.—An airport is described in this subsection if—

''(1) the airport is a public-use airport;

''(2) the airport is listed in the National Plan of Integrated Airport Systems of the Federal Aviation Administration;

''(3) the runway safety area of the airport was damaged as a result of a natural disaster;

''(4) the airport was denied funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) with respect to the disaster;

''(5) the operator of the airport has exhausted all legal remedies, including legal action against any parties (or insurers thereof) whose action or inaction may have contributed to the need for the repair of the runway safety area;

''(6) there is still a demonstrated need for the runway safety area to accommodate current or imminent aeronautical demand; and

''(7) the cost of repairing or replacing the runway safety area is reasonable in relation to the anticipated operational benefit of repairing the runway safety area, as determined by the Administrator of the Federal Aviation Administration.''.

(b) The analysis for chapter 471, as amended by this subtitle, is further amended by inserting after the item relating to section 47143 the following:

''47144. Use of funds for repairs for runway safety repairs.''.

AMENDMENT NO. 3941

(Purpose: To slightly modify the scope of projects eligible for railroad safety grants)

On page 50 of division A, strike line 7 and all that follows through ''Code:'' on line 10, and insert the following: ''up to $25,000,000 shall be available to carry out section 24407(c)(1) of title 49, United States Code; and not less than $25,000,000 shall be available to carry out paragraphs (2), (5), (6), (7) and (10) of section 24407(c) of such title:''.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now vote on these amendments en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I know of no further debate on these amendments.

The PRESIDING OFFICER. Is there further debate?

If not, the question occurs on agreeing to the amendments en bloc.

The amendments (Nos. 3934, 3918, 3905, 3926, 3961, and 3941) were agreed to en bloc.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENTS NOS. 3914, 3938, 3948, 3954, AND 3971 TO AMENDMENT NO. 3896

Mr. KIRK. Mr. President, I ask unanimous consent that the following amendments be called up en bloc and reported by number: No. 3914, by Senator TESTER; No. 3938, by me; No. 3948, by Senator HELLER; No. 3954, by Senator HEITKAMP; and No. 3971, by Senator BENNET.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendments by number.

The senior assistant legislative clerk read as follows:

The Senator from Illinois [Mr. KIRK], for himself and others, proposes amendments numbered 3914, 3938, 3948, 3954, and 3971 en bloc to amendment No. 3896.

The amendments are as follows:

AMENDMENT NO. 3914

(Purpose: To require the Comptroller General of the United States to submit to Congress a report evaluating force structure and military construction requirements in Europe)

At the appropriate place in title I of division B, insert the following:

SEC. ____. (a) Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating the extent to which the Department of Defense has developed a comprehensive force structure plan, including military construction requirements, to meet emerging security threats in Europe.

(b) The report required under subsection (a) shall include an assessment of the extent to which the Department of Defense has—

(1) identified the near-term and long-term United States military force requirements in Europe in support of the European Reassurance Initiative;

(2) evaluated the posture, force structure, and military construction options for meeting projected force requirements;

(3) evaluated the long-term costs associated with the posture, force structure, and military construction requirements; and

(4) developed a Future Years Defense Program for force structure costs associated with the European Reassurance Initiative.

(c) The report shall also include any other matters related to security threats in Europe that the Comptroller General determines are appropriate, and recommendations as warranted for improvements to the Department's planning and analysis methodology.

AMENDMENT NO. 3938

(Purpose: To make a technical correction to section 132 of title I of division J of Public Law 114–113)

At the appropriate place in title I of division B, insert the following:

SEC. ____. (a) Of the amounts appropriated by section 132 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2016 (division J of Public Law 114–13; 129 Stat. 2683), $30,000,000 is hereby rescinded.

(b) Notwithstanding section 123 of this title, for an additional amount for fiscal year 2016 for ''Military Construction, Army'' in this title, $30,000,000, to remain available until September 30, 2021, is provided for advances to the Federal Highway Administration, Department of Transportation, for construction of access roads as authorized by section 210 of title 23, United States Code.

(c) This section shall become effective immediately upon enactment of this Act.

AMENDMENT NO. 3948

(Purpose: To modify the contents of the quarterly report on disability compensation claims)

On page 245, lines 23 through 24, strike ''and (7) the number and results of Quality Review Team audits'' and insert ''(7) the number and results of Quality Review Team audits; (8) the number of claims completed by each Regional Office based on the Regional Office being the station of jurisdiction; and (9) the number of claims completed by each Regional Office based on the Regional Office being the station of origin''.

AMENDMENT NO. 3954

(Purpose: To require coordination within the Department of Veterans Affairs to meet the readjustment and psychological counseling needs of veterans in rural and highly rural communities)

At the end of title II of division B, add the following:

SEC. 251. (a) The Secretary of Veterans Affairs shall ensure that the Readjustment Counseling Service of the Department of Veterans Affairs coordinates directly with the Office of Rural Health of the Department on efforts to expand the capacity of Vet Centers (as defined in section 1712A(h) of title 38, United States Code) in order to ensure that the readjustment and psychological counseling needs of veterans in rural and highly rural communities are met.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report detailing the number of Vet Centers (as so defined) operated by the Department and a strategic plan to increase the capacity of such Vet Centers to address unmet readjustment and psychological counseling needs of veterans in rural and highly rural communities.

AMENDMENT NO. 3971

(Purpose: To authorize the Secretary of Veterans Affairs to provide monthly assistance allowance to disabled veterans training to compete on the United States Olympic Team)

At the end of title II of division B, add the following:

SEC. 251. MONTHLY ASSISTANCE ALLOWANCE FOR DISABLED VETERANS COMPETING ON OLYMPIC TEAMS.

Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking ''allowance to a veteran'' and inserting the following: ''allowance to—

''(A) a veteran'';

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) a veteran with a service-connected disability rated as 30 percent or greater by the Department who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.''.

Mr. KIRK. Mr. President, I ask unanimous consent that the Senate now vote on these amendments en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KIRK. I know of no further debate on these amendments.

The PRESIDING OFFICER. Is there further debate?

If not, the question occurs on agreeing to the amendments en bloc.

The amendments (Nos. 3914, 3938, 3948, 3954, and 3971) were agreed to en bloc.

The PRESIDING OFFICER. The Senator from Maine.

MORNING BUSINESS

Ms. COLLINS. 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.

62ND ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

Mr. DURBIN. Mr. President, 62 years ago today, the Supreme Court issued its decision in Brown v. Board of Education, which struck down laws permitting racially segregated schools in 17 States and the District of Columbia.

The Court overturned Plessy v. Ferguson, the notorious 1896 decision that found racially segregated schools could be, ''separate but equal.'' The Court unanimously held that laws requiring racial segregation in schools violate the Equal Protection clause of the 14th Amendment and recognized that equal access to education is a fundamental civil right. In the Brown v. Board opinion, Chief Justice Earl Warren wrote, ''in the field of public education, the doctrine of 'separate but equal' has no

place. Separate educational facilities are inherently unequal.''

As I have said before, this historic decision was the most important Supreme Court decision of the 20th century—and perhaps of all time. Shortly after the decision, the New York Times published an editorial that stated: ''The Supreme Court's historic decision in the school desegregation cases brings the United States back into the mainstream of its own best traditions. Segregation is a hangover of slavery, and its ugliest manifestation has been in the schools.''

While the Brown decision was a historic victory for equality, this anniversary is bittersweet. We have made great progress in the last 62 years, but there is much work that remains to be done to create ''the more perfect union'' that our Constitution promises. Significant racial disparities persist in our schools, as well as our economy and our criminal justice system.

Just last week, following a five-decade legal battle, a Federal district court judge ordered a school district in Mississippi to desegregate. In her opinion, Judge Debra Brown wrote that: ''[the school district's] delay in desegregation has deprived generations of students of the constitutionally-guaranteed right of an integrated education. Although no court order can right these wrongs, it is the duty of the District to ensure that not one more student suffers under this burden.''

It is shocking to consider that, six decades after the Brown decision, there is still resistance to the Court's mandate to desegregate our schools.

We also continue to see efforts to make it more difficult for African Americans and other minorities to exercise the most fundamental constitutional right, the right to vote. Three years after the Brown v. Board of Education decision, the Rev. Dr. Martin Luther King, Jr., spoke at the Lincoln Memorial during a prayer pilgrimage to Washington.

In a speech entitled ''Give Us the Ballot,'' Dr. King described the, ''noble and sublime decision'' in Brown, as well as the massive resistance to enforcing the decision. Dr. King noted that: ''many states have risen up in open defiance. The legislative halls of the South ring loud with such words as 'interposition' and 'nullification.' But even more, all types of conniving methods are still being used to prevent [African-Americans] from becoming registered voters. The denial of this sacred right is a tragic betrayal of the highest mandates of our democratic tradition.''

Dr. King knew that there was a vital connection between desegregation and the right to vote. Without Federal voting protections, African Americans would not have a voice in government to ensure that the Supreme Court's decision in Brown was fully implemented. He went on to say, ''our most urgent request to the President of the United States and every member of Congress is to give us the right to vote. . . . Give us the ballot.''

Eight years later, the Voting Rights Act was signed into law. For years, this landmark legislation was recognized as a great achievement. It was repeatedly reauthorized by large, bipartisan majorities in Congress. However, 3 years ago, in Shelby County v. Holder, the Supreme Court gutted the Voting Rights Act. In a divided 5–4 vote, the Court struck down the provision that required certain jurisdictions with a history of discrimination to preclear changes to their voting laws with the Department of Justice.

Since the decision, States like Texas, North Carolina, Alabama, and Mississippi have put in place restrictive state voting laws, which all too often have a disproportionate impact on lower-income and minority voters.

Sixty-two years after the Supreme Court's decision in Brown v. Board of Education, it is clear there is much more work to do. We should remember Dr. King's words in 1957. We should restore the law he implored Congress to enact. It is time to bring the bipartisan Voting Rights Advancement Act to the floor and ensure that the Federal Government is once again able to fully protect the fundamental right to vote.

The Supreme Court of the United States stands just across the street from here. On the front of the Court four words are engraved: ''Equal Justice Under Law.'' Those words are a promise and a challenge to all of us. On this day, the anniversary of one of the Court's greatest triumphs, let us rededicate ourselves to ensuring that those four words—''Equal Justice Under Law''—ring true for this generation and future generations of Americans.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today is the 62nd anniversary of the Supreme Court's landmark decision in Brown v. Board of Education, which reaffirmed our Nation's commitment to justice and equality by ending racial segregation in our public schools. The unanimous Court overruled one of its worst precedents in Plessy v. Ferguson and held that ''in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.''

For generations, the Brown v. Board decision has been viewed as a turning point in the effort to eradicate the shameful legacy of Jim Crow and racial segregation. On this anniversary, we are reminded of the significance of a strong and independent Supreme Court, as set forth in our Constitution. Americans respect the Court as our guardian of the Constitution and the rule of law. Each generation of Americans since the Nation's founding has worked to bend the arc of the moral universe further toward justice, seeking to fulfill the Constitution's stated purpose of forming ''a more perfect Union.'' In Brown v. Board, the Court's unanimous decision reflected that we are a nation of laws and that equal justice under law has meaning.

Unfortunately, while we commemorate this momentous Supreme Court decision today, we find the Supreme Court today weakened by Senate Republicans' current obstruction. It is an undisputable fact that the Republicans' refusal to consider Chief Judge Merrick Garland's nomination means that the Supreme Court will be without a full nine justices for more than one of its terms. The Republican argument articulated in February that they should delay all consideration because it is an election year has no precedent and is unprincipled. It shows contempt for the Court as an institution and as an independent and coequal branch of government.

The result of Republicans' sustained obstruction is that the Court is taking on fewer cases, and even in the cases it does hear, it has repeatedly been unable to definitively resolve the issue before it. A May 1 article by Robert Barnes in the Washington Post notes that the number of cases that the Justices have accepted has fallen, and the experts in that article attribute this to the Court being down one member. As one expert noted in the article, ''there seem to be a number of 'defensive denials,' meaning neither side of the ideologically split court wants to take some cases because of uncertainty about how it will turn out, or whether the court will be able to reach a decision.''

Another harmful effect of this Republican obstruction is that the Court has been contorting itself to avoid 4–4 splits by leaving the key questions of cases undecided. Just yesterday, in two different cases, the Court was unable to make a final decision on the merits. In both cases, the appellate courts are split on the law, and the Supreme Court was unable to live up to its name. One of the cases, Zubik v. Burwell, involved religiously affiliated employers' objections to their employees' health insurance coverage for contraception. The Court had already taken the unusual step of ordering supplemental briefing in the case, seemingly to avoid a 4–4 split. Even with the extra briefing, the Court was still unable to make a decision. Instead, it sent the issue back to the lower courts expressing ''no view on the merits of the cases.'' In the second case, Spokeo v. Robbins, the question at issue was Congress's ability to statutorily create rights that confer standing for plaintiffs to sue when those rights are violated. The case involves important privacy questions about Americans' power to take action when incorrect information is posted about them online. The Court, however, failed to reach the key question at issue. The effect is that the current split among the Circuit Courts of Appeals remains unresolved. As yesterday's New York Times editorial

notes, ''Every day that passes without a ninth justice undermines the Supreme Court's ability to function, and leaves millions of Americans waiting for justice or clarity as major legal questions are unresolved.''

In addition to these contortions, the Court has deadlocked in at least three instances on significant legal issues before it. These 4–4 splits have real, practical consequences. As a recent Economist article noted, ''By letting lower-court decisions stand but not requiring other courts to abide by the ruling, the stage is set for odd state-by-state or district-by-district distinctions when it comes to the meaning of laws or the constitution.'' I ask unanimous consent that all three articles be printed in the RECORD at the conclusion of my remarks.

Republicans' refusal to do their jobs and consider Chief Judge Garland's nomination diminishes the role of the Supreme Court. In nominating Chief Judge Garland to the Supreme Court, President Obama has picked an eminently qualified judge who has more Federal judicial experience than any other Supreme Court nominee in history. This is an individual who has received praise across the political spectrum. But instead of delving into his lengthy public service record for themselves, Republicans have decided to outsource their jobs to outside interest groups who have spent millions of dollars to smear Chief Judge Garland. And worse, they continue to refuse to allow Chief Judge Garland a chance to respond at a public hearing.

As long as they stick to this unprincipled position, Republicans will continue to undermine the Court's ability to serve its role under our Constitution as the final arbiter of our Nation's laws. Republicans should reverse course and treat the Court as the independent and coequal branch of government that it is.

So today, let us not only celebrate the Court's historic decision in Brown, but also resolve to return this venerated institution to full strength. It begins with giving Chief Judge Garland a fair public hearing and a vote.

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

[From the Washington Post, May 1, 2016]

SCALIA'S DEATH AFFECTING NEXT TERM, TOO? PACE OF ACCEPTED CASES AT SUPREME COURT SLOWS

(By Robert Barnes)

The ways in which Justice Antonin Scalia's sudden death are altering the current Supreme Court term have been widely chronicled.

But it appears the absence of Scalia will be felt on the court's work next term, as well.

The number of cases the justices have accepted has fallen, meaning that a docket that in recent years has been smaller than what is traditional is shrinking still.

The court has accepted only six cases since Scalia died Feb. 13. The number is low compared with the average, Scotusblog.com editor Amy Howe said at an event last week reviewing the Supreme Court's work.

And none of the cases that the court has accepted for the term that begins in October approach the level of controversy that have marked the dramatic rulings of recent years.

A panel of court experts assembled by the Constitutional Accountability Center last week offered a number of reasons for the reduced workload.

But they boiled down to a reluctance of the ideologically divided eight-member court to take on an issue in which it might not be able to provide a clear answer.

First, a reminder of the enormous leeway the justices have in setting their agenda.

An outraged citizen's vow to fight an injustice ''all the way to the Supreme Court'' comes to pass only if the Supreme Court consents.

With a few exceptions of cases the court is mandated to consider, justices are unencumbered as they cull through the thousands of petitions seeking review. In recent years, only about 70 or so cases receive writs of certiorari—''cert grants''—signaling that the justices will review the decision of the lower court.

It takes the approval of four justices to schedule a case for full briefing and oral argument. The court makes those decisions all year—it could announce on Monday that it has accepted more cases—but generally those granted after January are placed on the court's docket for the term that begins the following October.

So there is plenty of time for the court to pick up the pace. But based on what's in the pipeline, Howe suggested that there could be plenty of lulls in the court's schedule.

If Senate Republicans hold true to their pledge not to hold hearings or a vote on President Obama's nomination of U.S. Circuit Judge Merrick Garland to fill Scalia's seat before the election, the court will enter the next term one justice down. And if a lame-duck Senate after the election does not consider him, it would be sometime in the spring, at the earliest, before the court is back to full strength.

John P. Elwood, a Washington lawyer and Supreme Court specialist, said ''having an extra member matters.''

He watches the Supreme Court's docket as closely as anyone, writing a column for Scotusblog about the cases the court considers at its private conferences and which seem likely to be granted.

He said there seem to be a number of ''defensive denials,'' meaning neither side of the ideologically split court wants to take some cases because of uncertainty about how it will turn out, or whether the court will be able to reach a decision.

''The court already is a defensive enough institution,'' Elwood said. He said that Justices Clarence Thomas and Stephen G. Breyer have noted that the court is cautious about granting cert in the best of times.

They ''have said essentially, 'You can't screw up by not taking a case, you can only screw up by taking a case,''' Elwood said. ''And now there's one more reason not to take a case: that the court may blow up and not be able to decide the thing.''

Sherrilyn Ifill, president and director-counsel of the NAACP Legal Defense and Educational Fund, said the apparent slowdown is another consequence of waiting to fill Scalia's seat.

It is a rebuttal to ''all of these sanguine statements that we can have eight justices and it just doesn't matter, we'll just kick the can down the road,'' she said.

Ifill often disagrees with the decisions of the conservative court but said that everyone agrees ''this is a branch of government that actually gets the job done.'' She added: ''I think the court is trying to be prudent and not be a participant in its own demise by not taking these cases it can't decide.''

Brianne J. Gorod, the Constitutional Accountability Center's chief counsel, said justices ''know that if the issue is an important one it will probably come back in a year or two, when hopefully there will be a ninth justice.''

Andrew J. Pincus, another Washington lawyer who practices before the court, agreed with this analysis but said it is the wrong approach for the court to take.

''This sounds a little self-interested,'' Pincus began, but he said the court has a ''wrongheaded view'' about the frequency with which issues appear before it, and a ''complete misperception of the real world impact of lower-court decisions that are out there for a long time that people in the real world have to comply with.''

But if it is easy to detect a slowdown in the court's grants, it is more difficult to identify which cases the court might have taken if at full strength.

The court makes those decisions in secret. No vote total is announced and rarely is an explanation given.

So there can only be speculation about which cases are skipped because the court is divided, or which the justices agreed the lower court got it right and there is no work for them to do.

[From the New York Times, May 16, 2016]

THE CRIPPLED SUPREME COURT

Every day that passes without a ninth justice undermines the Supreme Court's ability to function, and leaves millions of Americans waiting for justice or clarity as major legal questions are unresolved.

On Monday, the eight-member court avoided issuing a ruling on one of this term's biggest cases, Zubik v. Burwell, which challenges the Affordable Care Act's requirement that employers' health care plans cover the cost of birth control for their employees. In an unsigned opinion, the court sent the lawsuits back to the lower federal courts, with instructions to try to craft a compromise that would be acceptable to everyone.

This is the second time since Justice Antonin Scalia's death in February that the court has failed to reach a decision in a high-profile case; in March, the court split 4 to 4 in a labor case involving the longstanding right of public-sector unions, which represent millions of American workers, to charge collective bargaining fees to nonmembers.

The Zubik litigation, which involves seven separate cases, was brought by religiously affiliated nonprofit employers like hospitals, colleges and social service organizations that do not want any role in giving their employees access to contraception.

The Obama administration, mindful of concerns over religious freedom, has already provided a way out for these employers: They must notify their insurer or the government, in writing, of their objection, at which point the government takes over and provides coverage for the contraceptives at no cost to the employers.

This sensible arrangement was not enough for several plaintiffs who said it still violated their religious freedom under a federal law, because the act of notification itself made them complicit in the provision of birth control.

Eight federal courts of appeals have already rejected this claim, finding that such a minor requirement did not place a substantial burden on the objectors' religious freedom. In her opinion for the Court of Appeals for the District of Columbia Circuit, Judge Cornelia Pillard wrote that under both federal law and the Constitution, ''freedom of religious exercise is protected but not absolute.'' This was the right answer, and should

have easily guided the justices in resolving this case.

But in a highly unusual order issued days after oral arguments, the justices asked both sides to consider a potential compromise—having a religiously affiliated employer tell an insurer of its objection to birth control coverage, and then having the insurer separately notify employees that it will provide cost-free contraceptives, without any involvement by the employer.

In Monday's opinion, the court said both sides' responses indicated that a compromise was possible. Without weighing in on the merits of the litigation, the court sent the lawsuits back to the federal appeals courts and told them to give the parties ''an opportunity to arrive at an approach going forward that accommodates petitioners' religious exercise while at the same time ensuring that women covered by petitioners' health plans receive full and equal health coverage, including contraceptive coverage.'' '

This move solves nothing. Even if these plaintiffs can find their way to an agreement with the government that satisfies their religious objections, there are other employers with different religious beliefs who will not be satisfied, and more lawsuits are sure to follow.

The court could have avoided this by affirming the appellate decisions that correctly ruled in the government's favor. Unfortunately, the justices appear to be evenly split on this issue, as they may be on other significant cases pending before them.

The court's job is not to propose complicated compromises for individual litigants; it is to provide the final word in interpreting the Constitution and the nation's laws. Despite what Senate Republicans may say about the lack of harm in the delay in filling the vacancy, the court cannot do its job without a full bench.

[From the Economist, May 9, 2016]

WHY THE SUPREME COURT IS SLOWING DOWN

With five votes, the late Justice William Brennan liked to tell his clerks, ''you can do anything around here''. Justice Brennan's rule still applies after the death in February of Antonin Scalia. But with only eight justices remaining, the magic number of five is now harder to come by. Twice since Mr. Scalia's death the Supreme Court has performed the judicial equivalent of throwing up its hands. In a small case concerning banking rules and in a hugely consequential case challenging the future of public-sector unions, the justices issued one-sentence per curiam (''by the court'') rulings: ''The judgment is affirmed by an equally divided court.'' A tie in the high court means that the ruling in the court below stands. But a tie-induced affirmance does not bind other lower courts, and the judgment has no value as a precedent. A tie, in short, leaves everything as it was and as it would have been had the justices never agreed to hear the case in the first place.

That's a lot of wasted ink, paper, time and breath. And now it seems the justices may be keen to reduce future futile efforts as they contemplate a year or more with a missing colleague. As Robert Barnes wrote in the Washington Post last week, the Supreme Court's pace of ''grants''—cases it agrees to take up—has slowed. Only 12 cases are now on the docket for the October 2016 term that begins in the fall, and grants are lagging below the average of recent years. The slow pace is especially notable because it marks a slowdown from an already highly attenuated docket. Seventy years ago, the justices decided 200 or more cases a year; that number declined to about 150 in the 1980s and then plummeted into the 80s and, in recent years, the 70s. The justices will grant more cases in dribs and drabs following their private conferences in May and June and after the so-called ''long-conference'' in September (followed by more conferences throughout the autumn and winter), but early indications are that the term starting in October may be one of the most relaxed in recent memory.

The Obama administration continues to push Senate Republicans to change their minds and hold confirmation hearings for Merrick Garland, chief judge of the District of Columbia circuit court. While a number of GOP senators have agreed to meet Mr. Garland for lunch or tea, none have endorsed him or said he should have a hearing. The fight to fill Mr. Scalia's seat before the next president takes office includes a new hashtag (#WeNeedNine) and a counter showing the number of ''days of obstruction'' in the Senate since Mr. Obama tapped Mr. Garland for the job. (That number is 51 and counting.) But the Republican leadership isn't budging. Charles Grassley, chair of the judiciary committee, admits that leaving the appointment to the next president is a ''gamble'' given that Donald Trump is now all-but certain to be the Republican nominee, but he is sticking to his guns.

What's wrong with eight justices? The primary worry is that tie votes will sow legal confusion and uncertainty. When justices are split down the middle, they cannot resolve rival views on crucial national issues—from affirmative action and public unions to gay rights, birth control and abortion. By letting lower-court decisions stand but not requiring other courts to abide by the ruling, the stage is set for odd state-by-state or district-by-district distinctions when it comes to the meaning of laws or the constitution. This seems to be the worry that prompted the justices to search for a compromise after hearing arguments in March in the latest fight over Obamacare and contraception. One federal district court has said that the contraceptive mandate violates a 1993 law banning the government from unduly interfering with other people's religious scruples. A half dozen other appellate courts have come to the opposite opinion. So if the justices divide 4–4 in Zubik v Burwell, women across most of America will have access to birth control through their employer's health coverage, while women in seven midwestern states will not. The justices' unprecedented effort to square the circle by playing mediator does not look promising.

Some legal scholars argue that an eight-justice bench isn't so bad after all and might actually be preferable. Eric Segall, a professor of law at Georgia State University, thinks the 4–4 ideological divide is pushing justices to moderate their claims in an effort to win votes from their colleagues on the other side. ''[T]o accomplish their goals'', Mr. Segall writes, ''the Justices would simply have to get along better''. This is a prescription, he says, to ''more public confidence in the final outcomes'' of Supreme Court decisions. We may have seen just such a compromise at work in a recent voting-rights decision, Evenwel v Abbott. After the oral argument in December, most pundits (including your correspondent) were expecting a 5–4 decision upending the common understanding of ''one person, one vote'' (counting everybody) in favour of counting only eligible voters, a scheme favouring whiter, wealthier, GOP-leaning districts. But the justices came out 8–0 in the other direction. The four liberals seem to have attracted the conservatives' votes (though Justices Samuel Alito and Clarence Thomas disagreed with the reasoning) by lowering the temperature a bit: the constitution permits states to use total population as the basis for drawing districts, Justice Ruth Bader Ginsburg wrote for her colleagues, but the question of whether it requires them to do so is off the table until a case forces it back on.

But beyond the Evenwel surprise and the seemingly ill-fated attempt to resolve the dicey dilemma in Zubik, it's very hard to see how a denuded court is an appealing concept in the medium or long-term. A patchwork quilt of legal realities may have been fitting for America under the Articles of Confederation, before the country had a political system that made it something approximating a union, but America's constitutional design is not consonant with deep confusion about what the law means on controversial questions of public life. While the bind they're in may lead to occasional compromises, the justices will only bend so far. Whether the divide manifests as 4–4 splits or a tendency to hear fewer cases in which those splits seem likely, a curbed Supreme Court is not a court that can possibly live up to its name.

VOTE EXPLANATION

Mr. WYDEN. Mr. President, I regret that due to travel delays on my return from Oregon, I missed the vote yesterday on the confirmation of the nominee, Paula Xinis, to fill a judicial emergency vacancy in the U.S. District Court for the District of Maryland.

Ms. Xinis was nominated more than a year ago. The ABA Standing Committee on the Federal Judiciary unanimously rated Xinis ''Well Qualified'' to serve on the district court, its highest rating. She has the support of her home State Senators, Senators MIKULSKI and CARDIN. She was voted out of the Judiciary Committee by voice vote on September 17, 2015. In addition, 20 judicial nominees for lower court vacancies that were all voted out of committee by unanimous voice vote are currently on the Executive Calendar. It is important that the Senate work to prioritize filling these vacancies.

For those reasons, had I not experienced travel delays and been present as originally intended, I would have voted in support of her nomination.

NATIONAL HURRICANE PREPAREDNESS WEEK

Mr. VITTER. Mr. President, I wish to recognize the week of May 15 through 21, 2016, as National Hurricane Preparedness Week.

As each Louisianian knows, the beginning of June marks the beginning of hurricane season, and we are acutely aware of how dangerous and damaging these storms can be. As we recognize National Hurricane Preparedness Week, I want to emphasize the importance of making adequate preparations to keep our families and communities safe. While it is impossible to predict when a disaster will strike, being informed, prepared, and having a plan can make all the difference in the world.

The National Hurricane Center recommends that folks take specific steps to prepare, such as creating a plan for your family, buying proper supplies

ahead of time, locating a safe room or the safest areas in your home for each hurricane hazard, making a plan for your pets, and taking First Aid, CPR, or disaster preparedness classes.

On a Federal level, I have been working to implement precautionary measures. As chairman of the Transportation and Infrastructure Subcommittee, I worked with my Republican and Democrat colleagues on the critically important Water Resources Development Act of 2016, which recently passed through the Senate Committee on Environment and Public Works. This bill would advance numerous hurricane protection efforts that will make our communities safer and better prepared for such disasters, most notably through the support it provides to coastal restoration efforts in Louisiana. Passing WRDA 2016 is an absolute top priority, and I will continue working to bring it to the Senate floor for a vote in the near future.

Regarding long-term preparedness, I am proud to announce that my bipartisan bill to reauthorize the National Estuary Program is on its way to the President's desk to be signed into law. Louisiana's estuaries create a natural buffer zone and have protected thousands of square miles of land along the coast, including some of the Nation's busiest ports, high-yielding fisheries, and vast oil and mineral deposits. My bill will make sure our critical estuaries are restored and preserved so that our coastal communities are better protected ahead of future storms.

Hurricanes are part of life, especially in Louisiana, but diligence and preparation can help reduce their impact on your family, home, and business. I urge you to take hurricane watches and warnings seriously. Please plan ahead for your family's safety, and encourage your neighbors to do the same.

REMEMBERING SELMER LELAND

Mr. TESTER. Mr. President, today I wish to honor Selmer T. Leland, a decorated World War I veteran and longtime resident of Kalispell, MT.

Unfortunately Selmer is no longer with us, so I will be presenting his son, Orland Leland, with the medals he earned for his heroic service during World War I.

Orland, on behalf of myself, my fellow Montanans, and my fellow Americans, I would like to acknowledge your father's remarkable sacrifice and service to this Nation and thank you for your unwavering commitment to keeping his legacy alive.

Selmer was born on April 30, 1894, in Abercrombie, ND, to Isak and Sanna Leland.

He grew up alongside his seven siblings on their family farm in North Dakota. When Selmer was 8, the family moved to Canada.

Later, when he grew old enough, Selmer ventured out on his own to Montana, becoming a farmer in Big Sandy, before enlisting in the army at the age of 23.

It was in October of 1917 when Selmer joined the American Expeditionary Forces in France as a private of Company G, 2nd Battalion, 16th Infantry Regiment, 1st Infantry Brigade, 1st Division.

Selmer was shipped off, and by May of 1918, he had earned his first Purple Heart, after enduring an onslaught of mustard gas in weeks leading up to the Battle of Cantigny.

The attack cost him a lung and resulted in lifelong respiratory issues.

Just 10 weeks later, Selmer took a bullet to the shoulder in the Second Battle of Marne, earning him a bronze oakleaf cluster to adorn his Purple Heart.

He also sustained shrapnel wounds to his chest and, as his son Orland proudly tells it, he died, more than 60 years later, with that bullet still in his arm.

Despite these two devastating injuries, Selmer persevered, spending another year overseas, even after the war had ended, as a member of the American occupation forces in Germany.

When he finally returned to the States, in September of 1919, his company was invited to Washington, DC, to meet President Woodrow Wilson, so he could thank them personally for their service.

Eventually, Selmer moved back to his family's homestead in Canada to farm again. This is where he met the love of his life, Clara.

Clara was a Kalispell girl, born and raised, who was visiting family up in Canada when she met Selmer.

The two fell in love, and, in February of 1924, they returned to Kalispell to get married.

By December, they had their first son, Robert Leland, who followed in his father's footsteps by joining the Army during WWII and fighting in the Battle of the Bulge.

Robert eventually had five kids: Marvin, Melvin, Shirley, Mark, and Robert, Jr., who went on to serve in Vietnam.

Both Robert and Robert, Jr., have since passed on, but their generations of service won't soon be forgotten.

After spending some time in the Pacific Northwest, the family eventually settled down in Kalispell, where Selmer spent his career as a sawmill worker until retiring at the age of 65, but his work was far from done.

After retiring from the sawmill, Selmer became a logger, heading to work every day in the forests well into his seventies.

Twenty years after the birth of their first son, Clara and Selmer, now 50, welcomed their second son, Orland, who I have the distinct pleasure of being with today.

Both Orland and his wife, Janet, were born and raised in Kalispell and still reside here today.

Orland, who was a firefighter for 30 years, and Janet, who is the volunteer director at the Kalispell Regional Medical Center, have both continued this family's legacy of dedicated public service.

They also have five children—Dianna, Kevin, Tammy, Sam, and Curt—some of whom are here with us today.

Thank you all for being here to celebrate Selmer's life, legacy, and history.

I have the profound honor of presenting Selmer's son Orland Leland with his father's WWI medals: Purple Heart with one bronze oakleaf cluster; World War I Victory Medal with Montdidier Noyon, Aisne-Marne, St. Mihiel and Meuse-Argonne Battle Clasps and France Service Clasp; and World War I Victory Button—Silver.

Orland, these medals serve as a small token of our country's appreciation for your father's heroic service and profound sacrifice.

He is truly an American hero, and we have the utmost gratitude for his service.

REMEMBERING FRED DE ROCHE

Mr. TESTER. Mr. President, today I wish to honor Fred D. De Roche, a decorated World War II veteran, Blackfeet tribal member, and lifelong resident of Browning, MT.

Fred was killed in action, bravely defending this Nation, so I will be presenting his son, Art De Roche, with the medals his father earned during World War II.

Art, on behalf of myself, my fellow Montanans, and my fellow Americans, I would like to acknowledge your father's gallant service to this Nation and thank you for the sacrifices you have made, losing your father at such a young age.

Fred was born on April 3, 1924, to Charlie and Annie De Roche in Browning, MT.

He grew up with many siblings, raising cows and horses on his family's ranch on the Blackfeet reservation.

He eventually met his wife, Mildred Underbear, and soon after getting married, the couple discovered they were pregnant.

As many of you know, Native Americans have always exhibited a deep and profound love of country, enlisting in the military at higher rates than any other ethnic group.

Fred was no different. In fact, Fred had enlisted in the Army earlier that year, alongside his cousin, Billy Wolftail.

In the ultimate act of patriotism, Fred deployed before his son, Art, was born on February 11, 1943.

Fred was sent to Belgium, where he served as a private in the Headquarters Company's 39th Infantry Regiment, 9th Infantry Division.

It was there that Fred earned his Bronze Star Medal on October 15, 1944, for meritorious achievement in active ground combat.

A little more than 2 months later, on December 21, 1944, Fred fought his last battle in courageous service to this great Nation.

He was awarded a Purple Heart for his valor and bravery.

On Memorial Day 2015, the Blackfeet Nation was honored at the Montana Veterans Memorial in Great Falls.

I was proud to be the main speaker at that event, where 162 tiles were added to the walls of the memorial, in recognition of military veterans from the Blackfeet Nation. Mr. Fred DeRoche was one of the names added that day.

Fred died in battle, but his spirit and legacy live on in his son, Art, who I have the distinct pleasure of being here with today.

Art was raised by his great-grandmother, Rosie Big Beaver, on the Blackfeet reservation.

He grew up in Browning, married his wife, Shirley, and together, they raised three beautiful children here: Arthur, Jr., David James, and Jolene Anne.

Thank you all for being here to celebrate Fred's life and legacy of service to our State, the Blackfeet people, and this great Nation.

I have the profound honor of presenting Fred's son, Art De Roche, with his father's medals: Bronze Star; Purple Heart; European-African-Middle Eastern Campaign Medal with one Bronze Service Star; World War II Victory Medal; Combat Infantryman Badge; Belgian Fourragere; and Honorable Service Lapel Button WWII

Art, these medals serve as a small token of our country's appreciation for your father's heroic service and profound sacrifice.

He is truly an American hero, and we are eternally grateful for his service.

RECOGNIZING THE POLYNESIAN VOYAGING SOCIETY AND THE MALAMA HONUA WORLDWIDE VOYAGE

Ms. HIRONO. Mr. President, Hawaii's traditional Polynesian voyaging canoe Hokulea and her crew are in the Washington, DC, area this week as part of its Malama Honua Worldwide Voyage. I would like to congratulate and honor the Polynesian Voyaging Society for its work in bringing about this significant endeavor to raise awareness of global sustainability while sharing traditional Polynesian navigation practices and creating global relationships through cultural exchanges. Hokulea will voyage over 60,000 miles to 100 ports in 27 nations, including 12 Marine World Heritage sites identified by the United Nations Educational, Scientific, and Cultural Organization.

Established in 1973, the Polynesian Voyaging Society developed a new generation of Polynesian navigators, perpetuating the teachings of Master Navigator Mau Piailug from the island of Satawal in the Federated States of Micronesia. The Polynesian Voyaging Society is largely credited with revolutionizing the perception of Polynesian-style voyaging as a sophisticated form of sailing and navigation.

In 1976, the Polynesian Voyaging Society completed construction of the double-hulled voyaging canoe named Hokulea, which translates to ''star of gladness.'' Hokulea is the first traditional voyaging canoe to be built in Hawaii in over 600 years and has since served as a cultural ambassador of Hawaii to the world.

Crew members observed patterns in the stars, sun, moon, wind, and ocean swells to guide Hokulea to Tahiti on her inaugural journey. The voyage demonstrated that Polynesian wayfinding methods could successfully be used to travel on long-distance journeys and revived a navigational method many assumed was lost.

In 2013, Hokulea and her sister canoe Hikianalia embarked on a journey around the State of Hawaii before commencing a 36-month worldwide voyage named Malama Honua, which means ''to care for our Earth.''

Since the journey began, Hokulea has visited 24 islands and six countries across Polynesia, Mauritius, South Africa, Brazil, and the East Coast of the United States, visiting States Florida, South Carolina, North Carolina, Virginia, New York, and Washington, DC.

I extend my deepest congratulations to the Polynesian Voyaging Society and the crews of Hokulea and Hikianalia and wish them smooth sailing as they continue the Malama Honua Worldwide Voyage.

I look forward to hearing of their many adventures upon completion of the voyage, and I encourage all of my colleagues to visit Hokulea while she is docked in Washington, DC.

TRIBUTE TO COLONEL PAUL J. TAYLOR

Mr. MORAN. Mr. President, I wish to pay tribute to COL Paul J. Taylor for his inspiring and honorable dedication to the U.S. Army and service to our Nation. Paul spent a year on Capitol Hill as an Army Congressional Fellow in the U.S. Senate where he learned valuable skills that prepared him for his service the last 3 years as a Congressional Budget Liaison for the Secretary of the Army. In this capacity, I have found Paul to be a critical resource and trusted confidant on all matters related to supporting our Army.

Colonel Taylor was nominated to attend the U.S. Military Academy from his home State of Connecticut and was commissioned an armor officer in 1993.

Colonel Taylor has served in a broad range of armor and cavalry assignments during his 23 years of service. As a junior officer, he served as a tank platoon leader, executive officer, and battalion maintenance officer in the 1st Infantry Division at Fort Riley, in my own State of Kansas. During his time with the Big Red One, he met the former Amy S. Boydston, from Centerville, KS. The two were married at Fort Riley and have experienced more than 20 years of Army life together, along with their three daughters: Lauren, Abigail, and Ella Kate.

Following his time at Fort Riley, Colonel Taylor attended advanced training at Fort Knox, KY, and stayed to command two armor companies in the 1st Armored Training Brigade. Upon completion of command, Colonel Taylor was stationed in Doha, Qatar, as the operations officer responsible for one of the Army's forward positioned headquarters in the Middle East.

After returning from Qatar, Colonel Taylor was assigned to the National Training Center at Fort Irwin, CA, the Army's premier training center, where he helped train units for deployment for 4 years. Colonel Taylor was next assigned to Fort Hood, TX, where he served as a brigade and battalion operations officer and executive officer in 4th Infantry Division, including a deployment to Operation Iraqi Freedom in Iraq.

Following his assignment at Fort Hood, Colonel Taylor was selected through a highly competitive process to serve as an Army Congressional Fellow on the personal staff of my colleague Senator JOHN CORNYN of Texas. Following his fellowship, he was assigned to the Army's Office of the Chief of Legislative Liaison, where he served for 2 years as the Army's primary liaison for personnel issues to the U.S. Congress and the Armed Services Committees.

During this assignment, Colonel Taylor was selected for command of 1st Squadron, 32d Cavalry, in the 101st Airborne Division at Fort Campbell, KY. Following command, he returned to the Pentagon, where he served for 3 years as a congressional budget liaison officer in the Office of the Assistant Secretary of the Army for Financial Management and Comptroller. He expertly managed the Army's procurement and research, development, test, and evaluation portfolios, liaising with the House and Senate Appropriations Committees to provide critical resources for Army warfighters. His most recent assignment was the office's senior budget liaison, providing day-to-day leadership to 15 other budget liaisons who greatly benefited from his guidance and mentorship.

Over the last several years, Colonel Taylor has developed a close working relationship with my office. As much as his Kansas ties mean to me and my staff, equally valued is Paul's strength of character and humble approach in serving others. He represents the best in our Army, and he will always be welcome in my office and as part of our Kansas community. I wish Paul, his wife Amy, and his daughters Lauren, Abigail, and Ella Kate the very best as they transition from Army life and move home to Kansas.

On behalf of a grateful nation, I join my colleagues today in recognizing and commending COL Paul Taylor for more than 23 years of service to his country. Paul's leadership throughout his career has positively impacted his soldiers, peers, and superiors. We wish Paul, his wife Amy, and their children all the best as they continue their journey of service.

ADDITIONAL STATEMENTS

SAMSUNG SOLVE FOR TOMORROW STEM EDUCATION COMPETITION

● Mr. GARDNER. Mr. President, today I wish to congratulate a group of eighth-grade students at Horizon Middle School in Aurora, CO. Recently I met with Simon-Peter Frimpong and Grayson Fast who participated in the Samsung Solve for Tomorrow STEM Education Competition. Grayson, Simon-Peter, and their classmates were among just five grand prize winners out of more than 4,000 contestants nationwide. This competition brings together schools from across the country to encourage the use of science, technology, engineering, and mathematics, STEM, to solve complicated problems. As a national winner of this competition, Horizon Middle School will receive funds to purchase cutting-edge technology for their school.

To win this competition, the students at Horizon Middle School created a more comfortable and versatile prosthetic limb for a local veteran. Along with providing more comfortable everyday use, the students designed multiple attachments, including an attachment for a longboard, to allow him to participate in various activities. This project required enormous amounts of time and dedication, as well as an in-depth study of STEM disciplines. Along this journey, the students had the unending support of their teacher Melinda Possehl and the school's principal, Nichole Bell.

Congratulations again to the students of Horizon Middle School on your outstanding accomplishment. I look forward to what the future has in store for these tremendously bright students.●

ALWAYS FREE HONOR FLIGHT

● Mr. MANCHIN. Mr. President, with immense pride, I wish to recognize the 25 heroic veterans who have traveled to Washington from West Virginia on this year's Always Free Honor Flight this week. This truly moving event serves as a unique opportunity for us to honor and share our deepest gratitude for these individuals who have sacrificed so much in the service of our great Nation.

With one of our country's highest per capita rates of military servicemembers and veterans, West Virginia is undoubtedly one of our Nation's most patriotic States. Throughout the history of the Mountain State, our citizens have demonstrated the bravery and selflessness time and again in making tremendous sacrifices to keep our homeland safe and free. According to the Department of Defense, West Virginia had the highest casualty rate in the Nation during the Vietnam war, and I am so proud that the honor flight will allow these West Virginia veterans to pay homage to their brethren at the Vietnam wall. As these veterans tour the monuments that have been constructed in their honor, I offer my sincerest thanks to them on behalf of our Nation for their service.

The veterans joining us in Washington hail from across West Virginia, from Scott Depot and Princeton to Rainelle and Lewisburg. They have served in World War II, the Korean war, the Vietnam war, during the Cold War prior to the Berlin Wall's collapse, and the wars in the Middle East. They have participated in decisive overseas battles and won myriad accolades for their accomplishments in uniform.

First and foremost, I wish to remember PO3 Earnest McKenzie, an Athens, WV, native, who joined the U.S. Navy in 1955 and served on the USS *Brownson* in the Vietnam war. He was supposed to attend this week's honor flight to visit the memorials made in his honor, but he sadly passed away on Friday at the age of 75. My thoughts and prayers are with his family during this sad time, and I sincerely thank him for his service and sacrifice.

I especially wish to recognize our World War II veterans who will be on this honor flight. Ninety-four year old former SN William ''Ray'' Calvin Sexton from Tazewell, joined the Navy in Bramwell, WV, in 1943 and was a gunner stationed in Panama and the Galapagos Islands. We will also be joined by Machinist Mate Third Class Marion Grey Noel, who joined the Navy in the 1940s and bravely fought at the battle of Iwo Jima and Okinawa.

These men truly represent the sacrifices made by our Nation's ''greatest generation'' and embody American patriotism and valor. They fearlessly fought in such a pivotal war in an era that threatened our existence as a nation. We are losing so many of our World War II veterans every day, and the time to show our utmost gratitude to them is here and now.

I also wish to highlight the tremendous achievements of two Vietnam war veterans who will be on this honor flight. Mabscott, WV, native, former SPC Raymond C. Palmer joined the Army in 1967 and fought in the 1968 Tet Offensive when the Vietcong and North Vietnamese forces launched a series of attacks on scores of towns and cities through South Vietnam. Another Vietnam veteran participating in this week's honor flight is SSG Michael A. Hudnall of Rainelle, WV, who joined the Army in 1969. Staff Sergeant Hudnall served in the 1st Air Cavalry stationed in Bien Hoa and earned two Purple Hearts, two Bronze Stars, and two Air Medals. Their dedication to our Nation knows no bounds, and I thank them for their service.

I also wish to recognize Army SFC Paul W. Dorsey of Bluefield, WV, who joined the Army in 1978. Sergeant First Class Dorsey served the United States for 10 years in Germany, more than 3 of which he was stationed in Berlin prior to the Wall's collapse. Following his return home, Sergeant First Class Dorsey went on to serve an additional decade stateside and continues to give back to his community. He is a JROTC instructor at Montcalm High School in Mercer City and serves as vice president of the Always Free Honor Flight network. Thank you, Sergeant First Class Dorsey, for your lifelong commitment to the U.S. military and our veterans.

The veterans participating in this week's honor flight range in age from 54 to 94 and have fought for our freedom in many historic events. This week, as we celebrate these incredible veterans and their answering our Nation's call of duty, we must remember that the men and women who have given so much to ensure America's safety deserve the utmost care and support upon their return home.

We must continue to fight for a Department of Veterans Affairs that provides our veterans with the services they very much need and deserve.

This week's honor flight and the continued support of our veterans would not be possible without the dedication of so many volunteers and caregivers. I wish to thank the JROTC cadets from Princeton, Montcalm, Bluefield, and Pikeview high schools, as well as the military spouses serving as the guardians on this year's honor flight. The care and love you provide for our veterans is invaluable and deeply appreciated.

I also commend those in the Always Free Honor Flight network for their dedication to providing our veterans with such a unique and meaningful experience. My gratitude especially goes out to Dreama Denver, president of Always Free Honor Flight network and owner Little Buddy Radio of Princeton, WV, as well as Pam Coulbourne, the coordinator of these flights. Dreama and Pam launched the Always Free Honor Flight in 2012 and have been making the dreams of West Virginia's veterans a reality every year since. They, along with Sergeant First Class Dorsey and board member and official photographer Steve Coleman, have done a tremendous job of ensuring that our veterans receive the recognition they deserve. Dreama, Pam, and Steve have also dedicated themselves to the Denver Foundation, serving as incredible examples of how individuals can give back to their communities.

Our Nation would not enjoy the freedom and liberty we do today without the commitment and sacrifice of the veterans who have served throughout our history. Their bravery and sacrifice know no bounds, and for this, we are forever grateful. With this week's Always Free Honor Flight, we celebrate and give thanks for these veterans and all they have done for our country.

God bless our many servicemembers and veterans, the great State of West Virginia, and the United States of America.●

TRIBUTE TO TAD FELTS

● Mr. MORAN. Mr. President, in a rural State like my own, where many

Kansans live more than half an hour from the nearest neighboring town, communities are stitched together by what they hear on the radio.

For more than 40 years, Tad Felts has been broadcasting high school athletics and reporting north central Kansas news for KKAN–KQMA radio in Phillipsburg, but after several decades chronicling hundreds—or more likely thousands—of sporting events, Tad decided a couple years back it was time to watch a few more games from the bleachers rather than the press box. Now, this month, he will retire from radio altogether.

Tad first started his radio career in Garden City at KIUL as a high school sophomore in 1948, working after school and at night for free. During his time at KIUL, his main duties were cleaning the floors and playing records. While he was a student at Fort Hays State University in 1951, Tad worked at KAYS radio station in Hays and upon graduation at KLOE in Goodland. Tad found his eventual home with the team at KKAN–KQMA in Phillipsburg in 1972.

Given his decades of experience in broadcasting, Tad knows the business well and takes great joy in teaching others. Gerard Wellbrock, the sports director of KAYS radio in Hays and the voice of the Fort Hays State University Tigers said this about Tad: ''He was a good mentor, I learned so much from him. The work ethic, how to deal with people, the relations you build with athletic directors and coaches. It's hard not to like Tad. And you learned a lot about work, and life, just by being around him.''

In gyms across north central Kansas, the KKAN–KQMA banner can be seen at high school basketball games, wrestling tournaments, and State championships. In fact, it is because of Tad's dedication that the radio station is so often present. Families who can't make the game in person, often because they are working long hours on the farm, especially appreciate local radio hosts being there because they can still catch the details of the game.

In rural America, entire communities revolve around how the high school sports team is doing. It is a common topic of conversation while standing in the checkout line at the grocery store or while dining at a neighborhood restaurant.

By no means is Tad a one-trick pony, though. Cherished equal to his sports reporting are his updates from the field during wheat harvest season, in which Tad will drive straight up to a farmer in his combine and record an interview from the cab. This is in addition to the full slate of city council and school board meetings, county fairs, and annual parades.

For years, Tad's knowledge and sunny disposition has greeted folks tuning in to local radio. One former peer of Tad's said this about the significant impact he has made: ''KKAN–KQMA Radio has played an integral role in the lives of people in the Phillipsburg area, and Tad has always been a driving force behind that station's programming and its scope of community service.''

His professionalism was recognized by his peers when Tad was inducted into the Kansas Association of Broadcasters Hall of Fame in 2010. Inductees to the hall of fame are selected based upon their contributions to the broadcasting profession, their broadcast career, and their recognition and awards received, and Tad is an extremely deserving recipient.

Today I want to express my gratitude to Tad Felts for helping to strengthen the close bonds of rural communities through his years of faithful service. I want to congratulate him on a job well done for the past nearly six decades. Tad's been a tremendous friend to me over the years, and his work has served as a bedrock for many of the communities I grew up in and care deeply about.

Tad, I wish you all the best and thank you for everything you have done to improve the lives of so many in our great State.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997, WITH RESPECT TO BURMA—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Burma that was declared on May 20, 1997, is to continue in effect beyond May 20, 2016.

The Government of Burma has made significant progress across a number of important areas since 2011, including the release of over 1,300 political prisoners, a peaceful and competitive election, the signing of a Nationwide Ceasefire Agreement with eight ethnic armed groups, the discharge of hundreds of child soldiers from the military, steps to improve labor standards, and expanding political space for civil society to have a greater voice in shaping issues critical to Burma's future. In addition, Burma has become a signatory of the International Atomic Energy Agency's Additional Protocol and ratified the Biological Weapons Convention, significant steps towards supporting global non-proliferation. Despite these strides, the situation in the country continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Concerns persist regarding continued obstacles to full civilian control of the government, the ongoing conflict and human rights abuses in the country, particularly in ethnic minority areas, and military trade with North Korea. In addition, Burma's security forces, operating with little oversight from the civilian government, often act with impunity. We are further concerned that prisoners remain detained and that police continue to arrest critics of the government for peacefully expressing their views. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma.

Despite this action, the United States remains committed to working with both the new government and the people of Burma to ensure that the democratic transition is irreversible.

BARACK OBAMA.

THE WHITE HOUSE, *May 17, 2016*.

MESSAGES FROM THE HOUSE

At 10:54 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1492. An act to direct the Administrator of General Services, on behalf of the Archivist of the United States, to convey certain Federal property located in the State of Alaska to the Municipality of Anchorage, Alaska.

S. 2143. An act to provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1150. An act to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

H.R. 1887. An act to authorize the Comptroller General of the United States to assess

a study on the alternatives for the disposition of Plum Island Animal Disease Center, and for other purposes.

H.R. 3832. An act to amend the Internal Revenue Code of 1986 to prevent tax-related identity theft and tax fraud, and for other purposes.

H.R. 4407. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a board to coordinate and integrate departmental intelligence, activities, and policy related to counterterrorism, and for other purposes.

H.R. 4743. An act to authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes.

H.R. 4780. An act to require the Secretary of Homeland Security to develop a comprehensive strategy for Department of Homeland Security operations abroad, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 88. Concurrent resolution reaffirming the Taiwan Relations Act and the Six Assurances as cornerstones of United States-Taiwan relations.

ENROLLED BILL SIGNED

At 12:32 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 bill:

S. 1523. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 6:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 524. An act to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

The message further announced that the House insists upon its amendments to the bill (S. 524) to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

For consideration of the Senate bill and the House amendments, and modifications committed to conference: Messrs. UPTON, PITTS, LANCE, GUTHRIE, KINZINGER of Illinois, BUCSHON, Mrs. BROOKS of Indiana, Messrs. GOODLATTE, SENSENBRENNER, SMITH of Texas, MARINO, COLLINS of Georgia, TROTT, BISHOP of Michigan, MCCARTHY, PALLONE, BEN RAY LUJAN of New Mexico, SARBANES, GENE GREEN of Texas, CONYERS, Ms. JACKSON LEE, Ms. JUDY CHU of California, Mr. COHEN, Ms. ESTY, Ms. KUSTER, and Mr. COURTNEY.

From the Committee on Education and the Workforce, for consideration of title VII of the House amendment, and modifications committed to conference: Messrs. BARLETTA, CARTER of Georgia, and SCOTT of Virginia.

From the Committee on Veterans' Affairs, for consideration of title III of the House amendment, and modifications committed to conference: Mr. BILIRAKIS, Mrs. WALORSKI, and Mr. RUIZ.

From the Committee on Ways and Means, for consideration of section 705 of the Senate bill, and section 804 of the House amendment, and modifications committed to conference: Messrs. MEEHAN, DOLD, and MCDERMOTT.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1150. An act to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes; to the Committee on Foreign Relations.

H.R. 3832. An act to amend the Internal Revenue Code of 1986 to prevent tax-related identity theft and tax fraud, and for other purposes; to the Committee on Finance.

H.R. 4407. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a board to coordinate and integrate departmental intelligence, activities, and policy related to counterterrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4743. An act to authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4780. An act to require the Secretary of Homeland Security to develop a comprehensive strategy for Department of Homeland Security operations abroad, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 88. Concurrent resolution reaffirming the Taiwan Relations Act and the Six Assurances as cornerstones of United States-Taiwan relations; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

S. 2937. An original bill to authorize appropriations for the Department of State for fiscal year 2017, 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. FLAKE (for himself and Mr. COATS):

S. 2935. A bill to limit the availability of public housing for over-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BLUMENTHAL:

S. 2936. A bill to amend the Internal Revenue Code of 1986 to protect children's health by denying any deduction for advertising and marketing directed at children to promote the consumption of food of poor nutritional quality; to the Committee on Finance.

By Mr. CORKER:

S. 2937. An original bill to authorize appropriations for the Department of State for fiscal year 2017, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DAINES (for himself, Mr. ENZI, and Mr. BARRASSO):

S. 2938. A bill to direct the Secretary of the Interior to reestablish the Royalty Policy Committee in order to further a more consultative process with key Federal, State, tribal, environmental, and energy stakeholders, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 2939. A bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOOZMAN (for himself and Mr. CASEY):

S. 2940. A bill to amend title XVIII of the Social Security Act to align physician supervision requirements under the Medicare program for radiology services performed by advanced level radiographers with State requirements; to the Committee on Finance.

By Ms. AYOTTE (for herself, Mrs. FEINSTEIN, Mr. RUBIO, and Ms. CANTWELL):

S. 2941. A bill to require a study on women and lung cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORKER (for himself and Mr. CARDIN):

S. 2942. A bill to extend certain privileges and immunities to the Gulf Cooperation Council; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. MCCONNELL, Mr. PETERS, Mr. COCHRAN, Ms. HEITKAMP, Mr. PORTMAN, Mr. KING, Ms. AYOTTE, Ms. WARREN, Mr. ENZI, Mr. BROWN, Mr. BURR, Mr. SCHATZ, Mr. COTTON, Ms. HIRONO, Ms. MURKOWSKI, Mr. BOOKER, Mr. BOOZMAN, Mr. NELSON, Mr. CRAPO, Mrs. GILLIBRAND, Mr. DAINES, Mr. CARPER, Mr. MORAN, Mr. BLUMENTHAL, Mr. TILLIS, Mrs. MURRAY, Mr. CORNYN, Ms. KLOBUCHAR, Mrs. FISCHER, Mr. WHITEHOUSE, Mr. GARDNER, Mr. BENNET, Mrs. CAPITO, Mr. DONNELLY, Mr. HATCH, Mr. CASEY, Mr. JOHNSON, Mr. COONS, Mr. CRUZ, Mrs. FEINSTEIN, Mr. BLUNT, Mr. MANCHIN, Mr. ISAKSON, Mr. DURBIN, Mr. RUBIO, Mr. FRANKEN, Mr. WICKER,

Mr. SCHUMER, Mr. SESSIONS, Mr. HOEVEN, Mr. GRAHAM, Mr. VITTER, Mr. MENENDEZ, Mr. LANKFORD, and Ms. COLLINS):

S. Res. 468. A resolution designating the week of May 15 through May 21, 2016, as ''National Police Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 440

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 440, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness.

S. 1212

At the request of Mr. CARDIN, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 1212, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1566

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1566, a bill to amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for coverage of oral anticancer drugs on terms no less favorable than the coverage provided for anticancer medications administered by a health care provider.

S. 1682

At the request of Mr. KIRK, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1682, a bill to extend the Iran Sanctions Act of 1996 and to require the Secretary of the Treasury to report on the use by Iran of funds made available through sanctions relief.

S. 1911

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1911, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 2031

At the request of Mr. BARRASSO, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2031, a bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes.

S. 2217

At the request of Mr. BLUNT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2217, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 2235

At the request of Mr. MARKEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2235, a bill to repeal debt collection amendments made by the Bipartisan Budget Act of 2015.

S. 2531

At the request of Mr. KIRK, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2611

At the request of Mr. UDALL, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2611, a bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes.

S. 2653

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2653, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in prekindergarten through higher education.

S. 2659

At the request of Mr. BURR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2659, a bill to reaffirm that the Environmental Protection Agency cannot regulate vehicles used solely for competition, and for other purposes.

S. 2712

At the request of Mr. BOOZMAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 2712, a bill to restore amounts improperly withheld for tax purposes from severance payments to individuals who retired or separated from service in the Armed Forces for combat-related injuries, and for other purposes.

S. 2752

At the request of Mr. RUBIO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2752, a bill to prohibit the facilitation of certain financial transactions involving the Government of Iran or Iranian persons and to impose sanctions with respect to the facilitation of those transactions, and for other purposes.

S. 2816

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2816, a bill to reauthorize the diesel emissions reduction program.

S. 2835

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2835, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance for the rehabilitation and repair of high hazard potential dams, and for other purposes.

S. 2854

At the request of Mr. BURR, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. KIRK), the Senator from Mississippi (Mr. WICKER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 2854, a bill to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

S. 2870

At the request of Mrs. MCCASKILL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2870, a bill to amend title 10, United States Code, to prevent retaliation in the military, and for other purposes.

S. 2872

At the request of Mrs. CAPITO, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2872, a bill to require the Government Accountability Office to submit to Congress a report on neonatal abstinence syndrome (NAS) in the United States and its treatment under Medicaid.

S. 2877

At the request of Mrs. CAPITO, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2877, a bill to amend title 32, United States Code, to specify the availability of certain funds provided by the Department of Defense to States for drug interdiction and counter-drug activities.

S. 2901

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2901, a bill to enhance defense and security cooperation with India, and for other purposes.

S. 2921

At the request of Mr. ISAKSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2921, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, to improve health care and benefits for veterans, and for other purposes.

S. 2930

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2930, a bill to ensure that Federal funding for the United Nations Framework Convention on Climate Change complies with applicable statutory limitations.

S. CON. RES. 36

At the request of Mr. NELSON, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution expressing support of the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to reaffirm its commitment to that goal through a financial commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. RES. 349

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 466

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 466, a resolution recognizing National Foster Care Month as an opportunity to raise awareness about the challenges of children in the foster-care system, and encouraging Congress to implement policy to improve the lives of children in the foster-care system.

AMENDMENT NO. 3897

At the request of Mr. LEE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 3897 proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 3916

At the request of Ms. AYOTTE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3916 intended to be proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 3922

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 3922 proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

AMENDMENT NO. 3925

At the request of Mr. GRASSLEY, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Idaho (Mr. CRAPO) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 3925 intended to be proposed to H.R. 2577, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. ENZI, and Mr. BARRASSO):

S. 2938. A bill to direct the Secretary of the Interior to reestablish the Royalty Policy Committee in order to further a more consultative process with key Federal, State, tribal, environmental, and energy stakeholders, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2938

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 ''Certainty for States and Tribes Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term ''Committee'' means the Royalty Policy Committee reestablished under section 3(a).

(2) BOARD.—The term ''Board'' means the State and Tribal Resources Board established under section 3(c).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. RECONSTITUTION OF THE ROYALTY POLICY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall reestablish the Royalty Policy Committee in accordance with the charter of the Secretary dated March 26, 2010, except as otherwise provided in this Act.

(b) CORRECTIONS AND UPDATES.—In reestablishing the Committee, the Secretary shall make appropriate technical corrections and updates to the charter of the Committee, including by revising—

(1) all references to the Minerals Management Service or the Minerals Revenue Management so as to refer to the Office of Natural Resources Revenue;

(2) the estimated number and frequency of meetings of the Committee so that the Committee shall meet not less frequently than once each year; and

(3) the non-Federal membership of the Committee to include—

(A) not fewer than 5 members representing Governors of States that receive more than $10,000,000 annually in royalty revenues from Federal leases; and

(B) not more than 5 members representing Indian tribes that are mineral-producing Indian tribes under—

(i) the Act of May 11, 1938 (commonly known as the ''Indian Mineral Leasing Act of 1938'') (25 U.S.C. 396a et seq.);

(ii) title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.);

(iii) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.); or

(iv) any other law relating to mineral development that is specific to 1 or more Indian tribes.

(c) ESTABLISHMENT OF SUBCOMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a subcommittee of the Committee, to be known as the ''State and Tribal Resources Board''.

(2) MEMBERSHIP.—The Board shall be comprised of the non-Federal members of the Committee described in subsection (b)(3).

SEC. 4. REVIEW OF REGULATIONS AND POLICIES.

(a) CONSULTATION AND REPORT.—

(1) IN GENERAL.—With respect to any proposed regulation or policy relating to mineral leasing policy for Federal land or Indian land for exploration, development, or production of oil, gas, or coal (including valuation methodologies and royalty and lease rates for oil, gas, or coal), not later than 180 days after the applicable date described in paragraph (2), the Committee shall—

(A) assess the proposed regulation or policy; and

(B) issue a report that describes the potential impact of the proposed regulation or policy, including any State and tribal budgetary and economic impacts described in subsection (b).

(2) DATE DESCRIBED.—The date referred to in paragraph (1) is, as applicable—

(A) with respect to a proposed regulation or policy issued on or after the date of enactment of this Act, the date of the issuance by the Secretary of the proposed regulation or policy; and

(B) with respect to a proposed regulation or policy that is pending as of the date of enactment of this Act, the date of the enactment of this Act.

(b) STATE AND TRIBAL IMPACT DETERMINATION.—

(1) IN GENERAL.—To the maximum extent practicable, before any proposed regulation described in subsection (a)(1) is issued as a final rule, the Board shall publish a determination of the impact of the regulation on school funding, public safety, and other essential State or Indian tribal government services.

(2) DELAY REQUEST.—If the Board determines that a regulation described in paragraph (1) will have a negative State or tribal budgetary or economic impact, the Board may request a delay in the issuance of the proposed regulation as a final rule for the purposes of further—

(A) stakeholder consultation;

(B) budgetary review; and

(C) development of a proposal to mitigate the negative budgetary or economic impact.

(3) LIMITATION.—A delay under paragraph (2) shall not exceed a 180-day period beginning on the date on which the Board requested the delay.

(c) REVISION OF PROPOSED REGULATION.—

(1) IN GENERAL.—Before any proposed regulation described in subsection (a)(1) may be issued as a final rule, the Secretary shall take into account any negative State or tribal budgetary or economic impact determined by the Committee under subsection (a)(1) and revise the proposed regulation to avoid the negative impact.

(2) FINAL RULE.—Any final regulation subject to paragraph (1) shall include—

(A) a summary of the report required under subsection (a)(1)(B); and

(B) a clear explanation of why the recommendations of that report (including the State and tribal determination under subsection (b)(1)) were or were not taken into account in the finalization of the regulation.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Chairmen and Ranking Members of the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report regarding the explanation under subsection (c)(2)(B) of why the recommendations of the report under subsection (a)(1)(B) (including the State and tribal determination under subsection (b)(1)) were or were not taken into account in the finalization of the regulation.

SEC. 5. SPECIAL REVIEW OF PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.

(a) PARTICIPANTS IN PROGRAMMATIC REVIEW.—

(1) IN GENERAL.—In carrying out the programmatic review of coal leasing on Federal land as described in section 4 of Secretarial Order 3338, issued by the Secretary on January 15, 2016, and entitled ''Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program'', the Secretary shall confer with, and take into consideration the views of, representatives appointed to the review board described in paragraph (2).

(2) REVIEW BOARD.—Each Governor of a State in which more than $10,000,000 in revenue is collected annually by the United States as bonus bids, royalties, and rentals, and fees for production of coal under leases of Federal land, may appoint not more than 3 representatives to a review board to carry out the programmatic review described in paragraph (1), not fewer than 1 of whom shall be a member of the Board.

(3) DEADLINE.—

(A) IN GENERAL.—The Secretary shall complete the programmatic review described in paragraph (1) not later than January 15, 2019.

(B) FAILURE TO MEET DEADLINE.—If the programmatic review is not completed by the deadline described in subparagraph (A), the programmatic review shall be considered to be complete as of that deadline.

(b) TERMINATION OF OTHER PROGRAMMATIC REVIEW.—Beginning on January 16, 2019, no Federal funds may be used to carry out the programmatic review described in subsection (a)(1).

(c) NO IMPLEMENTATION REQUIREMENT.—Nothing in this section requires the Secretary to conduct or complete the programmatic review or keep in effect the pause or moratorium on the issuance of new Federal coal leases under the Secretarial order described in subsection (a)(1) after January 20, 2017.

(d) TERMINATION OF MORATORIUM.—Effective January 16, 2019—

(1) the pause or moratorium on the issuance of new Federal coal leases under the Secretarial order referred to in subsection (a)(1) is terminated; and

(2) that Secretarial order shall have no force or effect.

SEC. 6. GRANDFATHERING OF COAL LEASES ON APPLICATION AND COAL LEASE MODIFICATIONS.

Nothing in Secretarial Order 3338, issued by the Secretary on January 15, 2016, and entitled ''Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program'' shall be considered to prohibit or restrict any issuance of a coal lease on application, or modification to a coal lease on application pursuant to subpart 3432 of part 3430 of title 43, Code of Federal Regulations (or successor regulations), for which the Bureau of Land Management has begun a review under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) as of January 15, 2016.

SEC. 7. DEADLINE FOR COAL LEASE SALES AND MODIFICATIONS.

Not later than 1 year after the date on which the Secretary completes the analysis required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for an application for a coal lease, or an application for a modification to a coal lease pursuant to subpart 3432 of part 3430 of title 43, Code of Federal Regulations (or successor regulations), accepted by the Secretary, the Secretary shall conduct the lease sale and issue the lease, or approve the modification, unless the applicant indicates in writing that the applicant no longer seeks the lease or modification to the lease.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 468—DESIGNATING THE WEEK OF MAY 15 THROUGH MAY 21, 2016, AS ''NATIONAL POLICE WEEK''

Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. MCCONNELL, Mr. PETERS, Mr. COCHRAN, Ms. HEITKAMP, Mr. PORTMAN, Mr. KING, Ms. AYOTTE, Ms. WARREN, Mr. ENZI, Mr. BROWN, Mr. BURR, Mr. SCHATZ, Mr. COTTON, Ms. HIRONO, Ms. MURKOWSKI, Mr. BOOKER, Mr. BOOZMAN, Mr. NELSON, Mr. CRAPO, Mrs. GILLIBRAND, Mr. DAINES, Mr. CARPER, Mr. MORAN, Mr. BLUMENTHAL, Mr. TILLIS, Mrs. MURRAY, Mr. CORNYN, Ms. KLOBUCHAR, Mrs. FISCHER, Mr. WHITEHOUSE, Mr. GARDNER, Mr. BENNET, Mrs. CAPITO, Mr. DONNELLY, Mr. HATCH, Mr. CASEY, Mr. JOHNSON, Mr. COONS, Mr. CRUZ, Mrs. FEINSTEIN, Mr. BLUNT, Mr. MANCHIN, Mr. ISAKSON, Mr. DURBIN, Mr. RUBIO, Mr. FRANKEN, Mr. WICKER, Mr. SCHUMER, Mr. SESSIONS, Mr. HOEVEN, Mr. GRAHAM, Mr. VITTER, Mr. MENENDEZ, Mr. LANKFORD, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 468

Whereas, in 1962, John Fitzgerald Kennedy signed the Joint Resolution entitled ''Joint Resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week'' (36 U.S.C. 136);

Whereas Federal, State, local, and tribal police officers, sheriffs, and other law enforcement officers across the United States serve with valor, dignity and integrity;

Whereas law enforcement officers are charged with pursuing justice for all individuals and performing their duties with fidelity to the constitutional and civil rights of the individuals that the law enforcement officers serve;

Whereas, in 2016, the Senate solemnly commemorates the 25th anniversary of the National Law Enforcement Officers Memorial, a national monument that pays homage to the more than 20,000 law enforcement heroes who made the ultimate sacrifice for the safety and protection of the United States and its people;

Whereas, in 2016, on the 15th anniversary of the September 11th terrorist attacks against the United States, the Senate honors the memory of those who perished, including the 72 law enforcement officers who were lost on that fateful day, and recognizes the tireless efforts of the law enforcement community to protect the citizenry and homeland through diligent investigations that disrupt terrorist plots, stem the flow of financing to terrorist networks, and bring evildoers to justice;

Whereas law enforcement officers selflessly serve their neighborhoods, often at the risk of their own personal safety, and remain resolute in responding to calls for help despite their badges, at times, serving as a target for senseless acts of violence;

Whereas the vigilance, compassion, and decency of law enforcement officers are the best defense of society against individuals who prowl communities seeking to do harm;

Whereas Peace Officers Memorial Day, 2016, honors 123 law enforcement officers recently killed in the line of duty, including Joseph James Abdella, Gregory Thomas Alia, Darrell Lamond Allen, Adrian Arellano, James Matthew Bava, Gregg Anthony Benner, James Arthur Bennett, Jr., Sean Michael Bolton, Louis Michael Bonacasa, Robert James Bowling, Michael Alan Brandle, Vernell Brown, Jr., Stacey Lynn Case, Trevor John Casper, Craig Anthony Chandler, Eric Keith Chrisman, Michael Anthony Cinco, Neville S. K. Colburn, David Lee Colley, Rodney Condall, Ryan P. Copeland, Gil C. Datan, Christopher A. Davis, Timothy A. Davison, Benjamin Joseph Deen, Nicholas Glenn Dees, Diane Digiacomo, Daniel Neil Ellis, Eric Alan Eslary, Jared J. Forsyth, Carlos Diamond Francies, Donald R. Fredenburg, Jr., Ricardo Galvez, Eligio Ruiz Garcia, Jr., Johnny Edward Gatson, Juandre Devon Gilliam, Sr., Darren H. Goforth, John Ballard Gorman, Terence Avery Green, Arthur Adolph Green, III, Richard Allen Hall, Bryce Edward Hanes, Brent L. Hanger, Steven Brett Hawkins, Rosario Hernández de Hoyos, Randolph A. Holder, Daryle S. Holloway, Carl G. Howell, Michael Jeremiah Johnson, Tronoski Dontel Jones, Jaimie Lynn Jursevics, William Karl Keesee, Christopher Dan Kelley, Korby Lee Kennedy, Sonny Lee Kim, Paul John Koropal, Thomas Joseph LaValley, Joseph G. Lemm, Noah Aaron Leotta, Anthony E. Lossiah, Scott Paul Lunger, Dwight Darren Maness, Richard K. Martin, Chester J. McBride, III, Eli M. McCarson, James Bryan McCrystal, Sr., John P. McKee, Roy D. McLaughlin, Eric O. Meier, Gregory Dale Mitchell, Charles Kerry Mitchum, Brian Raymond Moore, Gregory King Moore, William J. Myers, David Joseph Nelson, Henry Andres Nelson, Ladson Lamar O'Connor, Roger Monroe Odell, Kerrie Sue Orozco, Miguel Joseph Perez-Rios, Joseph Cameron Ponder, Brennan Roger Rabain, Jeffrey Emmons Radford, Anthony A. Raspa, Lloyd E. Reed, Jr., Sean Patrick Renfro, Burke Jevon Rhoads, Frank Román-Rodríguez, Elsa L. Rosa-Ortiz, Steven Martin Sandberg, William C. Sheldon, Rick Lee Silva, Sonny Allan Smith, Iris Janett Smith, Nathan-Michael William Smith, William Matthew Solomon, Luz M. Soto-Segarra, Michael Lynn Starrett, John Scott Stevens, Garrett Preston Russell Swasey, Liquori Terja Tate, Peter Wagner Taub, Scott R. Thompson, Taylor Joseph Thyfault, Kevin Jermaine Toatley, Zacarias Toro, Jr., Clifford Scott Travis, Nathan John Van Oort, Sr., Peggy Marie Vassallo, Rosemary Vela, Steven J. Vincent, Adrianna Maria Vorderbruggen, Darryl Deon Wallace, James Marvin Wallen, Jr., Daniel Scott Webster, Josie Lamar Wells, Craig Stephen Whisenand, John James Wilding, Robert Francis Wilson, III, Chad H. Wolf, Richard Glenn Woods, Alex K. Yazzie, and Kyle David Young; and

Whereas 35 law enforcement officers across the United States have made the ultimate sacrifice during the first 4 months of 2016: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 15 through May 21, 2016, as ''National Police Week'';

(2) expresses strong support for law enforcement officers across the United States for their efforts to build safer and more secure communities;

(3) recognizes the need to ensure that law enforcement officers have the equipment, training, and resources necessary to protect their health and safety while the law enforcement officers are protecting the public;

(4) recognizes the members of the law enforcement community for their selfless acts of bravery;

(5) acknowledges that police officers and other law enforcement officers who have made the ultimate sacrifice should be remembered and honored; and

(6) encourages the people of the United States to observe National Police Week with appropriate ceremonies and activities that promote awareness of the vital role of law enforcement officers in building safer and more secure communities across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3930. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 3931. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3932. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3933. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3934. Mr. KING (for himself, Mr. COONS, and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra.

SA 3935. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3936. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3937. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3938. Mr. KIRK (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra.

SA 3939. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3940. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3941. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra.

SA 3942. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3943. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3944. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3945. Mr. CORNYN (for himself and Mr. SCHUMER) proposed an amendment to the bill S. 2040, to deter terrorism, provide justice for victims, and for other purposes.

SA 3946. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

SA 3947. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3948. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra.

SA 3949. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3950. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3951. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3952. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3953. Mrs. GILLIBRAND (for herself, Mr. BOOKER, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3954. Ms. HEITKAMP (for herself, Ms. COLLINS, Mr. KING, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra.

SA 3955. Mr. LANKFORD (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3956. Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. BROWN, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Ms. WARREN, Mr. CARPER, Mr. FRANKEN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3957. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3958. Mr. LEE (for himself and Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr . COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3959. Mrs. SHAHEEN (for herself, Mr. KING, Ms. BALDWIN, Mr. MANCHIN, and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3960. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3961. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra.

SA 3962. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3963. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3964. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3965. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill

H.R. 2577, supra; which was ordered to lie on the table.

SA 3966. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3967. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3968. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3969. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3970. Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3971. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra.

SA 3972. Mr. DURBIN (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3973. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3974. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3975. Mr. FLAKE (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3976. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3977. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3978. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3979. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3980. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3981. Mr. FLAKE (for himself, Mr. TOOMEY, Mr. COATS, and Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3982. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3983. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3984. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3985. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3986. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3987. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2806, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.; which was ordered to lie on the table.

SA 3988. Mr. MENENDEZ (for himself, Mr. SANDERS, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 3989. Mr. MENENDEZ (for himself, Mr. BROWN, Mr. BOOKER, Ms. BALDWIN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3990. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3991. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3992. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3993. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3994. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3995. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3996. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3997. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3998. Mr. TESTER (for himself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 3999. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 4000. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 4001. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 4002. Mr. BLUMENTHAL (for himself, Mr. MARKEY, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, supra; which was ordered to lie on the table.

SA 4003. Ms. COLLINS (for Mr. SULLIVAN (for himself, Mr. SCHATZ, and Mr. MARKEY)) proposed an amendment to the bill S. 1335, to implement the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean, as adopted at Tokyo on February 24, 2012, and for other purposes.

SA 4004. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3930. Mr. MCCAIN (for himself and Mr. FLAKE) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of

Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 191 in title I of division A, add the following:

SEC. ____. No funds shall be transferred into the Sport Fish Restoration and Boating Trust Fund pursuant to section 9503(c)(3)(B) of the Internal Revenue Code of 1986 for use by the United States Fish and Wildlife Service if the Director of the United States Fish and Wildlife Service issues a compatibility determination to restrict motorized boats in Havasu Wildlife Refuge, Arizona.

SA 3931. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. (a) Notwithstanding section 102(h) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)) and section 910(b) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209(b)), and except as provided in subsection (b), none of the funds appropriated or otherwise made available by this Act or by any other Act may be used to directly or indirectly prohibit the provision of technical services otherwise permitted under an international air transportation agreement in the United States for an aircraft of a foreign air carrier that is en route to or from Cuba based on the restrictions set forth in part 515 of title 31, Code of Federal Regulations (commonly known as the ''Cuban Assets Control Regulations'').

(b) This section shall not apply—

(1) if—

(A) the United States is at war with Cuba;

(B) armed hostilities between the United States and Cuba are in progress; or

(C) there is imminent danger to the public health or physical safety of United States citizens; or

(2) to foreign air carriers that are owned by the Government of Cuba or are based in Cuba.

SA 3932. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. INSPECTION OF KITCHENS AND FOOD SERVICE AREAS AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall provide for the conduct of inspections of kitchens and food service areas at each medical facility of the Department of Veterans Affairs to ensure that the same standards for kitchens and food service areas at hospitals in the private sector are being met at kitchens and food service areas at medical facilities of the Department.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—

(1) INITIAL FAILURE.—If a kitchen or food service area of a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) not to meet the standards for kitchens and food service areas in hospitals in the private sector, that medical facility fails the inspection and the Secretary shall—

(A) implement a remediation plan for that medical facility within 48 hours; and

(B) Conduct a second inspection under subsection (a) at that medical facility within 7 days of the failed inspection.

(2) SECOND FAILURE.—If a medical facility of the Department fails the second inspection conducted under paragraph (1)(B), the Secretary shall close the kitchen or food service area at that medical facility that did not meet the standards for kitchens and food service areas in hospitals in the private sector until remediation is completed and all kitchens and food service areas at that medical facility meet such standards.

(3) PROVISION OF FOOD.—If a kitchen or food service area is closed at a medical facility of the Department pursuant to paragraph (2), the Director of the Veterans Integrated Service Network in which the medical facility is located shall enter into a contract with a vendor approved by the General Services Administration to provide food at the medical facility.

(d) REPORTS.—

(1) QUARTERLY.—Not less frequently than quarterly, the Director of each Veterans Integrated Service Network shall submit to Congress a report on inspections conducted under this section during that quarter at medical facilities of the Department under the jurisdiction of that Director.

(2) SUBSEQUENT PERIOD.—A Director of a Veterans Integrated Service Network may submit to Congress the report described in paragraph (1) not less frequently than semiannually if the Director does not report any failed inspections for the one-year period preceding the submittal of the report.

SA 3933. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. ____. Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report that includes—

(1) a detailed description of the age and condition of the aircraft maintenance hangars of the Army's Combat Aviation Brigade;

(2) an identification of the most deficient such hangers;

(3) a plan to modernize or replace such hangars; and

(4) a description of the resources required to modernize or replace such hangers.

SA 3934. Mr. KING (for himself, Mr. COONS, and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 223, line 9, after ''interoperability:'' insert the following: ''*Provided further*, That, notwithstanding any other provision of law, $300,000 shall be available to carry out a matching program with the Department of Education to identify veterans who are unemployable due to a service-connected disability and who are also borrowers of Federal student loans in order to streamline and expedite the process through which such veterans may discharge their Federal student loans.''.

SA 3935. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. (a) The Secretary of Veterans Affairs shall treat a marriage and family therapist described in subsection (b) as qualified to serve as a marriage and family therapist in the Department of Veterans Affairs, regardless of any requirements established by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) A marriage and family therapist described in this subsection is a therapist who meets each of the following criteria:

(1) Has a masters or higher degree in marriage and family therapy, or a related field, from a regionally accredited institution.

(2) Is licensed as a marriage and family therapist in a State (as defined in section 101(20) of title 38, United States Code) and possesses the highest level of licensure offered from the State.

(3) Has passed the Association of Marital and Family Therapy Regulatory Board Examination in Marital and Family Therapy or a related examination for licensure administered by a State (as so defined).

SA 3936. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

CONSIDERATION OF CERTAIN TIME SPENT RECEIVING MEDICAL CARE FROM SECRETARY OF DEFENSE AS ACTIVE DUTY FOR PURPOSES OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE

SEC. 251. Section 3301(1)(B) of title 38, United States Code, is amended by inserting ''12301(h),'' after ''12301(g),''.

SA 3937. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

CONSIDERATION OF CERTAIN TIME SPENT RECEIVING MEDICAL CARE FROM SECRETARY OF DEFENSE AS ACTIVE DUTY FOR PURPOSES OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE

SEC. 251. (a) IN GENERAL.—Section 3301(1)(B) of title 38, United States Code, is amended by inserting ''12301(h),'' after ''12301(g),''.

(b) RETROACTIVE APPLICATION.—The amendment made by subsection (a) shall apply as if such amendment were enacted immediately after the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252).

SA 3938. Mr. KIRK (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place in title I of division B, insert the following:

SEC. ____. (a) Of the amounts appropriated by section 132 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2016 (division J of Public Law 114–13; 129 Stat. 2683), $30,000,000 is hereby rescinded.

(b) Notwithstanding section 123 of this title, for an additional amount for fiscal year 2016 for ''Military Construction, Army'' in this title, $30,000,000, to remain available until September 30, 2021, is provided for advances to the Federal Highway Administration, Department of Transportation, for construction of access roads as authorized by section 210 of title 23, United States Code.

(c) This section shall become effective immediately upon enactment of this Act.

SA 3939. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, add the following:

SEC. ____. (a) During the 3-year period beginning on the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and carry out a scalable aerospace additive manufacturing demonstration initiative, which shall focus on developing research and training to support certification of a range of aircraft components that are representative of industry applications to address barriers to the use of additive manufacturing in United States civil aerospace.

(b) The demonstration initiative required by subsection (a) shall—

(1) promote and facilitate collaboration among institutions of higher education, the commercial aircraft industry (including manufacturers, suppliers, and commercial air carriers), Manufacturing Innovation Institutes of the National Network for Manufacturing Innovation administered by the Department of Commerce, and Manufacturing Innovation Institutes administered by the Federal Aviation Administration;

(2) identify and promote opportunities for collaboration and technical exchange among agencies involved in research related to scalable additive manufacturing, including the National Aeronautics and Space Administration, the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy;

(3) develop a research and training program for basic and applied technical advances related to additively manufactured aerospace components, including safety-critical applications; and

(4) develop and undertake research related to additive manufacturing processing supporting the certification of additively manufactured components with institutions of higher education, industry, non-profit research institutes, and the Manufacturing Innovation Institutes described in paragraph (1).

(c) The Administrator shall submit to Congress a report on the initiative required by subsection (a).

SA 3940. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. (a) The Secretary of Veterans Affairs shall use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including an assessment of the veteran-to-staff ratio for each such program.

SA 3941. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 50 of division A, strike line 7 and all that follows through ''Code:'' on line 10, and insert the following: ''up to $25,000,000 shall be available to carry out section 24407(c)(1) of title 49, United States Code; and not less than $25,000,000 shall be available to carry out paragraphs (2), (5), (6), (7) and (10) of section 24407(c) of such title:''.

SA 3942. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, line 11, strike ''$10,501,000,000'' and insert ''$10,301,000,000''.

SA 3943. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 10, strike ''$16,431,696,000'' and insert ''$15,740,696,000''.

SA 3944. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) FINDINGS.—Congress finds the following:

(1) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2016, which was passed by the Senate on November 10, 2015, without a single vote cast against the bill, and the Consolidated Appropriations Act, 2016 include the following amounts to be appropriated to the Department of Veterans Affairs:

(A) $35,000,000 to make seismic corrections to Building 208 at the West Los Angeles Medical Center of the Department in Los Angeles, California, which, according to the Department, is a building that is designated as having an exceptionally high risk of sustaining substantial damage or collapsing during an earthquake.

(B) $158,000,000 to provide for the construction of a new research building, site work, and demolition at the San Francisco Veterans Affairs Medical Center.

(C) $161,000,000 to replace Building 133 with a new community living center at the Long Beach Veterans Affairs Medical Center, which, according to the Department, is a building that is designated as having an extremely high risk of sustaining major damage during an earthquake.

(D) $468,800,000 for construction projects that are critical to the Department for ensuring health care access and safety at medical facilities in Louisville, Kentucky, Jefferson Barracks in St. Louis, Missouri, Perry Point, Maryland, American Lake, Washington, Alameda, California, and Livermore, California.

(2) The Department is unable to obligate or expend the amounts described in paragraph (1), other than for construction design, because the Department lacks an explicit authorization by an Act of Congress pursuant to section 8104(a)(2) of title 38, United States Code, to carry out the major medical facility projects described in such paragraph.

(3) Among the major medical facility projects described in paragraph (1), three are critical seismic safety projects in California.

(4) Every day that the critical seismic safety projects described in paragraph (3) are delayed increases the risk of a life-threatening building failure in the case of a major seismic event.

(5) According to the United States Geological Survey—

(A) California has more than a 99 percent chance of experiencing an earthquake of magnitude 6.7 or greater in the next 30 years;

(B) even earthquakes of less severity than magnitude 6.7 can cause life threatening damage to seismically unsafe buildings; and

(C) in California, earthquakes of magnitude 6.0 or greater occur on average once every 1.2 years.

(6) On January 20, 2016, the Senate passed this legislation by unanimous consent as S. 2422, 114th Congress.

(b) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $180,480,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $105,500,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $287,100,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $87,332,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $194,430,000.

(6) Construction of a medical center in Louisville, Kentucky, in an amount not to exceed $150,000,000.

(7) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(8) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $16,260,000.

(c) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account, $1,113,802,000 for the projects authorized in subsection (b).

(d) LIMITATION.—The projects authorized in subsection (b) may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (c);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

SA 3945. Mr. CORNYN (for himself and Mr. SCHUMER) proposed an amendment to the bill S. 2040, to deter terrorism, provide justice for victims, 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 ''Justice Against Sponsors of Terrorism Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) International terrorism is a serious and deadly problem that threatens the vital interests of the United States.

(2) International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.

(3) Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.

(4) It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under chapter 113B of title 18, United States Code.

(5) The decision of the United States Court of Appeals for the District of Columbia in Halberstam v. Welch, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of chapter 113B of title 18, United States Code.

(6) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.

(7) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.

(b) PURPOSE.—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.

SEC. 3. RESPONSIBILITY OF FOREIGN STATES FOR INTERNATIONAL TERRORISM AGAINST THE UNITED STATES.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605A the following:

''§ 1605B. Responsibility of foreign states for international terrorism against the United States

''(a) DEFINITION.—In this section, the term 'international terrorism'—

''(1) has the meaning given the term in section 2331 of title 18, United States Code; and

''(2) does not include any act of war (as defined in that section).

''(b) RESPONSIBILITY OF FOREIGN STATES.—A foreign state shall not be immune from the jurisdiction of the courts of the United States in any case in which money damages are sought against a foreign state for physical injury to person or property or death occurring in the United States and caused by—

''(1) an act of international terrorism in the United States; and

''(2) a tortious act or acts of the foreign state, or of any official, employee, or agent of that foreign state while acting within the scope of his or her office, employment, or agency, regardless where the tortious act or acts of the foreign state occurred.

''(c) CLAIMS BY NATIONALS OF THE UNITED STATES.—Notwithstanding section 2337(2) of title 18, a national of the United States may bring a claim against a foreign state in accordance with section 2333 of that title if the foreign state would not be immune under subsection (b).

''(d) RULE OF CONSTRUCTION.—A foreign state shall not be subject to the jurisdiction of the courts of the United States under subsection (b) on the basis of an omission or a tortious act or acts that constitute mere negligence.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605A the following:

''1605B. Responsibility of foreign states for international terrorism against the United States.''.

(2) Subsection 1605(g)(1)(A) of title 28, United States Code, is amended by inserting

''or section 1605B'' after ''but for section 1605A''.

SEC. 4. AIDING AND ABETTING LIABILITY FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2333 of title 18, United States Code, is amended by adding at the end the following:

''(d) LIABILITY.—

''(1) DEFINITION.—In this subsection, the term 'person' has the meaning given the term in section 1 of title 1.

''(2) LIABILITY.—In an action under subsection (a) for an injury arising from an act of international terrorism committed, planned, or authorized by an organization that had been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as of the date on which such act of international terrorism was committed, planned, or authorized, liability may be asserted as to any person who aids and abets, by knowingly providing substantial assistance, or who conspires with the person who committed such an act of international terrorism.''.

(b) EFFECT ON FOREIGN SOVEREIGN IMMUNITIES ACT.—Nothing in the amendment made by this section affects immunity of a foreign state, as that term is defined in section 1603 of title 28, United States Code, from jurisdiction under other law.

SEC. 5. STAY OF ACTIONS PENDING STATE NEGOTIATIONS.

(a) EXCLUSIVE JURISDICTION.—The courts of the United States shall have exclusive jurisdiction in any action in which a foreign state is subject to the jurisdiction of a court of the United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act.

(b) INTERVENTION.—The Attorney General may intervene in any action in which a foreign state is subject to the jurisdiction of a court of the United States under section 1605B of title 28, United States Code, as added by section 3(a) of this Act, for the purpose of seeking a stay of the civil action, in whole or in part.

(c) STAY.—

(1) IN GENERAL.—A court of the United States may stay a proceeding against a foreign state if the Secretary of State certifies that the United States is engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

(2) DURATION.—

(A) IN GENERAL.—A stay under this section may be granted for not more than 180 days.

(B) EXTENSION.—

(i) IN GENERAL.—The Attorney General may petition the court for an extension of the stay for additional 180-day periods.

(ii) RECERTIFICATION.—A court shall grant an extension under clause (i) if the Secretary of State recertifies that the United States remains engaged in good faith discussions with the foreign state defendant concerning the resolution of the claims against the foreign state, or any other parties as to whom a stay of claims is sought.

SEC. 6. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action—

(1) pending on, or commenced on or after, the date of enactment of this Act; and

(2) arising out of an injury to a person, property, or business on or after September 11, 2001.

SA 3946. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 10 of the amendment, line 1, strike ''. The'' and all that follows through the period on line 3, and insert the following: '': *Provided*, That such plans shall be updated and submitted to the Committee on Appropriations of the Senate every 90 days until September 30, 2017, and every 180 days thereafter until all funds have been fully expended.''.

SA 3947. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 219, line 25, strike the period and insert '': *Provided*, That the National Cemetery Administration shall complete the Rural Veterans Burial Initiative by not later than September 30, 2017.''

SA 3948. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

On page 245, lines 23 through 24, strike ''and (7) the number and results of Quality Review Team audits'' and insert ''(7) the number and results of Quality Review Team audits; (8) the number of claims completed by each Regional Office based on the Regional Office being the station of jurisdiction; and (9) the number of claims completed by each Regional Office based on the Regional Office being the station of origin''.

SA 3949. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. None of the funds made available in this title may be used to pay bonuses to employees within the Veterans Health Administration until the Secretary of Veterans Affairs certifies to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that individuals eligible for health care from the Department of Veterans Affairs are allowed to choose the medical facility of the Department at which to receive care.

SA 3950. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. None of the funds made available in this title may be used to pay bonuses to employees within the Veterans Benefits Administration who perform work related to the processing of disability claims under the laws administered by the Secretary of Veterans Affairs until the nationwide backlog of such claims is at 10 percent or less of the pending workload for the Veterans Benefits Administration.

SA 3951. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

ANNUAL REPORT ON BONUSES

SEC. 251. Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that contains, for the year preceding the submittal of the report, a description of the bonuses awarded to Regional Office Directors of the Department of Veterans Affairs, Directors of Medical Centers of the Department, and Directors of Veterans Integrated Service Networks, including the amount of each bonus and the name of the individual to whom the bonus was awarded.

SA 3952. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and

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

At the end of title II of division B, add the following:

SEC. 251. MONTHLY ASSISTANCE ALLOWANCE FOR DISABLED VETERANS COMPETING ON OLYMPIC TEAMS.

Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking ''allowance to a veteran'' and inserting the following: ''allowance to—''(A) a veteran'';

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) a veteran with a disability, as determined by the Secretary, who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.''.

SA 3953. Mrs. GILLIBRAND (for herself, Mr. BOOKER, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. (a) RESEARCH ON THERAPEUTIC USES OF CANNABIS PLANT.—The Secretary of Veterans Affairs may, in coordination with the National Center for Posttraumatic Stress Disorder, within the limits of statutory authorities and funding under other provisions of law, conduct clinical research on the potential benefits of therapeutic use of the cannabis plant by veterans—

(1) to treat serious health conditions, such as posttraumatic stress disorder (PTSD), chronic pain and neuropathies, sleep disorders, traumatic brain injury, seizures, Parkinson's disease, cancer, spinal cord injuries, human immunodeficiency virus (HIV), and Crohn's disease; and

(2) as a treatment to achieve and maintain abstinence from opioids and heroin.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report detailing any efforts of the Department of Veterans Affairs to expand the conduct of research described in subsection (a).

SA 3954. Ms. HEITKAMP (for herself, Ms. COLLINS, Mr. KING, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the end of title II of division B, add the following:

SEC. 251. (a) The Secretary of Veterans Affairs shall ensure that the Readjustment Counseling Service of the Department of Veterans Affairs coordinates directly with the Office of Rural Health of the Department on efforts to expand the capacity of Vet Centers (as defined in section 1712A(h) of title 38, United States Code) in order to ensure that the readjustment and psychological counseling needs of veterans in rural and highly rural communities are met.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report detailing the number of Vet Centers (as so defined) operated by the Department and a strategic plan to increase the capacity of such Vet Centers to address unmet readjustment and psychological counseling needs of veterans in rural and highly rural communities.

SA 3955. Mr. LANKFORD (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1 of the amendment, strike line 3 and all that follows through line 20 on page 18, and insert the following:

TITLE ___

ZIKA RESPONSE AND PREPAREDNESS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PRIMARY HEALTH CARE

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $40,000,000, shall also be available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, other vector borne diseases, and related health outcomes, domestically and internationally: *Provided*, That funds made available in this paragraph shall be used to expand the delivery of primary health services authorized by section 330 of the Public Health Service (''PHS'') Act in Puerto Rico and other territories.

HEALTH WORKFORCE

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $6,000,000, shall also be available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, other vector-borne diseases, and related health outcomes, domestically and internationally: *Provided*, That funds made available in this paragraph may, for purposes of providing primary health services in areas affected by Zika virus or other vector-borne diseases, be used to assign National Health Service Corps (''NHSC'') members to Puerto Rico and other Territories, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: *Provided further*, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term ''primary health services'' included health services regarding pediatric subspecialists.

MATERNAL AND CHILD HEALTH

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $5,000,000, shall also be available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, other vector-borne diseases, and related health outcomes, domestically and internationally: *Provided*, That funds made available in this paragraph may be awarded for projects of regional and national significance in Puerto Rico and other Territories authorized under section 501 of the Social Security Act, notwithstanding section 502 of such Act.

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $449,000,000, shall also be available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, other vector-borne diseases, and related health outcomes, domestically and internationally; and to carry out titles II, III, and XVII of the PHS Act with respect to domestic preparedness and global health: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That the provisions in section 317S of the PHS Act shall not apply to the use of funds made available in this paragraph: *Provided further*, That funds made available in this paragraph may be used for grants for the construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at the State and local level: *Provided further*, That of the amount made available in this paragraph, $88,000,000 may be used to reimburse accounts administered by the Centers for Disease Control and Prevention for obligations incurred for Zika virus response prior to the enactment of this Act.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $200,000,000, shall also be available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, other vector-borne diseases, and related health outcomes, domestically and internationally, including expenses related to carrying out section 301 and title IV of the PHS Act.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $150,000,000, shall also be available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, other vector-borne diseases, and related health outcomes, domestically and internationally; to develop necessary countermeasures and vaccines, including the development and purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, and administrative activities; for carrying out titles II, III, and XVII of the PHS Act with respect to domestic preparedness and global health; and

for additional payments for distribution as provided for under the ''Social Services Block Grant Program'': *Provided*, That funds made available in this paragraph may be used to procure security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act, as amended by this Act): *Provided further*, That paragraphs (1) and (7)(C) of subsection (c) of section 319F–2 of the PHS Act, but no other provisions of such section, shall apply to such security countermeasures procured with funds made available in this paragraph: *Provided further*, That products purchased with funds made available in this paragraph may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That countermeasures related to the Zika virus procured with funds made available in this paragraph shall be deemed to be security countermeasures as defined in section 319F–2(c)(1) of the PHS Act, and paragraph (7)(C), but no other provision, of such section 319F–2(c) shall apply to procurements of such countermeasures: *Provided further*, That $75,000,000 shall be transferred to ''Social Services Block Grant'' for health services, notwithstanding section 2005(a)(4) of the Social Security Act, in territories with active or local transmission cases of the Zika virus, as confirmed by the Centers for Disease Control and Prevention: *Provided further*, That the Secretary of Health and Human Services shall distribute funds transferred to the ''Social Services Block Grant'' in this paragraph to such territories in accordance with objective criteria that are made available to the public.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. ____. For purposes of preventing, preparing for, and responding to Zika virus, other vector-borne diseases, and related health outcomes domestically and internationally, the Secretary of Health and Human Services may use funds provided in this chapter to acquire, lease, construct, alter, renovate, equip, furnish, or manage facilities outside of the United States, as necessary to conduct such programs, in consultation with the Secretary of State, either directly for the use of the United States Government or for the use, pursuant to grants, direct assistance, or cooperative agreements, of public or nonprofit private institutions or agencies in participating foreign countries.

SEC. ____. Funds made available by this chapter may be used by the heads of the Department of Health and Human Services, Department of State, and the Agency for International Development to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to Zika response for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

SEC. ____. Funds made available in this chapter may be transferred to, and merged with, other appropriation accounts under the headings ''Centers for Disease Control and Prevention'', ''Public Health and Social Services Emergency Fund'', ''Health Resources and Services Administration'', and ''National Institutes of Health'' for the purposes specified in this chapter following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this chapter may be transferred pursuant to the authority in section 206 of division G of Public Law 113–325 or section 241(a) of the PHS Act.

SEC. ____. If there remains an insufficient amount of unobligated funds under any heading under this chapter, funds may be transferred from the unobligated balance of funds under other headings under this chapter: Provided, That the total amount of funds made available by this title shall not exceed $850,000,000.

SEC. ____. Not later than 30 days after enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this chapter, including estimated personnel and administrative costs, to the Committees on Appropriations. The Secretary of Health and Human Services should also provide quarterly obligation updates to the Committees until all funds are expended or expire.

SEC. ____. Prior to the transfer or reprogramming of funds made available by this chapter, the director of the Office of Management and Budget shall certify to the appropriate Congressional committees that the net effect of all transfers shall not result in an increase in outlays over the period of fiscal years 2016 through 2021.

CHAPTER 2

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $14,594,000, shall also be available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases: *Provided*, That up to $4,000,000 may be made available for medical evacuation costs of any other Department or agency of the United States under Chief of Mission authority, and may be transferred to any other appropriation of such Department or agency for such costs.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $4,000,000, shall also be available for necessary expenses to support response efforts related to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $1,000,000, shall also be available to support response efforts related to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS MADE AVAILABLE TO THE PRESIDENT

OPERATING EXPENSES

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $10,000,000, shall also be available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases.

BILATERAL ECONOMIC ASSISTANCE

FUNDS MADE AVAILABLE TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $211,000,000, shall also be available for necessary expenses for assistance or research to prevent, treat, or otherwise respond to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases: *Provided*, That such funds may be made available for multi-year funding commitments to incentivize the development of global health technologies, following consultation with the Committees on Appropriations: *Provided further*, That none of the funds made available in this chapter may be made available for the Grand Challenges for Development program.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $4,000,000, shall also be available until September 30, 2017, for necessary expenses to support response and research efforts related to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases.

MULTILATERAL ASSISTANCE

FUNDS MADE AVAILABLE TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Unobligated balances of amounts appropriated under this heading in previous fiscal years, up to $13,500,000, shall also be available until September 30, 2017, for necessary expenses to support response and research efforts related to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to funds made available under this heading.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. ____. (a) Funds made available by this chapter under the headings ''Global Health Programs'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''International Organizations and Programs'', and ''Operating Expenses'' may be transferred to, and merged with, funds made available by this chapter under such headings to carry out the purposes of this chapter.

(b) Funds made available by this chapter under the headings ''Diplomatic and Consular Programs'', ''Emergencies in the Diplomatic and Consular Service'', and ''Repatriation Loans Program Account'' may be transferred to, and merged with, funds made available by this chapter under such headings to carry out the purposes of this chapter.

(c) If there remains an insufficient amount of unobligated funds under any heading under this chapter, funds may be transferred from the unobligated balance of funds under other headings under this chapter: Provided, That the total amount of funds made available by this title shall not exceed $258,094,000.

(d) The transfer authorities provided by this section are in addition to any other transfer authority provided by law.

(e) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

(f) No funds shall be transferred pursuant to this section unless at least 15 days prior to making such transfer the Secretary of State or the Administrator of the United States Agency for International Development (USAID), as appropriate, notifies the Committees on Appropriations in writing of the details of any such transfer.

(g) Prior to the transfer or reprogramming of funds made available by this chapter, the director of the Office of Management and Budget shall certify to the appropriate Congressional committees that the net effect of all transfers and reprogramming shall not result in an increase in outlays over the period of fiscal years 2016 through 2021.

NOTIFICATION REQUIREMENT

SEC. ____. Funds made available by this chapter that are made available to respond to the Zika virus outbreak, other vector-borne diseases, or other infectious diseases shall not be available for obligation unless the Secretary of State or the USAID Administrator, as appropriate, notifies the Committees on Appropriations in writing at least 15 days in advance of such obligation.

SPEND PLAN REQUIREMENT

SEC. ____. Not later than 45 days after enactment of this Act and prior to the obligation of funds made available by this chapter to respond to the Zika virus outbreak, other vector-borne diseases, or other infectious diseases, the Secretary of State and the USAID Administrator, as appropriate, shall submit spend plans to the Committees on Appropriations on the anticipated uses of funds on a country and project basis, including estimated personnel and administrative costs: *Provided*, That such plans shall be updated and submitted to the Committee on Appropriations every 90 days until September 30, 2017, and every 180 days thereafter until all funds have been fully expended.

COMPTROLLER GENERAL OVERSIGHT

SEC. ____. Of the funds made available by this chapter, up to $500,000 shall be made available to the Comptroller General of the United States, to remain available until expended, for oversight of activities supported pursuant to this chapter with funds made available by this chapter: *Provided*, That the Secretary of State and USAID Administrator, as appropriate, and the Comptroller General shall consult with the Committees on Appropriations prior to obligating such funds.

RESCISSION

SEC. ____. Of the unobligated balances available under the heading ''Operating Expenses'' in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $10,000,000 are rescinded: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

EXTENSION OF AUTHORITIES AND PROVISIONS

SEC. ____. Unless otherwise provided for by this title, the additional amounts made available pursuant to this title for fiscal year 2016 are subject to the requirements for funds contained in the Consolidated Appropriations Act, 2016 (Public Law 114–113).

PERSONAL SERVICE CONTRACTORS

SEC. ____. Funds made available by this title to support response efforts related to the Zika virus and related health outcomes, other vector-borne diseases, or other infectious diseases may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)), within the United States and abroad, subject to prior consultation with, and the notification procedures of, the Committees on Appropriations: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management.

EFFECTIVE DATE

SEC. ____. This title shall become effective immediately upon enactment of this Act.

SA 3956. Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. BROWN, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Ms. WARREN, Mr. CARPER, Mr. FRANKEN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. ____. (a) From amounts appropriated or otherwise made available under this title for the administration of educational assistance programs under the laws administered by the Secretary of Veterans Affairs, the Secretary of Veterans Affairs shall ensure that any online consumer tool offered or supported by the Department of Veterans Affairs that provides information to veterans regarding specific postsecondary educational institutions, such as the GI Bill Comparison Tool or any successor or similar program, includes for each such institution an accounting of pending investigations and civil or criminal actions against the institution by Federal agencies and State attorneys general, to the extent such information is publicly available.

(b) In gathering publicly available information on investigations and civil or criminal actions described in subsection (a), the Secretary of Veterans Affairs shall—

(1) consult the heads of other Federal agencies and, as practicable, State attorneys general; and

(2) review any reports required to be filed with the Securities and Exchange Commission under section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78o(d)), including Form 10–Q and Form 10–K.

(c) To ensure that the information required under subsection (a) is presented in the most useful and effective way possible for veterans, the Secretary of Veterans Affairs shall consult with the Secretary of Education, the Bureau of Consumer Financial Protection, and veteran and consumer advocates.

SA 3957. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

ADDITIONAL RESCISSIONS OF UNOBLIGATED EBOLA FUNDS

SEC. __. (a) Of the unobligated balances made available under the heading ''Public Health and Social Services Emergency Fund (Including Transfer of Funds)'' in title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2015 (division G of Public Law 113–235) for the purpose of other preparation and response, $250,000,000 shall be rescinded: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unobligated balances made available under the heading ''CDC-Wide Activities and Program Support (Including Transfer of Funds)'' in title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2015 (division G of Public Law 113–235) for supporting national public health institutes and global health security, $384,000,000 shall be rescinded: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Of the unobligated balances made available under the heading ''Funds Appropriated to the President'' under the heading ''Bilateral Economic Assistance'' in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $466,000,000 shall be rescinded: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 3958. Mr. LEE (for himself and Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. Amounts provided for in this title shall, prior to appropriating any sums out of any money in the Treasury not otherwise appropriated, be transferred from the following:

(1) $250,000,000 from the unobligated balances made available under the heading ''Public Health and Social Services Emergency Fund (Including Transfer of Funds)'' in title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2015 (division G of Public Law 113–235) for the purpose of other preparation and response.

(2) $384,000,000 from the unobligated balances made available under the heading ''CDC-Wide Activities and Program Support (Including Transfer of Funds)'' in title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2015 (division G of Public Law 113–235) for supporting national public health institutes and global health security.

(3) $466,000,000 from the unobligated balances made available under the heading

''Funds Appropriated to the President'' under the heading ''Bilateral Economic Assistance'' in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235).

SA 3959. Mrs. SHAHEEN (for herself, Mr. KING, Ms. BALDWIN, Mr. MANCHIN, and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE.

(a) STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $240,000,000, to remain available until expended, to the Department of Justice for State law enforcement initiatives (which shall include a 30 percent pass-through to localities) under the Edward Byrne Memorial Justice Assistance Grant program, as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (except that section 1001(c) of such Act (42 U.S.C. 3793(c)) shall not apply for purposes of this Act), to be used, notwithstanding such subpart 1, for a comprehensive program to combat the heroin and opioid crisis, and for associated criminal justice activities, including approved treatment alternatives to incarceration: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(b) COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.—In addition to any other amount for ''Community Oriented Policing Services Programs'' for competitive grants to State law enforcement agencies in States with high rates of primary treatment admissions for heroin or other opioids, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SEC. ___. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—In addition to any amounts otherwise made available for ''Substance Abuse Treatment'', there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $300,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)): *Provided further*, That of the amount provided—

(1) $285,000,000 is for the Substance Abuse Prevention and Treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act;

(2) $10,000,000 is for the Medication Assisted Treatment for Prescription Drug and Opioid Addiction program of the Programs of Regional and National Significance within the Center for Substance Abuse Treatment; and

(3) $5,000,000 is for the Recovery Community Services program of the Programs of Regional and National Significance within the Center for Substance Abuse Treatment.

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION.—In addition to any amounts otherwise made available, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2017, $50,000,000, to remain available until expended, to the Centers for Disease Control and Prevention of the Department of Health and Human Services, for prescription drug monitoring programs, community health system interventions, and rapid response projects: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 3960. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3900 proposed by Mr. MCCONNELL (for Mr. BLUNT (for himself, Mr. GRAHAM, Mr. COCHRAN, Mrs. MURRAY, and Mr. LEAHY)) to the amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 24, strike ''$88,000,000'' and insert ''$50,000,000 shall be transferred to the head of the Department of Health and Human Services to carry out programs that serve pregnant women, infants, toddlers, and preschoolers, and help families care for their children through early, comprehensive health services, in communities affected by water polluted by lead or a toxic pollutant as the result of an event for which the President has declared an emergency, and $38,000,000''.

SA 3961. Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. (a) Subchapter I of chapter 471, as amended by this subtitle, is further amended by adding at the end the following:

''§ 47144. Use of funds for repairs for runway safety repairs

''(a) IN GENERAL.—The Secretary of Transportation may make project grants under this subchapter to an airport described in subsection (b) from funds under section 47114 apportioned to that airport or funds available for discretionary grants to that airport under section 47115 to conduct airport development to repair the runway safety area of the airport damaged as a result of a natural disaster in order to maintain compliance with the regulations of the Federal Aviation Administration relating to runway safety areas, without regard to whether construction of the runway safety area damaged was carried out using amounts the airport received under this subchapter.

''(b) AIRPORTS DESCRIBED.—An airport is described in this subsection if—

''(1) the airport is a public-use airport;

''(2) the airport is listed in the National Plan of Integrated Airport Systems of the Federal Aviation Administration;

''(3) the runway safety area of the airport was damaged as a result of a natural disaster;

''(4) the airport was denied funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) with respect to the disaster;

''(5) the operator of the airport has exhausted all legal remedies, including legal action against any parties (or insurers thereof) whose action or inaction may have contributed to the need for the repair of the runway safety area;

''(6) there is still a demonstrated need for the runway safety area to accommodate current or imminent aeronautical demand; and

''(7) the cost of repairing or replacing the runway safety area is reasonable in relation to the anticipated operational benefit of repairing the runway safety area, as determined by the Administrator of the Federal Aviation Administration.''.

(b) The analysis for chapter 471, as amended by this subtitle, is further amended by inserting after the item relating to section 47143 the following:

''47144. Use of funds for repairs for runway safety repairs.''.

SA 3962. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

After section 191 of title I of division A, add the following:

SEC. 1_____. Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(u) VEHICLES IN NORTH DAKOTA.—A vehicle limited or prohibited under this section from operating on a segment of the Interstate System in the State of North Dakota may operate on such a segment if such vehicle—

''(1) has a gross vehicle weight of 129,000 pounds or less;

''(2) other than gross vehicle weight, complies with the single axle, tandem axle, and bridge formula limits set forth in subsection (a); and

''(3) is authorized to operate on such segment under North Dakota State law.''.

SA 3963. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and

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

At the appropriate place in division A, insert the following:

SEC. ____. (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to permit United States airspace to be used for a flight operated to transfer an individual detained at Guantanamo to a State, territory, or possession of the United States.

(b) In this section, the term ''individual detained at Guantanamo'' means any individual who—

(1) is in detention, on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba;

(2) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(3) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SA 3964. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 101, strike line 5 and all that follows through page 104, line 2, and insert the following:

(1) $650,000,000 shall be available for the Indian Housing Block Grant program, as authorized under title I of NAHASDA: *Provided*, That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That notwithstanding section 302(d) of NAHASDA, if on January 1, 2017, a recipient's total amount of undisbursed block grant funds in the Department's line of credit control system is greater than three times the formula allocation it would otherwise receive under the first proviso under this paragraph, the Secretary shall adjust that recipient's formula allocation down by the difference between its total amount of undisbursed block grant funds in the Department's line of credit control system on January 1, 2017, and three times the formula allocation it would otherwise receive: *Provided further*, That notwithstanding the previous two provisos, no Indian tribe shall receive an allocation amount greater than 10 percent of the total amount made available under this paragraph: *Provided further*, That grant amounts not allocated to a recipient pursuant to the previous two provisos shall be allocated under the need component of the formula proportionately among all other Indian tribes not subject to an adjustment under such provisos: *Provided further*, That the second and third provisos shall not apply to any Indian tribe that would otherwise receive a formula allocation of less than $8,000,000: *Provided further*, That to take effect, the four previous provisos do not require issuance or amendment of any regulation, and shall not be construed to confer hearing rights under any section of NAHASDA or its implementing regulations: *Provided further*, That the Department will notify grantees of their formula allocation within 60 days of the date of enactment of this Act;

(2) $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,857,142 to remain available until September 30, 2021;

(3) $60,000,000 shall be for grants to Indian tribes for carrying out the Community Development Block Grant program as authorized under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, of which, up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety notwithstanding any other provision of law (including section 204 of this title): *Provided*, That not to exceed 20 percent of any grant made with funds appropriated under this paragraph shall be expended for planning and management development and administration; and

(4) $2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance needs in Indian country related to funding provided under this heading.

SA 3965. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. From the amount made available in this title under the heading ''Medical Support and Compliance'', not less than $18,000,000 shall be made available to Directors of Veterans Integrated Service Networks to contract with appropriate non-Department of Veterans Affairs entities to assess, evaluate, and improve the health care delivery by and business operations of medical centers of the Department under the jurisdiction of each such Director.

SA 3966. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. For each veteran seeking assistance from the Department of Veterans Affairs to purchase a home, for purposes of the veteran receiving a timely appraisal on a home, the Secretary of Veterans Affairs shall disclose to the veteran that the veteran may pay the entity conducting the appraisal an amount in excess of the amount provided on the Appraisal Fee Schedule issued by the Department.

SA 3967. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike lines 12 through 25 and insert the following:

''(89) United States Route 67 from Interstate 40 in North Little Rock, Arkansas, to United States Route 412.

''(90) The Edward T. Breathitt Parkway from Interstate 24 to Interstate 69.''.

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the first sentence by striking ''and subsection (c)(83)'' and inserting ''subsection (c)(83), subsection (c)(89), and subsection (c)(90)''.

(c) DESIGNATION.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following: ''The route referred to in subsection (c)(89) is designated as Interstate Route I–57. The route referred to in subsection (c)(90) is designated as Interstate Route I–169.''.

SA 3968. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to regulate, either directly or indirectly and including by requiring an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the acquisition, use, transfer, or disposal of property at an airport for airfield or non-airfield development activities if—

(a) the property was not financed with Federal funding; and

(b) the acquisition, use, transfer, or disposal of the property does not impair the safety, utility, or efficiency of aircraft operations at the airport.

SA 3969. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr.

REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. From the amount made available in this title under the heading ''Medical Support and Compliance'', up to $18,000,000 shall be made available to Directors of Veterans Integrated Service Networks to contract with appropriate non-Department of Veterans Affairs entities to assess, evaluate, and improve the health care delivery by and business operations of medical centers of the Department under the jurisdiction of each such Director.

SA 3970. Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled ''Affirmatively Furthering Fair Housing'' (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled ''Affirmatively Furthering Fair Housing Assessment Tool'' (79 Fed. Reg. 57949 (September 26, 2014)).

SA 3971. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; as follows:

At the end of title II of division B, add the following:

SEC. 251. MONTHLY ASSISTANCE ALLOWANCE FOR DISABLED VETERANS COMPETING ON OLYMPIC TEAMS.

Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking ''allowance to a veteran'' and inserting the following: ''allowance to—

''(A) a veteran'';

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) a veteran with a service-connected disability rated as 30 percent or greater by the Department who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.''.

SA 3972. Mr. DURBIN (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV of division B (before the short title), insert the following:

SEC. ____. (a) Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) meets the requirements of paragraph (2).'';

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

(3) by inserting after paragraph (1) the following:

''(2) REVENUE SOURCES.—

''(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).

''(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

''(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

''(i) use the cash basis of accounting;

''(ii) consider as revenue only those funds generated by the institution from—

''(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

''(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

''(aa) conducted on campus or at a facility under the control of the institution;

''(bb) performed under the supervision of a member of the institution's faculty; and

''(cc) required to be performed by all students in a specific educational program at the institution; and

''(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

''(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(I) grant funds provided by an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(II) institutional scholarships described in clause (v);

''(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans;

''(v) include a scholarship provided by the institution—

''(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

''(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(vi) exclude from revenues—

''(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

''(II) the amount of funds the institution received under subpart 4 of part A of title IV;

''(III) the amount of funds provided by the institution as matching funds for any Federal program;

''(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

''(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

''(D) REPORT TO CONGRESS.—Not later than July 1, 2016, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

''(i) the amount and percentage of such institution's revenues received from Federal funds; and

''(ii) the amount and percentage of such institution's revenues received from other sources.''.

(b) Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking ''subsection (h)'' and inserting ''subsection (g)'';

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking ''subsection

(a)(27)'' in the matter preceding subparagraph (A) and inserting ''subsection (a)(26)''.

(c) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking ''subsections (a)(27) and (h) of section 487'' and inserting ''subsections (a)(26) and (g) of section 487''; and

(B) in subsection (b)(1)(B)(i)(I), by striking ''section 487(e)'' and inserting ''section 487(d)'';

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking ''section 487(a)(25)'' each place the term appears and inserting ''section 487(a)(24)'';

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking ''section 487(f)'' and inserting ''section 487(e)''; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(k)(1)), by striking ''section 487(f)'' and inserting ''section 487(e)''.

SA 3973. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. During fiscal year 2017, the Secretary of Veterans Affairs may not pay any bonus to an individual in a Senior Executive position (as defined in section 3132(a) of title 5, United States Code) in the Department of Veterans Affairs who is employed within Veterans Integrated Service Network 16.

SA 3974. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ____. (a) DEFINITIONS.—In this section—

(1) the term ''families'' has the meaning given that term in section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3));

(2) the term ''low-income families'' has the meaning given that term in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2));

(3) the term ''Secretary'' means the Secretary of Housing and Urban Development; and

(4) the term ''very low-income families'' has the meaning given that term in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

(b) PURPOSES.—The purposes of this section are—

(1) to give public housing agencies and the Secretary the flexibility to design and implement various approaches for providing and administering housing assistance that achieves greater cost effectiveness in using Federal housing assistance to address local housing needs for low-income families;

(2) to reduce administrative burdens on public housing agencies providing such assistance;

(3) to give incentives to assisted families to work and become economically self-sufficient;

(4) to increase housing choices for low-income families; and

(5) to enhance the ability of low-income elderly residents and persons with disabilities to live independently.

(c) MOVING TO WORK CHARTER PROGRAM AUTHORITY.—

(1) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Subject to the phase-in requirements under subparagraph (B), the Secretary shall enter into charter contracts, beginning in fiscal year 2017, with not more than 250 public housing agencies administering the public housing program or assistance provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(B) PHASE-IN.—The phase-in requirements under this subparagraph are as follows:

(i) By the end of fiscal year 2017, the Secretary shall have entered into charter contracts with not less than 80 public housing agencies described in subparagraph (A).

(ii) By the end of fiscal year 2018, the Secretary shall have entered into charter contracts with not less than 160 public housing agencies described in subparagraph (A).

(iii) By the end of fiscal year 2019, the Secretary shall have entered into charter contracts with not less than 250 public housing agencies described in subparagraph (A).

(2) CHARTER CONTRACTS.—A charter contract shall—

(A) supersede and have a term commensurate with any annual contributions contract between a public housing agency and the Secretary; and

(B) provide that a participating public housing agency shall receive—

(i) capital and operating assistance allocated to such agency under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g); and

(ii) assistance provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(3) USE OF ASSISTANCE.—Any assistance provided under paragraph (2)(B)—

(A) may be combined; and

(B) shall be used to provide locally designed housing assistance for low-income families, including—

(i) services to facilitate the transition to work and self-sufficiency; and

(ii) any other activity which a public housing agency is authorized to undertake pursuant to State or local law.

(d) TERMS AND CONDITIONS OF ASSISTANCE.—

(1) APPLICABILITY OF UNITED STATES HOUSING ACT OF 1937.—Except as provided in this subsection, the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall not be applicable to any public housing agency participating in the Moving to Work Charter program established under this section.

(2) APPLICABLE 1937 ACT PROVISIONS.—The following provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) are applicable to any public housing agency participating in the Moving to Work Charter program established under this section:

(A) Subsections (a) and (b) of section 12 (42 U.S.C. 1437j (a) and (b)) shall apply to housing assisted under a charter contract, other than housing assisted solely due to occupancy by families receiving tenant based rental assistance.

(B) Section 18 (42 U.S.C. 1437p) shall continue to apply to public housing developed under such Act notwithstanding any use of the housing under a charter contract.

(3) CHARTER CONTRACT TERMS.—A charter contract shall provide that a public housing agency—

(A) may—

(i) combine assistance received under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1437g), as described in subsection (c)(3); and

(ii) use such assistance to provide housing assistance and related services for activities authorized by this section, including those activities authorized by sections 8 and 9 of such Act;

(B) certify that in preparing its application for participation in the Moving to Work Charter program established under this section, such agency has—

(i) provided for citizen participation through a public hearing and, if appropriate, other means; and

(ii) taken into account comments from the public hearing and any other public comments on the proposed activities under this section, including comments from current and prospective residents who would be affected by such contract;

(C) shall ensure that not less than 75 percent of the families assisted under a charter contract shall be, at the time of such families' entry into the Moving to Work Charter program, very low-income families;

(D) shall establish a reasonable rent policy, which shall—

(i) be designed to encourage employment, self-sufficiency, and homeownership by participating families, consistent with the purposes of this section;

(ii) include transition and hardship provisions;

(iii) be included in the annual plan of such agency; and

(iv) be subject to the opportunities for public participation described in subsection (f)(1)(C)(iv);

(E) shall continue to assist not less than substantially the same total number of low-income families as would have been served had such agency not entered into such contract;

(F) shall maintain a comparable mix of families (by family size) as would have been provided had the agency not entered into such contract;

(G) shall ensure that housing assisted under such contract meets housing quality standards established or approved by the Secretary;

(H) shall receive training and technical assistance, upon request by such agency, to assist with the design and implementation of the activities described under this section;

(I) shall receive an amount of assistance under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1437g) that is not diminished by the participation of such agency in the Moving to Work Charter program established under this section;

(J) shall be subject to the procurement procedures described in such contract;

(K) shall ensure that each family receiving housing assistance—

(i) is engaged in work activities that would count toward satisfying the monthly work participation rates applicable to the State in which such public housing agency is located for purposes of the State temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) if the family were receiving assistance or benefits under that program; or

(ii) would qualify under that program to an exception to engaging in such work activities; and

(L) shall provide housing assistance to families assisted under a charter contract for not more than 5 years.

(e) SELECTION.—In selecting among public housing agency applications to participate in the Moving to Work Charter program established under this section, the Secretary shall consider—

(1) the potential of each agency to plan and carry out activities under such program;

(2) the relative performance by an agency under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j));

(3) the need for a diversity of participants in terms of size, location, and type of agency; and

(4) any other appropriate factor as determined by the Secretary.

(f) CHARTER REPORT.—

(1) CONTENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and in place of all other planning and reporting requirements otherwise required, each public housing agency that is a party to a charter contract shall submit to the Secretary, on an annual basis, a single charter report, in a form and at a time specified by the Secretary.

(B) SOLE MEANS OF REPORTING.—A charter report submitted under subparagraph (A) shall be the sole means by which a public housing agency shall be required to provide information to the Secretary on the activities assisted under this section during a fiscal year, unless the Secretary has reason to believe that such agency has violated the charter contract between the Secretary and such agency.

(C) REQUIREMENTS.—Each charter report required under subparagraph (A) shall—

(i) document the use by a public housing agency of any assistance provided under a charter contract, including appropriate financial statements;

(ii) describe and analyze the effect of assisted activities in addressing the objectives of this section;

(iii) include a certification by such agency that such agency has prepared an annual plan which—

(I) states the goals and objectives of that agency under the charter contract for the past fiscal year;

(II) describes the proposed use of assistance by that agency for activities under the charter contract for the past fiscal year;

(III) explains how the proposed activities of that agency will meet the goals and objectives of that agency;

(IV) includes appropriate budget and financial statements of that agency; and

(V) was prepared in accordance with a public process as described in clause (iv);

(iv) describe and document how a public housing agency has provided residents assisted under a charter contract and the wider community with opportunities to participate in the development of and comment on the annual plan, which shall include not less than 1 public hearing; and

(v) include such other information as may be required by the Secretary pursuant to subsection (g)(2).

(2) REVIEW.—Any charter report submitted pursuant to paragraph (1) shall be deemed approved unless the Secretary, not later than 45 days after the date of submission of such report, issues a written disapproval because—

(A) the Secretary reasonably determines, based on information contained in the report, that a public housing agency is not in compliance with the provisions of this section or other applicable law; or

(B) such report is inconsistent with other reliable information available to the Secretary.

(g) RECORDS AND AUDITS.—

(1) KEEPING OF RECORDS.—Each public housing agency shall keep such records as the Secretary may prescribe as reasonably necessary—

(A) to disclose the amounts and the disposition of amounts under the Moving to Work Charter program established under this section;

(B) to ensure compliance with the requirements of this section; and

(C) to measure performance.

(2) ACCESS TO DOCUMENTS BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(B) LIMITATION.—Access by the Secretary described under subparagraph (A) shall be limited to information obtained solely through the annual charter report submitted by a public housing agency under subsection (f), unless the Secretary has reason to believe that such agency is not in compliance with the charter contract between the Secretary and such agency.

(3) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of the Moving to Work Charter program established under this section.

(h) PROCUREMENT PREEMPTION.—

(1) IN GENERAL.—Any State or local law which imposes procedures or standards for procurement which conflict with or are more burdensome than applicable Federal procurement requirements shall not apply to any public housing agency under the Moving to Work Charter program established under this section.

(2) REDUCTION OF ADMINISTRATIVE BURDENS.—The Secretary may approve procurement procedures for public housing agencies participating in the Moving to Work Charter program established under this section that reduce administrative burdens of procurement requirements imposed by Federal law.

(i) SUBSEQUENT LAWS PREEMPTED.—A public housing agency participating in the Moving to Work Charter program established under this section shall not be subject to any provision of law which conflicts with the provisions of this section and which is enacted subsequent to the date of execution of such agency's charter contract or Moving to Work program agreement, as described in subsection (j), unless such law expressly provides for such law's application to public housing agencies subject to this section.

(j) EXISTING AGREEMENTS.—Notwithstanding anything in this section or any other provision of law, any public housing agency which has an existing Moving to Work program agreement with the Secretary pursuant to section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–281) and which is not in default thereof, may, at the option of such agency—

(1) continue to operate under the terms and conditions of such agreement notwithstanding any limitation on the terms contained in such contract; or

(2) at any time, enter into a charter contract with the Secretary on terms and conditions which are not less favorable to the agency than such existing agreement.

(k) PUBLIC HOUSING AGENCY EVALUATION.—

(1) IN GENERAL.—Not later than the end of fiscal year 2017, the Secretary shall appoint a Federal advisory committee consisting of public housing agencies with charter contracts, public housing industry organizations, resident organizations, other public housing and section 8 voucher stakeholders, and experts on accreditation systems in similar fields, to assess and develop a demonstration program to test standards, criteria, and practices for a national public housing agency accreditation system or other evaluation system.

(2) REPORT.—Not later than the end of fiscal year 2019, the committee established under paragraph (1) and the Secretary shall provide a report and recommendations to Congress with respect to the establishment of a national public housing agency accreditation system.

SA 3975. Mr. FLAKE (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. None of the funds made available under this division may be used by the Federal Government to interfere with State and local inspections of public housing dwelling units.

SA 3976. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. (a) In this section, the term ''covered agency'' means—

(1) the Department of Housing and Urban Development;

(2) the Department of Transportation;

(3) the Federal Maritime Commission;

(4) the National Railroad Passenger Corporation;

(5) the National Transportation Safety Board;

(6) the Neighborhood Reinvestment Corporation; and

(7) the United States Interagency Council on Homelessness.

(b) Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Director of the Office of Management and Budget shall submit to Congress and post on the website of the Office of Management and Budget a report on projects funded by a covered agency—

(1) that are more than 5 years behind schedule; or

(2) for which the amount spent on the project is not less than $1,000,000,000 more than the original cost estimate for the project.

(c) Each report submitted and posted under subsection (b) shall include, for each project included in the report—

(1) a brief description of the project, including—

(A) the purpose of the project;

(B) each location in which the project is carried out;

(C) the year in which the project was initiated; and

(D) each primary contractor and grant recipient for the project;

(2) the original expected date for completion of the project;
(3) the current expected date for completion of the project;
(4) the original cost estimate for the project;
(5) the current cost estimate for the project;
(6) an explanation for a delay in completion or increase in the original cost estimate for the project; and
(7) recommendations to reduce the cost for the project that may require legislative action.

SA 3977. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:
SEC. 410. (a) None of the funds made available in this Act may be used to award a construction contract on behalf of the Federal Government—
(1) in any solicitation, bid specification, project agreement, or other controlling document to require or prohibit a bidder, offeror, contractor, or subcontractor to enter into or adhere to an agreement with a labor organization; or
(2) to discriminate against or give preference to such a bidder, offeror, contractor, or subcontractor based on their entering into or refusing to enter into an agreement with a labor organization.
(b) Subsection (a) does not apply to any construction contract awarded before the date of the enactment of this Act.

SA 3978. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:
SEC. 251. Notwithstanding any other provision of this Act, the Secretary of Veterans Affairs may not provide any allowance in connection with a permanent change of station to an individual in a Senior Executive Service position (as defined in section 3132(a) of title 5, United States Code) at the Department of Veterans Affairs.

SA 3979. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:
SEC. 251. Not later than September 30, 2017, the Secretary of Veterans Affairs shall—
(1) submit to the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate and the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives an itemized accounting of the use of Federal award GU1103 in the amount of $3,265,487 that was awarded in 2013 to renovate a veteran's cemetery in Guam under the Veterans Cemetery Grants Program of the Department of Veterans Affairs; and
(2) publish such itemized accounting on a publicly available Internet website of the Department.

SA 3980. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:
SEC. 251. Not later than September 30, 2017, the Secretary of Veterans Affairs shall submit to Congress a plan on modernizing the system of the Veterans Health Administration for processing claims by non-Department of Veterans Affairs health care providers for reimbursement for health care provided to veterans under the laws administered by the Secretary.

SA 3981. Mr. FLAKE (for himself, Mr. TOOMEY, Mr. COATS, and Mr. PAUL) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:
SEC. ____. None of the funds made available in this division may be used to provide housing assistance under section 3 or section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437a and 1437f) to any family whose income for the most recent 2 consecutive years has exceeded 120 percent of the median income for the area in which the family resides.

SA 3982. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division A, insert the following:
SEC. ____. Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report on the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) that describes—
(1) how the Secretary could devise a system of consolidated reporting of expenditures and accomplishments by grant recipients under the program in an easily analyzable format, which would include—
(A) a cost-benefit analysis of each project that a grant recipient has funded using amounts provided under the program, including—
(i) the number of people the project was expected to help;
(ii) the number of people the project actually helped; and
(iii) the number of houses rehabilitated or removed due to blight;
(B) a description of how each grant recipient validated the self-reported information described in subparagraph (A); and
(C) a description of how to tie the outcome data described in clauses (ii) and (iii) of subparagraph (A) to census tract or block group data to enable independent researchers to validate the outcomes; and
(2) measures that the Secretary could adopt to identify viable urban communities that can serve as models for other communities trying to rehabilitate certain neighborhoods, which measures shall be tied to census tract or block group data, such as communities—
(A) in which not more than 10 percent of households have an income at or below the poverty level;
(B) in which the median wage is not less than 90 percent of the median wage for the metropolitan statistical area;
(C) in which the unemployment rate is not more than 8 percent; or
(D) that meet 2 of the 3 criteria under subparagraphs (A) through (C).

SA 3983. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division A, insert the following:
SEC. ____. None of the funds made available under this title may be used for the VelociRFTA bus rapid transit project in Roaring Fork Valley, Colorado.

SA 3984. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 21, strike ''$5,000,000'' and insert ''$3,000,000''.

SA 3985. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr.

REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, line 13, insert ''The Secretary may refuse to withdraw the Notice of Default upon receipt of a petition from the Governor of the State in which the deficient property is located.'' after ''Default.''.

SA 3986. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 10, insert ''*Provided further*, That the Secretary may provide replacement vouchers for units operated by management or ownership that has been declared in default of a Housing Assistance Payments contract due to physical deficiencies:'' after ''funds:''.

SA 3987. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2806, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

CERTAIN SERVICE DEEMED TO BE ACTIVE MILITARY SERVICE

SEC. 251. (a) IN GENERAL.—For purposes of section 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note), the Secretary of Defense is deemed to have determined that qualified service of an individual constituted active military service.

(b) DETERMINATION OF DISCHARGE STATUS.—The Secretary of Defense shall issue an honorable discharge under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 to each person whose qualified service warrants an honorable discharge. Such discharge shall be issued before the end of the one-year period beginning on the date of the enactment of this Act.

(c) PROHIBITION OF RETROACTIVE BENEFITS.—No benefits may be paid to any individual as a result of the enactment of this Act for any period before the date of the enactment of this Act.

(d) QUALIFIED SERVICE DEFINED.—In this section, the term ''qualified service'' means service of an individual as a member of the organization known as the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 15, 1945.

SA 3988. Mr. MENENDEZ (for himself, Mr. SANDERS, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

In division A, strike section 230.

SA 3989. Mr. MENENDEZ (for himself, Mr. BROWN, Mr. BOOKER, Ms. BALDWIN, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. ___. MILITARY FAMILIES CREDIT REPORTING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Military Families Credit Reporting Act''.

(b) NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 605 (15 U.S.C. 1681c), by adding at the end the following:

''(i) NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.—

''(1) IN GENERAL.—With respect to an item of adverse information about a consumer that arises from the failure of the consumer to make any required payment on a debt or other obligation, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, the consumer may provide appropriate proof, including official orders, to a consumer reporting agency that the consumer was an active duty military consumer at the time such action or inaction occurred, and any consumer report provided by the consumer reporting agency that includes the item shall clearly and conspicuously disclose that the consumer was an active duty military consumer when the action or inaction that gave rise to the item occurred.

''(2) MODEL FORM.—The Bureau shall prepare a model form, which shall be made publicly available, including in an electronic format, by which a consumer may—

''(A) notify, and provide appropriate proof to, a consumer reporting agency in a simple and easy manner, including electronically, that the consumer is or was an active duty military consumer; and

''(B) provide contact information of the consumer for the purpose of communicating with the consumer while the consumer is an active duty military consumer.

''(3) NO ADVERSE CONSEQUENCES.—Notice, whether provided by the model form described in paragraph (2) or otherwise, that a consumer is or was an active duty military consumer may not provide the sole basis for—

''(A) with respect to a credit transaction between the consumer and a creditor, a creditor—

''(i) denying an application of credit submitted by the consumer;

''(ii) revoking an offer of credit made to the consumer by the creditor;

''(iii) changing the terms of an existing credit arrangement with the consumer; or

''(iv) refusing to grant credit to the consumer in a substantially similar amount or on substantially similar terms requested by the consumer;

''(B) furnishing negative information relating to the creditworthiness of the consumer by or to a consumer reporting agency; or

''(C) except as otherwise provided in this title, a creditor or consumer reporting agency noting in the file of the consumer that the consumer is or was an active duty military consumer.'';

(2) in section 605A (15 U.S.C. 1681c–1)—

(A) in subsection (c)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(ii) in the matter preceding subparagraph (A), as so redesignated, by striking ''Upon'' and inserting the following:

''(1) IN GENERAL.—Upon''; and

(iii) by adding at the end the following:

''(2) NEGATIVE INFORMATION NOTIFICATION.—If a consumer reporting agency receives an item of adverse information about a consumer who has provided appropriate proof that the consumer is an active duty military consumer, the consumer reporting agency shall promptly notify the consumer, according to a frequency, manner, and timeliness determined by the Bureau or specified by the consumer—

''(A) that the consumer reporting agency has received the item of adverse information, along with a description of the item; and

''(B) the method by which the consumer may dispute the validity of the item.

''(3) CONTACT INFORMATION FOR ACTIVE DUTY MILITARY CONSUMERS.—

''(A) IN GENERAL.—If a consumer who has provided appropriate proof to a consumer reporting agency that the consumer is an active duty military consumer provides the consumer reporting agency with contact information for the purpose of communicating with the consumer while the consumer is an active duty military consumer, the consumer reporting agency shall use that contact information for all communications while the consumer is an active duty military consumer.

''(B) DIRECT REQUEST.—Unless the consumer directs otherwise, the provision of contact information by the consumer under subparagraph (A) shall be deemed to be a request for the consumer to receive an active duty alert under paragraph (1).

''(4) SENSE OF CONGRESS.—It is the sense of Congress that any person making use of a consumer report that contains an item of adverse information should, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, take such fact into account when evaluating the creditworthiness of the consumer.''; and

(B) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) subparagraphs (A) and (B) of subsection (c)(1), in the case of a referral under subsection (c)(1)(C).''; and

(3) in section 611(a)(1) (15 U.S.C. 1681i(a)(1)), by adding at the end the following:

''(D) NOTICE OF DISPUTE RELATED TO ACTIVE DUTY MILITARY CONSUMERS.—With respect to an item of information described under subparagraph (A) that is under dispute, if the consumer to whom the item relates has notified the consumer reporting agency, and has provided appropriate proof, that the consumer was an active duty military consumer at the time the action or inaction that gave rise to the disputed item occurred, the consumer reporting agency shall—

''(i) include that fact in the file of the consumer; and

''(ii) indicate that fact in each consumer report that includes the disputed item.''.

SA 3990. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

PROHIBITION ON RECOVERY OF OVERPAYMENT OF COMPENSATION PAID TO INCARCERATED INDIVIDUALS EXCEPT IN THE CASE OF FRAUD, MISREPRESENTATION, OR BAD FAITH

SEC. 251. Section 5313 of title 38, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

''(e) The Secretary may not recover from a person the amount of any compensation that should have been reduced under this section after the date that is 180 days after the date on which such amount should have been reduced under this section unless the Secretary determines that the person committed fraud, misrepresentation, or bad faith that resulted in such amount not being reduced.''.

SA 3991. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. PUBLICATION OF INFORMATION ON PROVISION OF HEALTH CARE BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PUBLICATION OF INFORMATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Veterans Affairs shall publish on an Internet database of the Department of Veterans Affairs available to the public information on the provision of health care by the Department.

(2) ELEMENTS.—

(A) IN GENERAL.—Each publication required by paragraph (1) shall include, with respect to each medical facility of the Department during the 180-day period preceding such publication, the following:

(i) The average length of stay for inpatient care.

(ii) A description of any hospital-acquired condition acquired by a patient.

(iii) The rate of readmission of patients within 30 days of release.

(iv) The rate at which opioids are prescribed to each patient.

(v) The average wait time for emergency room treatment.

(vi) A description of any scheduling backlog with respect to patient appointments.

(vii) The average number of patients seen per month by each primary care physician.

(B) ADDITIONAL ELEMENTS.—The Secretary may include in each publication required by paragraph (1) such additional information on the safety of medical facilities of the Department, health outcomes at such facilities, and quality of care at such facilities as the Secretary considers appropriate.

(3) SEARCHABILITY.—The Secretary shall ensure that the Internet database required by paragraph (1) is searchable by State, city, and facility.

(4) PERSONAL INFORMATION.—The Secretary shall ensure that personal information connected to information published under paragraph (1) is protected from disclosure as required by applicable law.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report setting forth recommendations for additional elements to be included with the information published under subsection (a) to improve the evaluation and assessment of the safety and health of individuals receiving health care under the laws administered by the Secretary and the quality of health care received by such individuals.

SA 3992. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

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

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

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

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

SA 3993. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

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

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

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

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

SA 3994. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

TITLE ____—WHISTLEBLOWER PROTECTIONS

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Dr. Chris Kirkpatrick Whistleblower Protection Act of 2016''.

Subtitle A—Employees Generally

SEC. ____11. DEFINITIONS.

In this subtitle—

(1) the terms ''agency'' and ''personnel action'' have the meanings given such terms under section 2302 of title 5, United States Code; and

(2) the term ''employee'' means an employee (as defined in section 2105 of title 5, United States Code) of an agency.

SEC. ____12. STAYS; PROBATIONARY EMPLOYEES.

(a) REQUEST BY SPECIAL COUNSEL.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

''(E) If the Merit Systems Protections Board grants a stay under this subsection, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.''.

(b) INDIVIDUAL RIGHT OF ACTION FOR PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k) If the Merit Systems Protection Board grants a stay to an employee in probationary status under subsection (c), the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.''.

(c) STUDY REGARDING RETALIATION AGAINST PROBATIONARY EMPLOYEES.—The Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate

and the Committee on Oversight and Government Reform of the House of Representatives a report discussing retaliation against employees in probationary status.

SEC. ___13. ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.

Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

''(5) The Special Counsel, in carrying out this subchapter, is authorized to—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency which relate to a matter within the jurisdiction or authority of the Special Counsel; and

''(B) request from any agency such information or assistance as may be necessary for carrying out the duties and responsibilities of the Special Counsel under this subchapter.''.

SEC. ___14. PROHIBITED PERSONNEL PRACTICES.

Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (12), by striking ''or'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (13) the following:

''(14) access the medical record of another employee for the purpose of retaliation for a disclosure or activity protected under paragraph (8) or (9).''.

SEC. ___15. DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''§ 7515. Discipline of supervisors based on retaliation against whistleblowers

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' has the meaning given that term under section 2302;

''(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8), (9), or (14) of section 2302(b) against an employee of an agency; and

''(3) the term 'supervisor' means a supervisor, as defined under section 7103(a), who is employed by an agency, as defined under paragraph (1) of this subsection.

''(b) PROPOSED ADVERSE ACTIONS.—

''(1) IN GENERAL.—In accordance with paragraph (2), the head of an agency shall propose against a supervisor whom the head of that agency, an administrative law judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the agency determines committed a prohibited personnel action the following adverse actions:

''(A) With respect to the first prohibited personnel action, an adverse action that is not less than a 12-day suspension.

''(B) With respect to the second prohibited personnel action, removal.

''(2) PROCEDURES.—

''(A) NOTICE.—A supervisor against whom an adverse action under paragraph (1) is proposed is entitled to written notice.

''(B) ANSWER AND EVIDENCE.—

''(i) IN GENERAL.—A supervisor who is notified under subparagraph (A) that the supervisor is the subject of a proposed adverse action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

''(ii) NO EVIDENCE.—After the end of the 14-day period described in clause (i), if a supervisor does not furnish evidence as described in clause (i) or if the head of the agency determines that such evidence is not sufficient to reverse the proposed adverse action, the head of the agency shall carry out the adverse action.

''(C) SCOPE OF PROCEDURES.—Paragraphs (1) and (2) of subsection (b) of section 7513, subsection (c) of such section, paragraphs (1) and (2) of subsection (b) of section 7543, and subsection (c) of such section shall not apply with respect to an adverse action carried out under this subsection.

''(c) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action, if the head of the agency carries out an adverse action against a supervisor under another provision of law, the head of the agency may carry out an additional adverse action under this section based on the same prohibited personnel action.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''7515. Discipline of supervisors based on retaliation against whistleblowers.''.

SEC. ___16. SUICIDE BY EMPLOYEES.

(a) REFERRAL.—The head of an agency shall refer to the Office of Special Counsel, along with any information known to the agency regarding the circumstances described in paragraphs (2) and (3), any instance in which the head of the agency has information indicating—

(1) an employee of the agency committed suicide;

(2) prior to the death of the employee, the employee made any disclosure of information which reasonably evidences—

(A) any violation of any law, rule, or regulation; or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(3) after a disclosure described in paragraph (2), a personnel action was taken against the employee.

(b) OFFICE OF SPECIAL COUNSEL REVIEW.—For any referral to the Office of Special Counsel under subsection (a), the Office of Special Counsel shall—

(1) examine whether any personnel action was taken because of any disclosure of information described in subsection (a)(2); and

(2) take any action the Office of Special Counsel determines appropriate under subchapter II of chapter 12 of title 5, United States Code.

SEC. ___17. TRAINING FOR SUPERVISORS.

In consultation with the Office of Special Counsel and the Inspector General of the agency (or senior ethics official of the agency for an agency without an Inspector General), the head of each agency shall provide training regarding how to respond to complaints alleging a violation of whistleblower protections (as defined in section 2307 of title 5, United States Code, as added by this subtitle) available to employees of the agency—

(1) to employees appointed to supervisory positions in the agency who have not previously served as a supervisor; and

(2) on an annual basis, to all employees of the agency serving in a supervisory position.

SEC. ___18. INFORMATION ON WHISTLEBLOWER PROTECTIONS.

(a) EXISTING PROVISION.—

(1) IN GENERAL.—Section 2302 of title 5, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 4505a(b)(2) of title 5, United States Code, is amended by striking ''section 2302(d)'' and inserting ''section 2302(c)''.

(B) Section 5755(b)(2) of title 5, United States Code, is amended by striking ''section 2302(d)'' and inserting ''section 2302(c)''.

(C) Section 110(b)(2) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) is amended by striking ''section 2303(f)(1) or (2)'' and inserting ''section 2303(e)(1) or (2)''.

(D) Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended by striking ''2302(c)'' each place it appears and inserting ''2307''.

(E) Section 1217(d)(3) of the Panama Canal Act of 1979 (22 U.S.C. 3657(d)(3)) is amended by striking ''section 2302(d)'' and inserting ''section 2302(c)''.

(F) Section 1233(b) of the Panama Canal Act of 1979 (22 U.S.C. 3673(b)) is amended by striking ''section 2302(d)'' and inserting ''section 2302(c)''.

(b) PROVISION OF INFORMATION.—Chapter 23 of title 5, United States Code, is amended by adding at the end the following:

''§ 2307. Information on whistleblower protections

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' has the meaning given that term in section 2302;

''(2) the term 'new employee' means an individual—

''(A) appointed to a position as an employee of an agency on or after the date of enactment of the Dr. Chris Kirkpatrick Whistleblower Protection Act of 2016; and

''(B) who has not previously served as an employee; and

''(3) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8), subparagraph (A)(i), (B), (C), or (D) of paragraph (9), or paragraph (14) of section 2302(b).

''(b) RESPONSIBILITIES OF HEAD OF AGENCY.—The head of each agency shall be responsible for the prevention of prohibited personnel practices, for the compliance with and enforcement of applicable civil service laws, rules, and regulations, and other aspects of personnel management, and for ensuring (in consultation with the Special Counsel and the Inspector General of the agency) that employees of the agency are informed of the rights and remedies available to them under this chapter and chapter 12, including—

''(1) information regarding whistleblower protections available to new employees during the probationary period;

''(2) the role of the Office of Special Counsel and the Merit Systems Protection Board with regard to whistleblower protections; and

''(3) how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures.

''(c) TIMING.—The head of each agency shall ensure that the information required to be provided under subsection (b) is provided to each new employee of the agency not later than 6 months after the date the new employee is appointed.

''(d) INFORMATION ONLINE.—The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency, and on any online portal that is made available only to employees of the agency if one exists.

''(e) DELEGEES.—Any employee to whom the head of an agency delegates authority for personnel management, or for any aspect thereof, shall, within the limits of the scope of the delegation, be responsible for the activities described in subsection (b).''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by adding at the end the following:

''2307. Information on whistleblower protections.''.

Subtitle B—Department of Veterans Affairs Employees

SEC. ___21. PREVENTION OF UNAUTHORIZED ACCESS TO MEDICAL RECORDS OF EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) develop a plan to prevent access to the medical records of employees of the Department of Veterans Affairs by employees of the Department who are not authorized to access such records;

(B) submit to the appropriate committees of Congress the plan developed under subparagraph (A); and

(C) upon request, provide a briefing to the appropriate committees of Congress with respect to the plan developed under subparagraph (A).

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A detailed assessment of strategic goals of the Department for the prevention of unauthorized access to the medical records of employees of the Department.

(B) A list of circumstances in which an employee of the Department who is not a health care provider or an assistant to a health care provider would be authorized to access the medical records of another employee of the Department.

(C) Steps that the Secretary will take to acquire new or implement existing technology to prevent an employee of the Department from accessing the medical records of another employee of the Department without a specific need to access such records.

(D) Steps the Secretary will take, including plans to issue new regulations, as necessary, to ensure that an employee of the Department may not access the medical records of another employee of the Department for the purpose of retrieving demographic information if that demographic information is available to the employee in another location or through another format.

(E) A proposed timetable for the implementation of such plan.

(F) An estimate of the costs associated with implementing such plan.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Oversight and Government Reform and the Committee on Veterans' Affairs of the House of Representatives.

SEC. ___22. OUTREACH ON AVAILABILITY OF MENTAL HEALTH SERVICES AVAILABLE TO EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall conduct a program of outreach to employees of the Department of Veterans Affairs to inform those employees of any mental health services, including telemedicine options, that are available to them.

SEC. ___23. PROTOCOLS TO ADDRESS THREATS AGAINST EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall ensure protocols are in effect to address threats from individuals receiving health care from the Department of Veterans Affairs directed towards employees of the Department who are providing such health care.

SEC. ___24. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ACCOUNTABILITY OF CHIEFS OF POLICE OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

The Comptroller General of the United States shall conduct a study to assess the reporting, staffing, accountability, and chain of command structure of the Department of Veterans Affairs police officers at medical centers of the Department.

SA 3995. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. (a) REPORT ON OPIOID ABUSE AND TREATMENT.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall publish on a publicly available Internet website of the Department of Veterans Affairs a report that includes the following information:

(1) A comprehensive list of all facilities of the Department offering an opioid abuse treatment program, including details on the types of services available at each facility.

(2) The number of veterans treated by a health care provider of the Department for opioid abuse during the year preceding the publication of the report.

(3) Of the veterans described in paragraph (2), the number treated for opioid abuse in conjunction with posttraumatic stress disorder, depression, or anxiety.

(4) With respect to veterans receiving treatment for opioid abuse—

(A) the average period of time veterans reported abusing opioids before beginning such treatment during the year preceding the publication of the report; and

(B) the main reasons reported to the Department by veterans as to how they came to receive such treatment, including self-referral or recommendation by a physician or family member.

(b) PROTECTION OF INFORMATION.—No information published under subsection (a) shall include any information that personally identifies a veteran.

SA 3996. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II in Division A, add the following:

SEC. ___. (a) DEFINITIONS.—In this section—

(1) the term ''families'' has the meaning given that term in section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3));

(2) the term ''low-income families'' has the meaning given that term in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2));

(3) the term ''Secretary'' means the Secretary of Housing and Urban Development; and

(4) the term ''very low-income families'' has the meaning given that term in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

(b) PURPOSES.—The purposes of this section are—

(1) to give public housing agencies and the Secretary the flexibility to design and implement various approaches for providing and administering housing assistance that achieves greater cost effectiveness in using Federal housing assistance to address local housing needs for low-income families;

(2) to reduce administrative burdens on public housing agencies providing such assistance;

(3) to give incentives to assisted families to work and become economically self-sufficient;

(4) to increase housing choices for low-income families; and

(5) to enhance the ability of low-income elderly residents and persons with disabilities to live independently.

(c) MOVING TO WORK CHARTER PROGRAM AUTHORITY.—

(1) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Subject to the phase-in requirements under subparagraph (B), the Secretary shall enter into charter contracts, beginning in fiscal year 2017, with not more than 250 public housing agencies administering the public housing program or assistance provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(B) PHASE-IN.—The phase-in requirements under this subparagraph are as follows:

(i) By the end of fiscal year 2017, the Secretary shall have entered into charter contracts with not less than 80 public housing agencies described in subparagraph (A).

(ii) By the end of fiscal year 2018, the Secretary shall have entered into charter contracts with not less than 160 public housing agencies described in subparagraph (A).

(iii) By the end of fiscal year 2019, the Secretary shall have entered into charter contracts with not less than 250 public housing agencies described in subparagraph (A).

(2) CHARTER CONTRACTS.—A charter contract shall—

(A) supersede and have a term commensurate with any annual contributions contract between a public housing agency and the Secretary; and

(B) provide that a participating public housing agency shall receive—

(i) capital and operating assistance allocated to such agency under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g); and

(ii) assistance provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(3) USE OF ASSISTANCE.—Any assistance provided under paragraph (2)(B)—

(A) may be combined; and

(B) shall be used to provide locally designed housing assistance for low-income families, including—

(i) services to facilitate the transition to work and self-sufficiency; and

(ii) any other activity which a public housing agency is authorized to undertake pursuant to State or local law.

(d) TERMS AND CONDITIONS OF ASSISTANCE.—

(1) APPLICABILITY OF UNITED STATES HOUSING ACT OF 1937.—Except as provided in this subsection, the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall not be applicable to any public housing agency participating in the Moving to Work Charter program established under this section.

(2) APPLICABLE 1937 ACT PROVISIONS.—The following provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) are applicable to any public housing agency participating in the Moving to Work Charter program established under this section:

(A) Subsections (a) and (b) of section 12 (42 U.S.C. 1437j (a) and (b)) shall apply to housing assisted under a charter contract, other than housing assisted solely due to occupancy by families receiving tenant based rental assistance.

(B) Section 18 (42 U.S.C. 1437p) shall continue to apply to public housing developed under such Act notwithstanding any use of the housing under a charter contract.

(3) CHARTER CONTRACT TERMS.—A charter contract shall provide that a public housing agency—

(A) may—

(i) combine assistance received under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1437g), as described in subsection (c)(3); and

(ii) use such assistance to provide housing assistance and related services for activities authorized by this section, including those activities authorized by sections 8 and 9 of such Act;

(B) certify that in preparing its application for participation in the Moving to Work Charter program established under this section, such agency has—

(i) provided for citizen participation through a public hearing and, if appropriate, other means; and

(ii) taken into account comments from the public hearing and any other public comments on the proposed activities under this section, including comments from current and prospective residents who would be affected by such contract;

(C) shall ensure that not less than 75 percent of the families assisted under a charter contract shall be, at the time of such families' entry into the Moving to Work Charter program, very low-income families;

(D) shall establish a reasonable rent policy, which shall—

(i) be designed to encourage employment, self-sufficiency, and homeownership by participating families, consistent with the purposes of this section;

(ii) include transition and hardship provisions;

(iii) be included in the annual plan of such agency; and

(iv) be subject to the opportunities for public participation described in subsection (f)(1)(C)(iv);

(E) shall continue to assist not less than substantially the same total number of low-income families as would have been served had such agency not entered into such contract;

(F) shall maintain a comparable mix of families (by family size) as would have been provided had the agency not entered into such contract;

(G) shall ensure that housing assisted under such contract meets housing quality standards established or approved by the Secretary;

(H) shall receive training and technical assistance, upon request by such agency, to assist with the design and implementation of the activities described under this section;

(I) shall receive an amount of assistance under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1437g) that is not diminished by the participation of such agency in the Moving to Work Charter program established under this section;

(J) shall be subject to the procurement procedures described in such contract;

(K) shall ensure that each family receiving housing assistance—

(i) is engaged in work activities that would count toward satisfying the monthly work participation rates applicable to the State in which such public housing agency is located for purposes of the State temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) if the family were receiving assistance or benefits under that program; or

(ii) would qualify under that program to an exception to engaging in such work activities; and

(L) shall provide housing assistance to families assisted under a charter contract for not more than 5 years.

(e) SELECTION.—In selecting among public housing agency applications to participate in the Moving to Work Charter program established under this section, the Secretary shall consider—

(1) the potential of each agency to plan and carry out activities under such program;

(2) the relative performance by an agency under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j));

(3) the need for a diversity of participants in terms of size, location, and type of agency; and

(4) any other appropriate factor as determined by the Secretary.

(f) CHARTER REPORT.—

(1) CONTENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, and in place of all other planning and reporting requirements otherwise required, each public housing agency that is a party to a charter contract shall submit to the Secretary, on an annual basis, a single charter report, in a form and at a time specified by the Secretary.

(B) SOLE MEANS OF REPORTING.—A charter report submitted under subparagraph (A) shall be the sole means by which a public housing agency shall be required to provide information to the Secretary on the activities assisted under this section during a fiscal year, unless the Secretary has reason to believe that such agency has violated the charter contract between the Secretary and such agency.

(C) REQUIREMENTS.—Each charter report required under subparagraph (A) shall—

(i) document the use by a public housing agency of any assistance provided under a charter contract, including appropriate financial statements;

(ii) describe and analyze the effect of assisted activities in addressing the objectives of this section;

(iii) include a certification by such agency that such agency has prepared an annual plan which—

(I) states the goals and objectives of that agency under the charter contract for the past fiscal year;

(II) describes the proposed use of assistance by that agency for activities under the charter contract for the past fiscal year;

(III) explains how the proposed activities of that agency will meet the goals and objectives of that agency;

(IV) includes appropriate budget and financial statements of that agency; and

(V) was prepared in accordance with a public process as described in clause (iv);

(iv) describe and document how a public housing agency has provided residents assisted under a charter contract and the wider community with opportunities to participate in the development of and comment on the annual plan, which shall include not less than 1 public hearing; and

(v) include such other information as may be required by the Secretary pursuant to subsection (g)(2).

(2) REVIEW.—Any charter report submitted pursuant to paragraph (1) shall be deemed approved unless the Secretary, not later than 45 days after the date of submission of such report, issues a written disapproval because—

(A) the Secretary reasonably determines, based on information contained in the report, that a public housing agency is not in compliance with the provisions of this section or other applicable law; or

(B) such report is inconsistent with other reliable information available to the Secretary.

(g) RECORDS AND AUDITS.—

(1) KEEPING OF RECORDS.—Each public housing agency shall keep such records as the Secretary may prescribe as reasonably necessary—

(A) to disclose the amounts and the disposition of amounts under the Moving to Work Charter program established under this section;

(B) to ensure compliance with the requirements of this section; and

(C) to measure performance.

(2) ACCESS TO DOCUMENTS BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(B) LIMITATION.—Access by the Secretary described under subparagraph (A) shall be limited to information obtained solely through the annual charter report submitted by a public housing agency under subsection (f), unless the Secretary has reason to believe that such agency is not in compliance with the charter contract between the Secretary and such agency.

(3) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of the Moving to Work Charter program established under this section.

(h) PROCUREMENT PREEMPTION.—

(1) IN GENERAL.—Any State or local law which imposes procedures or standards for procurement which conflict with or are more burdensome than applicable Federal procurement requirements shall not apply to any public housing agency under the Moving to Work Charter program established under this section.

(2) REDUCTION OF ADMINISTRATIVE BURDENS.—The Secretary may approve procurement procedures for public housing agencies participating in the Moving to Work Charter program established under this section that reduce administrative burdens of procurement requirements imposed by Federal law.

(i) SUBSEQUENT LAWS PREEMPTED.—A public housing agency participating in the Moving to Work Charter program established under this section shall not be subject to any provision of law which conflicts with the provisions of this section and which is enacted subsequent to the date of execution of such agency's charter contract or Moving to Work program agreement, as described in

subsection (j), unless such law expressly provides for such law's application to public housing agencies subject to this section.

(j) EXISTING AGREEMENTS.—Notwithstanding anything in this section or any other provision of law, any public housing agency which has an existing Moving to Work program agreement with the Secretary pursuant to section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–281) and which is not in default thereof, may, at the option of such agency—

(1) continue to operate under the terms and conditions of such agreement notwithstanding any limitation on the terms contained in such contract; or

(2) at any time, enter into a charter contract with the Secretary on terms and conditions which are not less favorable to the agency than such existing agreement.

(k) PUBLIC HOUSING AGENCY EVALUATION.—

(1) IN GENERAL.—Not later than the end of fiscal year 2017, the Secretary shall appoint a Federal advisory committee consisting of public housing agencies with charter contracts, public housing industry organizations, resident organizations, other public housing and section 8 voucher stakeholders, and experts on accreditation systems in similar fields, to assess and develop a demonstration program to test standards, criteria, and practices for a national public housing agency accreditation system or other evaluation system.

(2) REPORT.—Not later than the end of fiscal year 2019, the committee established under paragraph (1) and the Secretary shall provide a report and recommendations to Congress with respect to the establishment of a national public housing agency accreditation system.

SA 3997. Mr. KIRK submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. INSPECTION OF KITCHENS AND FOOD SERVICE AREAS AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall provide for the conduct of inspections of kitchens and food service areas at each medical facility of the Department of Veterans Affairs to ensure that the same standards for kitchens and food service areas at hospitals in the private sector are being met at kitchens and food service areas at medical facilities of the Department.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—

(1) INITIAL FAILURE.—If a kitchen or food service area of a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) not to meet the standards for kitchens and food service areas in hospitals in the private sector, that medical facility fails the inspection and the Secretary shall—

(A) implement a remediation plan for that medical facility within 48 hours; and

(B) Conduct a second inspection under subsection (a) at that medical facility within 7 days of the failed inspection.

(2) SECOND FAILURE.—If a medical facility of the Department fails the second inspection conducted under paragraph (1)(B), the Secretary shall close the kitchen or food service area at that medical facility that did not meet the standards for kitchens and food service areas in hospitals in the private sector until remediation is completed and all kitchens and food service areas at that medical facility meet such standards.

(3) PROVISION OF FOOD.—If a kitchen or food service area is closed at a medical facility of the Department pursuant to paragraph (2), the Director of the Veterans Integrated Service Network in which the medical facility is located shall enter into a contract with a vendor approved by the General Services Administration to provide food at the medical facility.

(d) REPORTS.—

(1) QUARTERLY.—Not less frequently than quarterly, the Director of each Veterans Integrated Service Network shall submit to Congress a report on inspections conducted under this section during that quarter at medical facilities of the Department under the jurisdiction of that Director.

(2) SUBSEQUENT PERIOD.—A Director of a Veterans Integrated Service Network may submit to Congress the report described in paragraph (1) not less frequently than semiannually if the Director does not report any failed inspections for the one-year period preceding the submittal of the report.

SEC. 252. INSPECTION OF MOLD ISSUES AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall provide for the inspection of mold issues at medical facilities of the Department of Veterans Affairs.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—If a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) to have a mold issue, the Secretary shall—

(1) implement a remediation plan for that medical facility within 48 hours; and

(2) Conduct a second inspection under subsection (a) at that medical facility within 90 days of the initial inspection.

(d) REPORTS.—

(1) QUARTERLY.—Not less frequently than quarterly, the Director of each Veterans Integrated Service Network shall submit to the Secretary of Veterans Affairs and Congress a report on inspections conducted under this section during that quarter at medical facilities of the Department under the jurisdiction of that Director.

(2) SUBSEQUENT PERIOD.—A Director of a Veterans Integrated Service Network may submit to Congress the report described in paragraph (1) not less frequently than semiannually if the Director does not report any mold issues for the one-year period preceding the submittal of the report.

SA 3998. Mr. TESTER (for himself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. 251. COVERAGE UNDER DEPARTMENT OF VETERANS AFFAIRS BENEFICIARY TRAVEL PROGRAM OF TRAVEL IN CONNECTION WITH CERTAIN SPECIAL DISABILITIES REHABILITATION.

(a) IN GENERAL.—Section 111(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(G) A veteran with vision impairment, a veteran with a spinal cord injury or disorder, or a veteran with double or multiple amputations whose travel is in connection with care provided through a special disabilities rehabilitation program of the Department (including programs provided by spinal cord injury centers, blind rehabilitation centers, and prosthetics rehabilitation centers) if such care is provided—

''(i) on an in-patient basis; or

''(ii) during a period in which the Secretary provides the veteran with temporary lodging at a facility of the Department to make such care more accessible to the veteran.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the beneficiary travel program under section 111 of title 38, United States Code, as amended by subsection (a), that includes the following:

(1) The cost of the program.

(2) The number of veterans served by the program.

(3) Such other matters as the Secretary considers appropriate.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SA 3999. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, line 9, strike ''$5,000,000'' and insert ''$500,000''.

SA 4000. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, strike lines 5 through 10.

SA 4001. Mrs. ERNST submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 9, strike ''In addition'' and all that follows through the end of line 12.

SA 4002. Mr. BLUMENTHAL (for himself, Mr. MARKEY, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 44 of division A, strike line 3 and all that follows through page 45, line 21, and insert the following:

SEC. 131. (a) Section 133 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (division L of Public Law 114–113) is repealed.

(b) Section 133 of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2015 (division K of Public Law 113–235) is amended by striking subsections (a) and (b).

SA 4003. Ms. COLLINS (for Mr. SULLIVAN (for himself, Mr. SCHATZ, and Mr. MARKEY)) proposed an amendment to the bill S. 1335, to implement the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean, as adopted at Tokyo on February 24, 2012, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ensuring Access to Fisheries Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—NORTH PACIFIC FISHERIES

Subtitle A—North Pacific Fisheries Convention Implementation Act

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''North Pacific Fisheries Convention Implementation Act''.

SEC. 102. DEFINITIONS.

In this subtitle:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 103.

(2) COMMISSION.—The term ''Commission'' means the North Pacific Fisheries Commission established pursuant to the North Pacific Fisheries Convention.

(3) COMMISSIONER.—The term ''Commissioner'' means a United States Commissioner appointed under section 103.

(4) CONVENTION AREA.—The term ''Convention Area''—

(A) means the waters of the high seas areas of the North Pacific Ocean; and

(B) excludes—

(i) the high seas areas of the Bering Sea and other high seas areas that are surrounded by the exclusive economic zone of a single nation, which are bounded to the south by a continuous line beginning at the seaward limit of waters under the jurisdiction of the United States around the Commonwealth of the Northern Mariana Islands at 20 degrees North latitude, then proceeding East and connecting the coordinates: 20°00′00″N, 180°00′00″E/W; 10°00′00″N 180°00′00″E/W; 10°00′00″N, 140°00′00″W; 20°00′00″N, 140°00′00″W; and thence East to the seaward limit of waters under the fisheries jurisdiction of Mexico; and

(ii) the exclusive economic zone of the United States or of any other country.

(5) COUNCIL.—The term ''Council'' means the North Pacific Fishery Management Council, the Pacific Fishery Management Council, or the Western Pacific Fishery Management Council established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852).

(6) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means—

(A) with respect to the United States, the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note), the inner boundary of which, for purposes of this subtitle, is a line coterminous with the seaward boundary of each of the coastal States; and

(B) with respect to a foreign country, a designated zone similar to the zone referred to in subparagraph (A) for that country.

(7) FISHERIES RESOURCES.—

(A) IN GENERAL.—The term ''fisheries resources'' means all fish, mollusks, crustaceans, and other marine species, including any products thereof, caught by a fishing vessel within the Convention Area.

(B) EXCLUSIONS.—The term ''fisheries resources'' does not include—

(i) sedentary species insofar as they are subject to the sovereign rights of coastal nations consistent with Article 77, paragraph 4 of the 1982 Convention and indicator species of vulnerable marine ecosystems as listed in, or adopted pursuant to, Article 13, paragraph 5 of the North Pacific Fisheries Convention;

(ii) catadromous species;

(iii) marine mammals, marine reptiles, or seabirds; or

(iv) other marine species already covered by pre-existing international fisheries management instruments within the area of competence of such instruments.

(8) FISHING ACTIVITIES.—

(A) IN GENERAL.—The term ''fishing activities'' means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fisheries resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fisheries resources for any purpose;

(iii) the processing of fisheries resources at sea;

(iv) the transhipment of fisheries resources at sea or in port; or

(v) any operation at sea in direct support of, or in preparation for, any activity described in clauses (i) through (iv), including transshipment.

(B) EXCLUSIONS.—The term ''fishing activities'' does not include any operation related to an emergency involving the health or safety of a crew member or the safety of a fishing vessel.

(9) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended for use for the purpose of engaging in fishing activities, including a processing vessel, a support ship, a carrier vessel, or any other vessel directly engaged in such fishing activities.

(10) HIGH SEAS.—The term ''high seas'' does not include an area that is within the exclusive economic zone of the United States or of any other country.

(11) NORTH PACIFIC FISHERIES CONVENTION.—The term ''North Pacific Fisheries Convention'' means the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force) for the United States, which was adopted at Tokyo on February 24, 2012.

(12) PERSON.—The term ''person'' means—

(A) any individual, whether or not a citizen or national of the United States;

(B) any corporation, partnership, association, or other entity, whether or not organized or existing under the laws of any State; or

(C) any Federal, State, local, tribal, or foreign government or any entity of such government.

(13) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Commerce.

(14) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and any other commonwealth, territory, or possession of the United States.

(15) STRADDLING STOCK.—The term ''straddling stock'' means a stock of fisheries resources which migrates between, or occurs in, the exclusive economic zone of 1 or more parties to the Convention and the Convention Area.

(16) TRANSSHIPMENT.—The term ''transshipment'' means the unloading of any fisheries resources taken in the Convention Area from 1 fishing vessel to another fishing vessel either at sea or in port.

(17) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

SEC. 103. UNITED STATES PARTICIPATION IN THE NORTH PACIFIC FISHERIES CONVENTION.

(a) UNITED STATES COMMISSIONERS.—

(1) NUMBER OF COMMISSIONERS.—The United States shall be represented on the Commission by 5 United States Commissioners.

(2) SELECTION OF COMMISSIONERS.—The United States Commissioners shall be as follows:

(A) APPOINTMENT BY THE PRESIDENT.—

(i) IN GENERAL.—Two of the Commissioners shall be appointed by the President and shall be an officer or employee of—

(I) the Department of Commerce;

(II) the Department of State; or

(III) the United States Coast Guard.

(ii) SELECTION CRITERIA.—In making each appointment under clause (i), the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fisheries resources in the North Pacific Ocean.

(B) NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairperson of the North Pacific Fishery Management Council or a designee of such chairperson.

(C) PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairperson of the Pacific Fishery Management Council or a designee of such chairperson.

(D) WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL.—One Commissioner shall be the chairperson of the Western Pacific Fishery Management Council or a designee of such chairperson.

(3) CHAIRPERSON.—The President shall designate 1 of the Commissioners appointed under paragraph (2) to serve as chairperson of the United States Commissioners.

(b) ALTERNATE COMMISSIONERS.—In the event of a vacancy in a Commissioner appointed under subsection (a), the Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a), and shall serve the remainder of the term of the absent Commissioner for which designated.

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—An individual serving as a Commissioner, or an alternative Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(2) COMPENSATION.—An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual's services as such Commissioner or alternate Commissioner.

(3) TRAVEL EXPENSES.—

(A) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of 11 members appointed by the Secretary as follows:

(i) A member engaging in commercial fishing activities in the management area of the North Pacific Fishery Management Council.

(ii) A member engaging in commercial fishing activities in the management area of the Pacific Fishery Management Council.

(iii) A member engaging in commercial fishing activities in the management area of the Western Pacific Fishery Management Council.

(iv) 3 members from the indigenous population of the North Pacific, including an Alaska Native, Native Hawaiian, or a native-born inhabitant of any State of the United States in the Pacific, and an individual from a Pacific Coast tribe.

(v) A member that is a marine fisheries scientist that is a resident of a State the adjacent exclusive economic zone for which is bounded by the Convention Area.

(vi) A member nominated by the Governor of the State of Alaska.

(vii) A member nominated by the Governor of the State of Hawaii.

(viii) A member nominated by the Governor of the State of Washington.

(ix) A member nominated by the Governor of the State of California.

(B) TERMS AND PRIVILEGES.—Each member of the Advisory Committee shall serve for a term of 2 years and shall be eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee shall attend each meeting and shall examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

(C) PROCEDURES.—

(i) IN GENERAL.—The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this subtitle, the North Pacific Fisheries Convention, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(ii) PUBLIC AVAILABILITY OF PROCEDURES.—The Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures.

(iii) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum to conduct business.

(iv) PUBLIC MEETINGS.—Meetings of the Advisory Committee, except when in executive session, shall be open to the public. Prior notice of each non-executive meeting shall be made public in a timely fashion. The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the Advisory Committee with relevant information concerning fisheries resources and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to the Advisory Committee in a timely manner such administrative and technical support services as are necessary to function effectively.

(B) COMPENSATION; STATUS.—An individual appointed to serve as a member of the Advisory Committee—

(i) shall serve without pay; and

(ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(C) TRAVEL EXPENSES.—

(i) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of members of the Advisory Committee in carrying out the duties of the Advisory Committee in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(ii) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subparagraph.

(e) UNITED STATES PARTICIPATION.—In instances in which the United States is participating in any meeting of the parties to the North Pacific Fisheries Convention, the United States shall be represented by the Commissioners and the Advisory Committee.

SEC. 104. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary, act upon, or refer to other appropriate authority, any communication under paragraph (1);

(3) with the concurrence of the Secretary, and in accordance with the provisions of the Convention, object to any decision of the Commission; and

(4) in the conduct of any program, including scientific and research programs, under this subtitle, request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies, foreign governments, foreign agencies, or international intergovernmental organizations.

SEC. 105. AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—

(1) AUTHORITY.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out the United States international obligations under the North Pacific Fisheries Convention and this subtitle, including recommendations and decisions adopted by the Commission.

(2) REGULATIONS OF STRADDLING STOCKS.—In the implementation of a measure adopted by the Commission that would govern a straddling stock under the authority of a Council, any regulation promulgated by the Secretary to implement such measure within the exclusive economic zone of the United States shall be approved by such Council.

(b) RULE OF CONSTRUCTION.—Regulations promulgated under subsection (a) shall be applicable only to a person or a fishing vessel that is or has engaged in fishing activities, or fisheries resources covered by the North Pacific Fisheries Convention under this subtitle.

(c) ADDITIONAL AUTHORITY.—The Secretary may conduct, and may request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(1) scientific, research, and other programs under this subtitle;

(2) fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the North Pacific Fisheries Convention;

(3) the collection, utilization, and disclosure of such information as may be necessary to implement the North Pacific Fisheries Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(4) if recommended by the Commissioners, the assessment and collection of fees, not to exceed 3 percent of the ex-vessel value of fisheries resource harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States of management and enforcement under this subtitle, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this subtitle; and

(5) the issuance of permits to owners and operators of United States vessels to engage in fishing activities in the Convention Area seaward of the exclusive economic zone of the United States, under such terms and conditions as the Secretary may prescribe, including the period of time that a permit is valid.

(d) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this subtitle, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567) and the amendments made by that Act, and Public Law 100–629 (102 Stat. 3286).

(e) JUDICIAL REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Regulations promulgated by the Secretary under this subtitle shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated.

(2) RESPONSES.—Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(3) COPIES OF ADMINISTRATIVE RECORD.—A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) EXPEDITED HEARINGS.—Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

SEC. 106. ENFORCEMENT.

(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating—

(1) shall administer and enforce this subtitle and any regulations issued under this subtitle; and

(2) may request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this subtitle.

(b) SECRETARIAL ACTIONS.—Except as provided under subsection (c), the Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this subtitle in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, 1861) were incorporated into and made a part of this subtitle. Any person that violates any provision of this subtitle is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner, by the same means, and with the same jurisdiction, power, and duties as though sections 308 through 311 of that Act (16 U.S.C. 1858, 1859, 1860, and 1861) were incorporated into and made a part of this subtitle.

(c) JURISDICTION OF THE COURTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this subtitle, and any such court may at any time—

(A) enter restraining orders or prohibitions;

(B) issue warrants, process in rem, or other process;

(C) prescribe and accept satisfactory bonds or other security; and

(D) take such other actions as are in the interest of justice.

(2) HAWAII AND PACIFIC INSULAR AREAS.—In the case of Hawaii or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

(A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and

(B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) CONSTRUCTION.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district authorized by law. Any offense not committed in any district is subject to the venue provisions of section 3238 of title 18, United States Code.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted in compliance with a requirement under this subtitle to the Secretary or to implement the Convention, including information submitted on or before the date of enactment of the Ensuring Access to Fisheries Act, shall be confidential and may not be disclosed, except—

(A) to a Federal employee who is responsible for administering, implementing, or enforcing this subtitle;

(B) to the Commission, in accordance with requirements in the North Pacific Fisheries Convention and decisions of the Commission, and, insofar as possible, in accordance with an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to State, Council, or Marine Fisheries Commission employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to another person for a reason not otherwise provided for in this paragraph, and such release does not violate other requirements of this subtitle.

(2) USE OF INFORMATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary shall promulgate regulations regarding the procedures the Secretary considers necessary to preserve the confidentiality of information submitted under this subtitle.

(B) EXCEPTION.—The Secretary may release or make public information submitted under this subtitle if the information is in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted under this subtitle.

SEC. 107. PROHIBITED ACTS.

It is unlawful for any person—

(1) to violate any provision of this subtitle or any regulation or permit issued pursuant to this subtitle;

(2) to use any fishing vessel to engage in fishing activities without, or after the revocation or during the period of suspension of, an applicable permit issued pursuant to this subtitle;

(3) to refuse to permit any officer authorized to enforce the provisions of this subtitle to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this subtitle or any regulation, permit, or the North Pacific Fisheries Convention;

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this subtitle or any regulation, permit, or the North Pacific Fisheries Convention;

(5) to resist a lawful arrest for any act prohibited by this subtitle or any regulation promulgated or permit issued under this subtitle;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fisheries resources if the person knew or should have known in the exercise of due care that the fisheries resources were taken or retained in violation of this subtitle or any regulation or permit referred to in paragraph (1) or paragraph (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

(8) to submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Secretary is considering in the course of carrying out this subtitle if the person knew or should have known in the exercise of due care that the information was false;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this subtitle, or any data collector employed by or under contract to any person to carry out responsibilities under this subtitle;

(10) to engage in fishing activities in violation of any regulation adopted pursuant to this subtitle;

(11) to fail to make, keep, or furnish any catch returns, statistical records, or other reports required by regulations adopted pursuant to this subtitle to be made, kept, or furnished;

(12) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(13) to import, in violation of any regulation adopted pursuant to this subtitle, any fisheries resources in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any fisheries resources in any form not under regulation but under investigation by the Commission, during the period such fisheries resources have been denied entry in accordance with the provisions of this subtitle;

(14) to make or submit any false record, account, or label for, or any false identification of, any fisheries resources which have been, or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(15) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

SEC. 108. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with departments and agencies of the United States Government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the North Pacific Fisheries Convention, in carrying out responsibilities under this subtitle.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—Each Federal department and agency is authorized, upon the request of the Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the North Pacific Fisheries Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this subtitle, or in the laws of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the North Pacific Fisheries Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Nothing in this subtitle shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

SEC. 109. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by the Commonwealth of the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 110. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of countries fishing under the management authority of the North Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to or as soon as reasonably possible after, entering and transiting the exclusive economic zone bounded by the Convention Area—

(1) notify the United States Coast Guard of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter United States waters;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing activities and placed where it is not readily available for fishing activities; and

(3) if requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State $500,000 for each of fiscal years 2017 through 2021 to carry out this subtitle and to pay the United States contribution to the Commission under Article 12 of the North Pacific Fisheries Convention.

Subtitle B—Miscellaneous

SEC. 121. FUNDING FOR TRAVEL EXPENSES.

(a) NORTH PACIFIC BERING SEA FISHERIES ADVISORY BODY.—Section 5 of the Act entitled ''An Act to approve the governing international fishery agreement between the United States and the Union of Soviet Socialist Republics, and for other purposes'', approved November 7, 1988 (Public Law 100–629; 16 U.S.C. 1823 note), is amended by adding at the end the following:

''(e) TRAVEL EXPENSES.—

''(1) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of the members of the advisory body established pursuant to this section in carrying out their service as such members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.''.

(b) NORTH PACIFIC ANADROMOUS FISH COMMISSION.—

(1) UNITED STATES COMMISSIONERS.—Section 804 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003) is amended by adding at the end the following:

''(e) TRAVEL EXPENSES.—

''(1) IN GENERAL.—The Secretary shall pay the necessary travel expenses of the United States Commissioners and Alternate United States Commissioners in carrying out the duties of the Commission in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.''.

(2) ADVISORY PANEL.—Section 805 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5004) is amended by striking subsection (e) and inserting the following:

''(e) COMPENSATION.—The members of the Advisory Panel shall receive no compensation for their service as such members.

''(f) TRAVEL EXPENSES.—

''(1) IN GENERAL.—The Secretary shall pay the necessary travel expenses of the members of the Advisory Panel in carrying out their service as such members in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

''(2) REIMBURSEMENT.—The Secretary of Commerce may reimburse the Secretary for amounts expended by the Secretary under this subparagraph.''.

SEC. 122. NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998.

Section 10 of the National Sea Grant College Program Reauthorization Act of 1998 (15 U.S.C. 1541) is amended by striking ''the United States Coast Guard'' each place it appears and inserting ''another Federal agency''.

TITLE II—SOUTH PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''South Pacific Fisheries Convention Implementation Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 203.

(2) COMMISSION.—The term ''Commission'' means the South Pacific Fisheries Commission established under the South Pacific Fisheries Convention.

(3) COMMISSIONER.—The term ''Commissioner'' means a United States Commissioner appointed under section 203.

(4) CONVENTION AREA.—The term ''Convention Area'' means—

(A) the waters of the Pacific Ocean beyond areas of national jurisdiction and in accordance with international law, bounded by the 10° parallel of north latitude and the 20° parallel of south latitude and by the 135° meridian of east longitude and the 150° meridian of west longitude; and

(B) the waters of the Pacific Ocean beyond areas of national jurisdiction and in accordance with international law—

(i) east of a line extending south along the 120° meridian of east longitude from the outer limit of the national jurisdiction of Australia off the south coast of Western Australia to the intersection with the 55° parallel of south latitude; then due east along

the 55° parallel of south latitude to the intersection with the 150° meridian of east longitude; then due south along the 150° meridian of east longitude to the intersection with the 60° parallel of south latitude;

(ii) north of a line extending east along the 60° parallel of south latitude from the 150° meridian of east longitude to the intersection with the 67° 16′ meridian of west longitude;

(iii) west of a line extending north along the 67° 16′ meridian of west longitude from the 60° parallel of south latitude to its intersection with the outer limit of the national jurisdiction of Chile; then along the outer limits of the national jurisdictions of Chile, Peru, Ecuador and Colombia to the intersection with the 2° parallel of north latitude; and

(iv) south of a line extending west along the 2° parallel of north latitude (but not including the national jurisdiction of Ecuador (Galapagos Islands)) to the intersection with the 150° meridian of west longitude; then due north along the 150° meridian of west longitude to its intersection with 10° parallel of north latitude; then west along the 10° parallel of north latitude to its intersection with the outer limits of the national jurisdiction of the Marshall Islands; and then generally south and around the outer limits of the national jurisdictions of Pacific States and territories, New Zealand and Australia until it connects to the commencement of the line described in clause (i).

(5) COUNCIL.—The term ''Council'' means the Western Pacific Regional Fishery Management Council.

(6) EXCLUSIVE ECONOMIC ZONE OF THE UNITED STATES.—The term ''exclusive economic zone of the United States'' means the zone established by Presidential Proclamation Numbered 5030 of March 10, 1983 (16 U.S.C. 1453 note), the inner boundary of which, for purposes of this title, is a line coterminous with the seaward boundary of each of the coastal States.

(7) FISHERY RESOURCES.—

(A) IN GENERAL.—The term ''fishery resources'' means all fish within the Convention Area.

(B) INCLUSIONS.—The term ''fishery resources'' includes mollusks, crustaceans, and other living marine resources, including any products thereof, as may be decided by the Commission.

(C) EXCLUSIONS.—The term ''fishery resources'' does not include—

(i) sedentary species in so far as they are subject to the national jurisdiction of coastal States pursuant to Article 77 paragraph 4 of the 1982 Convention;

(ii) highly migratory species listed in Annex I of the 1982 Convention;

(iii) anadromous species;

(iv) catadromous species;

(v) marine mammals;

(vi) marine reptiles; or

(vii) sea birds.

(8) FISHING.—

(A) IN GENERAL.—The term ''fishing'' means—

(i) the actual or attempted searching for, catching, taking, or harvesting of fishery resources;

(ii) engaging in any activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fishery resources for any purpose;

(iii) transshipment and any operation at sea in direct support of, or in preparation for, any activity described in this subparagraph; or

(iv) the use of any vessel, vehicle, aircraft, or hovercraft, in relation to any activity described in clauses (i) through (iii).

(B) EXCLUSIONS.—The term ''fishing'' does not include any operation related to an emergency involving the health or safety of a crew member or the safety of a fishing vessel.

(9) FISHING VESSEL.—The term ''fishing vessel'' means any vessel used or intended for use for the purpose of fishing, including a support ship, a carrier vessel, or any other vessel directly involved in such fishing operations.

(10) PANEL.—The term ''Panel'' means the Council's Advisory Panel.

(11) PERSON.—The term ''person'' means—

(A) any individual, whether or not a citizen or national of the United States;

(B) any corporation, partnership, association, or other entity, whether or not organized or existing under the laws of any State; or

(C) any Federal, State, local, tribal, or foreign government, or any entity of such government.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(13) SOUTH PACIFIC FISHERIES CONVENTION.—The term ''South Pacific Fisheries Convention'' means the Convention on the Conservation and Management of the High Seas Fishery Resources in the South Pacific Ocean (including any annexes, amendments, or protocols that are in force, or have come into force, for the United States), which was adopted at Auckland on November 14, 2009.

(14) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

(15) STRADDLING STOCK.—The term ''straddling stock'' means a stock of fishery resources which migrates between, or occurs in, the exclusive economic zone of 1 or more parties to the South Pacific Fisheries Convention and the Convention Area.

(16) TRANSSHIPMENT.—The term ''transshipment'' means the unloading of all or any of the fishery resources or fishery resources products derived from fishing in the Convention Area on board a fishing vessel to another fishing vessel either at sea or in port.

(17) 1982 CONVENTION.—The term ''1982 Convention'' means the United Nations Convention on the Law of the Sea of 10 December 1982.

SEC. 203. APPOINTMENT OF UNITED STATES COMMISSIONERS.

(a) APPOINTMENT.—

(1) IN GENERAL.—The United States shall be represented on the Commission by not more than 3 Commissioners. In making each appointment, the President shall select a Commissioner from among individuals who are knowledgeable or experienced concerning fishery resources in the South Pacific Ocean.

(2) REPRESENTATION.—At least 1 of the Commissioners shall be—

(A) serving at the pleasure of the President, an officer or employee of—

(i) the Department of Commerce;

(ii) the Department of State; or

(iii) the United States Coast Guard; and

(B) the chairperson or designee of the Council.

(b) ALTERNATE COMMISSIONERS.—The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time considered appropriate an alternate Commissioner to the Commission. An alternate Commissioner may exercise all powers and duties of a Commissioner in the absence of a Commissioner appointed under subsection (a).

(c) ADMINISTRATIVE MATTERS.—

(1) EMPLOYMENT STATUS.—An individual serving as a Commissioner, or as an alternate Commissioner, other than an officer or employee of the United States Government, shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code and chapter 171 of title 28, United States Code.

(2) COMPENSATION.—An individual serving as a Commissioner or an alternate Commissioner, although an officer of the United States while so serving, shall receive no compensation for the individual's services as such Commissioner or alternate Commissioner.

(3) TRAVEL EXPENSES.—

(A) IN GENERAL.—The Secretary of State shall pay the necessary travel expenses of a Commissioner or an alternate Commissioner in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(B) REIMBURSEMENT.—The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this paragraph.

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF PERMANENT ADVISORY COMMITTEE.—

(A) MEMBERSHIP.—There is established an advisory committee which shall be composed of 7 members appointed by the Secretary as follows:

(i) A member engaging in commercial fishing in the management area of the Council.

(ii) 2 members from the indigenous population of the Pacific, including a Native Hawaiian and a native-born inhabitant of any State in the Pacific.

(iii) A member that is a marine fisheries scientist and a member of the Council's Scientific and Statistical Committee.

(iv) A member representing a non-governmental organization active in fishery issues in the Pacific.

(v) A member nominated by the Governor of the State of Hawaii.

(vi) A member designated by the Council.

(B) TERMS AND PRIVILEGES.—Each member of the Advisory Committee shall serve for a term of 2 years and shall be eligible for reappointment for not more than 3 consecutive terms. The Commissioners shall notify the Advisory Committee in advance of each meeting of the Commissioners. The Advisory Committee may attend each meeting and may examine and be heard on all proposed programs, investigations, reports, recommendations, and regulations of the Commissioners.

(C) PROCEDURES.—

(i) IN GENERAL.—The Advisory Committee shall determine its organization and prescribe its practices and procedures for carrying out its functions under this title, the South Pacific Fisheries Convention, and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(ii) PUBLIC AVAILABILITY OF PROCEDURES.—The Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures.

(iii) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum to conduct business.

(iv) PUBLIC MEETINGS.—Meetings of the Advisory Committee, except when in executive session, shall be open to the public. Prior notice of each non-executive meeting shall be made public in a timely fashion. The Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(D) PROVISION OF INFORMATION.—The Secretary and the Secretary of State shall furnish the Advisory Committee with relevant information concerning fishery resources and international fishery agreements.

(2) ADMINISTRATIVE MATTERS.—

(A) SUPPORT SERVICES.—The Secretary shall provide to the Advisory Committee in a timely manner such administrative and

technical support services as are necessary to function effectively.

(B) COMPENSATION; STATUS; EXPENSES.—An individual appointed to serve as a member of the Advisory Committee—

(i) shall serve without pay; and

(ii) shall not be considered a Federal employee, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(e) MEMORANDUM OF UNDERSTANDING.—For fishery resources in the Convention Area, the Secretary, in coordination with the Secretary of State, shall develop a memorandum of understanding with the Council that clarifies the role of the Council with respect to—

(1) participation in United States delegations to international fishery organizations in the Pacific Ocean, including government-to-government consultations;

(2) providing formal recommendations to the Secretary and the Secretary of State regarding necessary measures for both domestic and foreign fishing vessels;

(3) coordinating positions with the United States delegation for presentation to the appropriate international fishery organization; and

(4) recommending those domestic fishing regulations that are consistent with the actions of the international fishery organization, for approval and implementation under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 204. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF STATE.

The Secretary of State may—

(1) receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, decisions, and other communications of and to the Commission;

(2) in consultation with the Secretary, act upon, or refer to other appropriate authority, any communication under paragraph (1);

(3) with the concurrence of the Secretary, and in accordance with the provisions of the Convention, object to any decision of the Commission; and

(4) in the conduct of any program, including scientific and research programs, under this title, request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies, foreign governments, foreign agencies, or international intergovernmental organizations.

SEC. 205. AUTHORITY OF THE SECRETARY OF COMMERCE.

(a) PROMULGATION OF REGULATIONS.—

(1) AUTHORITY.—The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the department in which the Coast Guard is operating, is authorized to promulgate such regulations as may be necessary to carry out United States international obligations under the South Pacific Fisheries Convention and this title, including recommendations and decisions adopted by the Commission.

(2) REGULATIONS OF STRADDLING STOCKS.—If the Secretary has discretion in the implementation of 1 or more measures adopted by the Commission that would govern a straddling stock under the authority of the Council, the Secretary shall promulgate, to the extent practicable within the implementation schedule of the South Pacific Fisheries Convention and any recommendations and decisions adopted by the Commission, such regulations in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) RULE OF CONSTRUCTION.—Regulations promulgated under subsection (a) shall be applicable only to a person or a fishing vessel that is or has engaged in fishing, or fishery resources covered by the South Pacific Fisheries Convention under this title.

(c) ADDITIONAL AUTHORITY.—The Secretary may conduct, and may request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in—

(1) scientific, research, and other programs under this title;

(2) fishing operations and biological experiments for purposes of scientific investigation or other purposes necessary to implement the South Pacific Fisheries Convention;

(3) the collection, utilization, and disclosure of such information as may be necessary to implement the South Pacific Fisheries Convention, subject to sections 552 and 552a of title 5, United States Code, and section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b));

(4) if recommended by the Commissioners, the assessment and collection of fees, not to exceed 3 percent of the ex-vessel value of fishery resources harvested by vessels of the United States in fisheries conducted in the Convention Area, to recover the actual costs to the United States of management and enforcement under this title, which shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Secretary under this title; and

(5) the issuance of permits to owners and operators of United States vessels to engage in fishing in the Convention Area seaward of the exclusive economic zone of the United States, under such terms and conditions as the Secretary may prescribe, including the period of time that a permit is valid.

(d) CONSISTENCY WITH OTHER LAWS.—The Secretary shall ensure the consistency, to the extent practicable, of fishery management programs administered under this title, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.), section 401 of Public Law 108–219 (16 U.S.C. 1821 note) (relating to Pacific albacore tuna), the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.), and the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.).

(e) JUDICIAL REVIEW OF REGULATIONS.—

(1) IN GENERAL.—Regulations promulgated by the Secretary under this title shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed not later than 30 days after the date on which the regulations are promulgated.

(2) RESPONSES.—Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 30 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(3) COPIES OF ADMINISTRATIVE RECORD.—A response of the Secretary under paragraph (2) shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) EXPEDITED HEARINGS.—Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date.

SEC. 206. ENFORCEMENT.

(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating—

(1) shall administer and enforce this title and any regulations issued under this title; and

(2) may request and utilize on a reimbursed or non-reimbursed basis the assistance, services, personnel, equipment, and facilities of other Federal departments and agencies in the administration and enforcement of this title.

(b) SECRETARIAL ACTIONS.—Except as provided under subsection (c), the Secretary and the Secretary of the department in which the Coast Guard is operating shall prevent any person from violating this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858, 1859, 1860, 1861) were incorporated into and made a part of this title. Any person that violates any provision of this title is subject to the penalties and entitled to the privileges and immunities provided in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in the same manner, by the same means, and with the same jurisdiction, power, and duties as though sections 308 through 311 of that Act (16 U.S.C. 1858, 1859, 1860, 1861) were incorporated into and made a part of this title.

(c) JURISDICTION OF THE COURTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this title, and any such court may at any time—

(A) enter restraining orders or prohibitions;

(B) issue warrants, process in rem, or other process;

(C) prescribe and accept satisfactory bonds or other security; and

(D) take such other actions as are in the interest of justice.

(2) HAWAII AND PACIFIC INSULAR AREAS.—In the case of Hawaii or any other State in the Pacific Ocean, the appropriate court is the United States District Court for the District of Hawaii, except that—

(A) in the case of Guam and Wake Island, the appropriate court is the United States District Court for the District of Guam; and

(B) in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands.

(3) CONSTRUCTION.—Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district authorized by law. Any offense not committed in any district is subject to the venue provisions of section 3238 of title 18, United States Code.

(d) CONFIDENTIALITY.—

(1) IN GENERAL.—Any information submitted in compliance with a requirement under this title to the Secretary or to implement the Convention, including information submitted on or before the date of enactment of the Ensuring Access to Fisheries Act, shall be confidential and may not be disclosed, except—

(A) to a Federal employee who is responsible for administering, implementing, or enforcing this title;

(B) to the Commission, in accordance with requirements in the South Pacific Fisheries Convention and decisions of the Commission, and, insofar as possible, in accordance with

an agreement with the Commission that prevents public disclosure of the identity or business of any person;

(C) to a State or Council employee pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

(D) when required by court order; or

(E) when the Secretary has obtained written authorization from the person submitting such information to release such information to another person for a reason not otherwise provided for in this paragraph, and such release does not violate other requirements of this title.

(2) USE OF INFORMATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary shall promulgate regulations regarding the procedures the Secretary considers necessary to preserve the confidentiality of information under this title.

(B) EXCEPTION.—The Secretary may release or make public information submitted under this title if the information is in any aggregate or summary form that does not directly or indirectly disclose the identity or business of any person.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary of any information submitted under this title.

SEC. 207. PROHIBITED ACTS.

It is unlawful for any person—

(1) to violate any provision of this title or any regulation or permit issued under this title;

(2) to use any fishing vessel to engage in fishing without, or after the revocation or during the period of suspension of, an applicable permit issued under this title;

(3) to refuse to permit any officer authorized to enforce the provisions of this title to board a fishing vessel subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title or the South Pacific Fisheries Convention;

(4) to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection in connection with the enforcement of this title or the South Pacific Fisheries Convention;

(5) to resist a lawful arrest for any act prohibited by this title or any regulation promulgated or permit issued under this title;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any fisheries resources if the person knew or should have known in the exercise of due care that the fisheries resources were taken or retained in violation of this title or any regulation or permit referred to in paragraph (1) or paragraph (2);

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

(8) to submit to the Secretary false information (including false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Secretary is considering in the course of carrying out this title if the person knew or should have known in the exercise of due care that the information was false;

(9) to assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with any observer on a vessel under this title, or any data collector employed by or under contract to any person to carry out responsibilities under this title;

(10) to engage in fishing in violation of any regulation adopted under this title;

(11) to fail to make, keep, or furnish any catch returns, statistical records, or other reports required to be made, kept, or furnished under this title;

(12) to fail to stop a vessel upon being hailed and instructed to stop by a duly authorized official of the United States;

(13) to import, in violation of any regulation promulgated under this title, any fishery resources in any form of those species subject to regulation pursuant to a recommendation, resolution, or decision of the Commission, or any fishery resources in any form not under regulation but under investigation by the Commission, during the period the fishery resources have been denied entry in accordance with the provisions of this title;

(14) to make or submit any false record, account, or label for, or any false identification of, any fishery resources which have been, or are intended to be imported, exported, transported, sold, offered for sale, purchased, or received in interstate or foreign commerce; or

(15) to refuse to authorize and accept boarding by a duly authorized inspector pursuant to procedures adopted by the Commission for the boarding and inspection of fishing vessels in the Convention Area.

SEC. 208. COOPERATION IN CARRYING OUT CONVENTION.

(a) FEDERAL AND STATE AGENCIES; PRIVATE INSTITUTIONS AND ORGANIZATIONS.—The Secretary may cooperate with departments and agencies of the United States Government, any public or private institutions or organizations within the United States or abroad, and, through the Secretary of State, the duly authorized officials of the government of any party to the South Pacific Fisheries Convention, in carrying out responsibilities under this title.

(b) SCIENTIFIC AND OTHER PROGRAMS; FACILITIES AND PERSONNEL.—Each Federal department and agency is authorized, upon the request of the Secretary, to cooperate in the conduct of scientific and other programs and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the South Pacific Fisheries Convention.

(c) SANCTIONED FISHING OPERATIONS AND BIOLOGICAL EXPERIMENTS.—Nothing in this title, or in the laws of any State, prevents the Secretary or the Commission from—

(1) conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation; or

(2) discharging any other duties prescribed by the South Pacific Fisheries Convention.

(d) STATE JURISDICTION NOT AFFECTED.—Nothing in this title shall be construed to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

SEC. 209. TERRITORIAL PARTICIPATION.

The Secretary of State shall ensure participation in the Commission and its subsidiary bodies by American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands to the same extent provided to the territories of other nations.

SEC. 210. EXCLUSIVE ECONOMIC ZONE NOTIFICATION.

Masters of commercial fishing vessels of nations fishing under the management authority of the South Pacific Fisheries Convention that do not carry vessel monitoring systems capable of communicating with United States enforcement authorities shall, prior to, or as soon as reasonably possible after, entering and transiting the exclusive economic zone of the United States seaward of the Convention Area—

(1) notify the United States Coast Guard of the name, flag state, location, route, and destination of the vessel and of the circumstances under which it will enter the exclusive economic zone of the United States seaward of the Convention Area;

(2) ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing and placed where it is not readily available for fishing; and

(3) if requested by an enforcement officer, proceed to a specified location so that a vessel inspection can be conducted.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State $500,000 for each of fiscal years 2017 through 2021 to carry out this title and to pay the United States contribution to the Commission under Article 15 of the South Pacific Fisheries Convention.

(b) INTERNATIONAL COOPERATION AND ASSISTANCE.—

(1) IN GENERAL.—Subject to the limits of available appropriations and consistent with applicable law, the Secretary or the Secretary of State shall provide appropriate assistance, including grants, to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the South Pacific Fisheries Convention.

(2) TRANSFER OF FUNDS.—Subject to the limits of available appropriations and consistent with other applicable law, the Secretary and the Secretary of State are authorized to transfer funds to any foreign government, international, non-governmental, or international organization, including the Commission, for purposes of carrying out the international responsibilities under paragraph (1).

TITLE III—NORTHWEST ATLANTIC FISHERIES CONVENTION AMENDMENTS ACT

SEC. 301. SHORT TITLE; REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) SHORT TITLE.—This title may be cited as the ''Northwest Atlantic Fisheries Convention Amendments Act''.

(b) REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—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 Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.).

SEC. 302. REPRESENTATION OF THE UNITED STATES UNDER CONVENTION.

Section 202 (16 U.S.C. 5601) is amended—

(1) in subsection (a)(1), by striking ''General Council and the Fisheries'';

(2) in subsection (b)(1), by striking ''at a meeting of the General Council or the Fisheries Commission'';

(3) in subsection (b)(2), by striking '', at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated'';

(4) in subsection (d)(1), by striking ''at a meeting of the Scientific Council'';

(5) in subsection (d)(2), by striking '', at any meeting of the Scientific Council for which the Alternative Representative is designated''; and

(6) in subsection (f)(1)(A), by striking ''Magnuson Act'' and inserting ''Magnuson-

Stevens Fishery Conservation and Management Act''.

SEC. 303. REQUESTS FOR SCIENTIFIC ADVICE.

Section 203 (16 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) by striking ''The Representatives may'' and inserting ''A Representative may'';

(B) by striking ''described in subsection (b)(1) or (2)'' and inserting ''described in paragraph (1) or (2) of subsection (b)''; and

(C) by striking ''the Representatives have'' and inserting ''the Representative has'';

(2) by striking ''VII(1)'' each place it appears and inserting ''VII(10)(b)''; and

(3) in subsection (b)(2), by striking ''VIII(2)'' and inserting ''VII(11)''.

SEC. 304. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

Section 204 (16 U.S.C. 5603) is amended by striking ''Fisheries Commission'' each place it appears and inserting ''Commission consistent with the procedures detailed in Articles XIV and XV of the Convention''.

SEC. 305. INTERAGENCY COOPERATION.

Section 205(a) (16 U.S.C. 5604(a)) is amended to read as follows:

''(a) AUTHORITIES OF THE SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with—

''(1) any department, agency, or instrumentality of the United States;

''(2) a State;

''(3) a Council; or

''(4) a private institution or an organization.''.

SEC. 306. PROHIBITED ACTS AND PENALTIES.

Section 207 (16 U.S.C. 5606) is amended—

(1) by striking ''Magnuson Act'' each place it appears and inserting ''Magnuson-Stevens Fishery Conservation and Management Act''; and

(2) by striking ''fish'' each place it appears and inserting ''fishery resources''.

SEC. 307. CONSULTATIVE COMMITTEE.

Section 208 (16 U.S.C. 5607) is amended—

(1) in subsection (b)(2), by striking ''two'' and inserting ''2''; and

(2) in subsection (c), by striking ''General Council or the Fisheries'' each place it appears.

SEC. 308. DEFINITIONS.

Section 210 (16 U.S.C. 5609) is amended to read as follows:

''SEC. 210. DEFINITIONS.

''In this title:

''(1) 1982 CONVENTION.—The term '1982 Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982.

''(2) AUTHORIZED ENFORCEMENT OFFICER.—The term 'authorized enforcement officer' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

''(3) COMMISSION.—The term 'Commission' means the body provided for by Articles V, VI, XIII, XIV, and XV of the Convention.

''(4) COMMISSIONER.—The term 'Commissioner' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202.

''(5) CONVENTION.—The term 'Convention' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978, and as amended on September 28, 2007.

''(6) CONVENTION AREA.—The term 'Convention Area' means the waters of the Northwest Atlantic Ocean north of 35°00′ N and west of a line extending due north from 35°00′ N and 42°00′ W to 59°00′ N, thence due west to 44°00′ W, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10′ N.

''(7) COUNCIL.—The term 'Council' means the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council.

''(8) FISHERY RESOURCES.—

''(A) IN GENERAL.—The term 'fishery resources' means all fish, mollusks, and crustaceans, including any products thereof, within the Convention Area.

''(B) EXCLUSIONS.—The term 'fishery resources' does not include—

''(i) sedentary species over which coastal States may exercise sovereign rights consistent with Article 77 of the 1982 Convention; or

''(ii) in so far as they are managed under other international treaties, anadromous and catadromous stocks and highly migratory species listed in Annex I of the 1982 Convention.

''(9) FISHING ACTIVITIES.—

''(A) IN GENERAL.—The term 'fishing activities' means harvesting or processing fishery resources, or transhipping of fishery resources or products derived from fishery resources, or any other activity in preparation for, in support of, or related to the harvesting of fishery resources.

''(B) INCLUSIONS.—The term 'fishing activities' includes—

''(i) the actual or attempted searching for or catching or taking of fishery resources;

''(ii) any activity that can reasonably be expected to result in locating, catching, taking, or harvesting of fishery resources for any purpose; and

''(iii) any operation at sea in support of, or in preparation for, any activity described in this paragraph.

''(C) EXCLUSIONS.—The term 'fishing activities' does not include any operation related to emergencies involving the health and safety of crew members or the safety of a vessel.

''(10) FISHING VESSEL.—

''(A) IN GENERAL.—The term 'fishing vessel' means a vessel that is or has been engaged in fishing activities.

''(B) INCLUSIONS.—The term 'fishing vessel' includes a fish processing vessel or a vessel engaged in transshipment or any other activity in preparation for or related to fishing activities, or in experimental or exploratory fishing activities.

''(11) ORGANIZATION.—The term 'Organization' means the Northwest Atlantic Fisheries Organization provided for by Article V of the Convention.

''(12) PERSON.—The term 'person' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

''(13) REPRESENTATIVE.—The term 'Representative' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202.

''(14) SCIENTIFIC COUNCIL.—The term 'Scientific Council' means the Scientific Council provided for by Articles V, VI, and VII of the Convention.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(16) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any other commonwealth, territory, or possession of the United States.

''(17) TRANSSHIPMENT.—The term 'transshipment' means the unloading of all or any of the fishery resources on board a fishing vessel to another fishing vessel either at sea or in port.''.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

Section 211 (16 U.S.C. 5610) is amended to read as follows:

''SEC. 211. CONTRIBUTIONS TO ORGANIZATION.

''There is authorized to be appropriated out of funds made available to the Secretary and the Secretary of State $500,000 for each of fiscal years 2017 through 2021 to carry out this title and to pay the United States contribution to the Organization as provided in Article IX of the Convention.''.

SEC. 310. QUOTA ALLOCATION PRACTICE.

Section 213 (16 U.S.C. 5612) is repealed.

SA 4004. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 3896 proposed by Ms. COLLINS (for herself, Mr. KIRK, Mr. REED, and Mr. TESTER) to the bill H.R. 2577, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

In division A, strike section 225 and insert the following:

SEC. 225. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary''), and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 30 or less;

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected; or

(3) receives a UPCS score between 31 and 59 and has received consecutive scores of less than 60 on UPCS inspections.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(c) CORRECTIONS OF DEFICIENCIES.—

(1) The Secretary shall notify the owner and provide an opportunity for response within 30 days. If the violations remain, the Secretary shall develop a Compliance, Disposition and Enforcement Plan within 60 days and must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

(d) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to and informed consent of the affected tenants and use of other remedies set forth above. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times;

(2) actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 17, 2016, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 17, 2016, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Integrating the Corporate and Individual Tax Systems: The Dividends Paid Deduction Considered.''

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 17, 2016, 11 a.m., to conduct a hearing entitled ''War in Syria: Next Steps to Mitigate the Crisis.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 17, 2016, at 2:30 p.m., to conduct a hearing entitled ''America's Insatiable Demand for Drugs: Assessing the Federal Response.''

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

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 17, 2016, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''National Foster Care Month: Supporting Youth in the Foster Care and Juvenile Justice Systems.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee On Intelligence be authorized to meet during the session of the Senate on May 17, 2016, at 2:30 p.m., in room SH–219 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBER SECURITY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on East Asia, the Pacific, and International Cyber Security be authorized to meet during the session of the Senate on May 17, 2016, 4 p.m., to conduct a hearing entitled ''International Cybersecurity Strategy.''

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

SUBCOMMITTEE ON FISHERIES, WATER, AND WILDLIFE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Water, and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 17, 2016, at 10 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Marine Debris and Wildlife: Impacts, Sources, and Solutions.''

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

SUBCOMMITTEE ON WATER AND POWER

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources' Subcommittee on Water and Power be authorized to meet during the session of the Senate on May 17, 2016, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Christopher Banks, a congressional detailee to the Appropriations Committee, be given floor privileges for the remainder of this session.

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

NATIONAL POLICE WEEK

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 468, which was submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 468) designating the week of May 15 through May 21, 2016, as ''National Police Week.''

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

Ms. COLLINS. Mr. President, I ask unanimous consent that I be added as a cosponsor to S. Res. 468.

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

Ms. COLLINS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 468) was agreed to.

The preamble was agreed to.

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

NORTH PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 405, S. 1335.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1335) to implement the Convention on the Conservation and Management of the High Seas Fisheries Resources in the North Pacific Ocean, as adopted at Tokyo on February 24, 2012, and for other purposes.

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

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

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

The amendment (No. 4003) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1335), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, MAY 18, 2016

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, May 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 for 1 hour, with Senators permitted to speak therein, and with the majority controlling the first half and the Democrats controlling the final half; that following morning business, the Senate then resume consideration of H.R. 2577; finally, that all time during the adjournment and morning business count postcloture on the Blunt-Murray amendment No. 3900.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Ms. COLLINS. 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 following the remarks of the Senator from Rhode Island, Mr. WHITEHOUSE.

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

The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I thank the chairman for giving me this time at the end of the day and congratulate her on the progress that has been made with my senior Senator, JACK REED, on this bill.

This is the 137th time that I have addressed this body, asking us to wake up to the threat of climate change. While we sleepwalk, our atmosphere and oceans continue to suffer the damage caused by carbon pollution. As we do nothing, more and more Americans demand action. Look at the new findings from Yale and George Mason Universities. Despite years of industry climate denial propaganda, 75 percent of all registered voters—88 percent of Democrats, 78 percent of Independents, and 61 percent of Republicans—support regulating carbon dioxide as a pollutant; 74 percent of registered voters—88 percent of Democrats, 74 percent of Independents, and 56 percent of Republicans—say corporations and industry should do more to address global warming, and 68 percent of all registered voters—86 percent of Democrats, 66 percent of Independents, and 47 percent even of Republicans—believe fossil fuel companies should be required to pay a carbon tax and the money should be used to reduce other taxes, such as income taxes, by an equal amount.

So why does this Chamber sit idly by and not even have that conversation? Take the fossil fuel industry. For years Big Oil and its allies funded outright denial of man-made climate change. Now they have shifted strategies, from denial to dissembling—saying one thing but doing another.

Take ExxonMobil. In 2007, the oil giant committed to stop funding the front groups that promote science denial. Here is what they said: ''In 2008, we will discontinue contributions to several public policy research groups whose positions on climate change could divert attention from the important discussion on how the world will secure the energy required for economic growth in an environmentally responsible manner.''

This sounds like a step toward responsible corporate behavior. A casual reader might believe that ExxonMobil would in fact stop funding groups with anti-scientific climate positions. One might think that, but one would be wrong.

According to publicly available company documents, in 2014, ExxonMobil funded several organizations that promote climate science disinformation, including the American Legislative Exchange Council, which peddled legislation to State legislatures that include a finding that human-induced global warming ''may lead to . . . possibly beneficial climactic changes''; the Hoover Institution, whose senior fellow is not a climate scientist, argued that climate data since 1880 supports a conclusion that it would take as long as long as 500 years to reach 4 degrees centigrade of global warming; the Manhattan Institute of Policy Research, where a senior fellow writing about climate change said: ''The science is not settled, not by a long shot. . . . Furthermore, even if we accept that carbon dioxide is bad, it's not clear exactly what we should do about it''; the so-called National Black Chamber of Commerce, whose President and CEO, Harry Alford, played the debunked denier card, that ''there has been no global warming detected for the last 18 years. That is over 216 months in a row that there has been no detected global warming.'' By the way, NASA just reported that April was the hottest April ever recorded, just like every one of the past 7 months was the hottest ever recorded for that month. Let's not forget our friends at the Pacific Legal Foundation, whose senior attorney attacked EPA's authority to even regulate CO_2, in part, because it is a ''ubiquitous natural substance essential to life on Earth.''

Saying one thing and doing another—ExxonMobil is publicly saying it is separated from the climate denial outfits, but it is still subsidizing their work to undermine public understanding of climate change. This doesn't even count whatever they may be doing behind the dark money curtain that wretched Citizens United decision gave them.

The hypocrisy turns even worse in fossil fuel industry lobbying. An ExxonMobil executive recently stated: ''When governments are considering policy options, ExxonMobil believes a revenue-neutral carbon tax is the most effective way to manage carbon emissions.''

I have a revenue-neutral carbon tax bill, along with Senator SCHATZ, and I can assure this body that ExxonMobil is not lobbying in support of it. Every Member of Congress knows that all the massive political infrastructure of the fossil fuel industry is adamantly opposed to any meaningful action.

Shell Oil issued a report just last week that states: ''Economy-wide carbon pricing—whether through carbon trading, carbon taxes or mandated carbon-emissions standards—provides an efficient and cost-effective way of aligning incentives and motivating action across the economy to reduce carbon emissions.''

Top executives of six large European oil and gas companies, including Shell, BP and Statoil, issued a joint letter calling on governments ''to introduce carbon pricing systems where they do not yet exist at the national or regional levels. . . . [W]e and our senior staff will seek to engage and share our companies' perspectives on the role of carbon pricing in several important settings,'' which includes ''in our meetings with Ministers and government representatives.''

I ask unanimous consent to have printed in the RECORD the letter at the conclusion of my remarks.

The question is, Has any Member of the Senate ever seen Shell or BP or Statoil or any other oil and gas company or any of their lobbying entities even once lobby Members of Congress on carbon pricing—other than, of course, to say, hell, no.

My bill with Senator SCHATZ, the American Opportunity Carbon Fee Act, provides a market-based, revenue-neutral carbon fee—just like these companies say they support. It is built on principles espoused by leading Republican economists and by Republican former officeholders.

Despite the industry's claims, I have seen exactly zero evidence that any of these companies—or their sizable trade associations—are using any of their lobbying muscle to advance carbon pricing legislation. Instead, ExxonMobil and Shell and the trade associations that represent them continue to pump millions of dollars into political machinery designed to lobby against any action on climate change. They say one thing, but they do another.

This chart from the nonprofit research organization InfluenceMap shows the streams of money flowing from ExxonMobil and from Shell, as well as from the American Petroleum Institute, the Western States Petroleum Association, and even the Australian Petroleum Production and Exploration Association. In 2015 alone, ExxonMobil spent $27 million, Shell spent $22 million, and the American Petroleum Institute spent $65 million on obstructive climate lobbying. This money deluge includes advertising and public relations, direct lobbying in Congress and at statehouses, and political contributions and electioneering. They say one thing but do another—to the tune of $100 million a year.

As late as 2014, ExxonMobil gave the U.S. Chamber of Commerce $1 million for the chamber to propagate its climate message, delivered loud and clear not only here in Congress but in the courts, of absolute intransigence against any serious climate action. The U.S. Chamber is powerful, and in Congress we all see everywhere around us its implacable hostility against serious climate legislation.

The gap between ExxonMobil's stated support for a revenue-neutral carbon tax and its lobbying activities in Congress against any such thing is why Representative TED LIEU of California and I recently asked the American Geophysical Union, a topnotch scientific society, to reexamine its financial support from ExxonMobil. The American Geophysical Union is made up of honest scientists. In their world, they likely expect that when people say something, it is true. Sadly, in Congress we don't enjoy the same experience. The good-hearted folks at the American Geophysical Union appear to have been taken in by ExxonMobil's false claims of support for a carbon price. Since we actually see the fossil fuel industry's lobbying presence, we wanted to correct any false impression.

What we see in Congress is that their lobbying efforts are 100 percent opposed to any action on Climate. . . . Whatever position AGU chooses to take, you should not take it based on self-serving representations by ExxonMobil.

POLITICO reported that in November ExxonMobil sent executives to Capitol Hill to try and convince congressional critics that ExxonMobil is a conscientious corporation that supports ''sound climate policy.'' Who did they think they were kidding? Do they think we don't know how they lobby? We are the targets of their lobbying. We know how they lobby. Unsurprisingly, the ExxonMobil executives left DC ''empty-handed . . . after refusing to directly answer questions about whether [ExxonMobil] had suppressed internal research that underscored the threat of climate change while publicly sowing doubt about climate science.''

Given the fossil fuel industry's massive conflict of interest on carbon pollution, there is every reason for them to play a double game: trying to buy a little credibility for themselves with their public comments, while at the same time using all their lobbying muscle to crush any threat of bipartisan action on the carbon pricing they claim to espouse.

Sadly, in this double game they play, the fossil fuel industry has essentially no corporate opposition in Congress. Across the private sector, there are great corporate leaders on climate change, but from what I see, corporate climate lobbying from the good guys nets to zero. The good guys have given up the field and let the fossil fuel industry to have its way with Congress unopposed, and the result is predictable: Many good Members of Congress are frozen in place, often against their better judgment.

I ask unanimous consent to have printed in the RECORD an article I recently wrote for Harvard Business Review explaining this reality.

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

[From the Harvard Business Review, Feb. 25, 2016]

THE CLIMATE MOVEMENT NEEDS MORE CORPORATE LOBBYISTS

(By Sheldon Whitehouse)

Across corporate America, there is broad support for action on climate change. Leading businesses and executives vocally supported President Obama on the Paris Agreement. Many companies have committed themselves to getting onto a sustainable path, and many are pushing their commitment out through their supply chains. This is good, and it's important.

But it makes us in Congress feel a little left out. The corporate lobbying presence in Congress is immense. But in my experience, exactly zero of it is dedicated to lobbying for a good, bipartisan climate bill.

Dante wrote that above the Inferno was a sign: ''Abandon hope all ye who enter here.'' But there is hope in Congress. Many of my Republican colleagues are eager for some political support, to counter the fossil fuel industry's relentless onslaught.

Despite the statements emitted from oil companies' executive suites about taking climate change seriously and supporting a price on carbon, their lobbying presence in Congress is 100% opposed to any action. In particular, the American Petroleum Institute, the oil industry trade association, is an implacable foe. Given the industry's massive conflict of interest, there is every reason to believe they are playing a double game: trying to buy a little credibility with these public comments while using all their quiet lobbying muscle to crush any threat of bipartisan action on the carbon pricing they claim to espouse.

I am a sponsor of a Senate carbon fee bill, so I know this firsthand. I see their destructive handiwork all around me—and they have no corporate opposition.

Let me use the example of two good guys: Coca-Cola and PepsiCo. I believe they care about climate change. They have no conflict of interest like fossil fuel companies do. Both signed a public letter urging strong action on climate in Paris. Pepsi signed two major business climate action pledges, the Ceres BICEP Climate Declaration in the United States and the Prince of Wales's Corporate Leaders Group Trillion Tonne Communiqué in the UK.

Coca-Cola's website says it will reduce CO_2 emissions by 25% by ''making comprehensive carbon footprint reductions across its manufacturing processes, packaging formats, delivery fleet, refrigeration equipment, and ingredient sourcing.'' Coca-Cola says, ''We . . . encourag[e] progress in response to climate change.'' Indra Nooyi, chair and CEO of PepsiCo says: ''Combating climate change is absolutely critical to the future of our company, customers, consumers—and our world. I believe all of us need to take action now.''

And they are taking action. Their effort puts Coke and Pepsi at the forefront of corporate climate responsibility. But they lobby Congress through a trade association, the American Beverage Association, and through the business lobbying group, the U.S. Chamber of Commerce. The American Beverage Association sits on the board of the U.S. Chamber of Commerce and contributes a lot of money to it.

The American Beverage Association, as far as I can tell, has never lobbied on climate change. When the Association thought Congress might impose a soda tax to fund health care, they lobbied like crazy—nearly $30 million dollars' worth. They know how to lobby, when they want to. But on climate, I've never seen it.

Everyone in Congress knows that the U.S. Chamber of Commerce is dead set against Congress doing anything serious about climate change. The U.S. Chamber is very powerful, and its power in Congress is fully dedicated to stopping any serious climate legislation. We see their hostility everywhere.

The result is that Coke and Pepsi take great positions on climate change in their public materials and private actions, but here in Congress their lobbying agencies don't support their position.

No corporate lobbying force is exerted for good on climate change. Mars, maker of the iconic M&M, is going fully carbon neutral. Its climate performance is spectacular. No lobbying. WalMart, America's biggest retailer, is spending tens of millions of dollars to become sustainable. No lobbying. Apple and Google and Facebook are forward-looking, cutting-edge companies of the future, and they lead in sustainability. No lobbying.

The reasoning I am given is always the same. People fear retribution, so embedded is the fossil fuel industry in Congress. The

result is the good guys abandoning the field to the worst climate actors in America: the fossil fuel industry and its array of front groups. They don't just lobby. The roughest of these, Americans for Prosperity, boasts loudly that it will spend $750 million in this election (it's already through $400 million and climbing) and that any effort to address climate change will put candidates in ''political peril,'' that they'll be ''at a severe disadvantage.'' Subtle like a brick.

My response is twofold.

Climate change is not just any other issue. It's so big an issue that the world's leaders just gathered in Paris to address it. It's so big an issue that it has its own page on most corporate websites. It's so big an issue that our former Pacific commander, Admiral Samuel J. Locklear, said it was the biggest national security threat we face in the Pacific Theater. To use his words, climate change ''is probably the most likely thing that is going to happen . . . that will cripple the security environment, probably more likely than the other scenarios we all often talk about.'' So it's big enough for corporations to treat it as more than just another issue in Congress.

Second, they can't hurt you if you organize. An antelope alone may fall to the hyenas, but the herd will protect itself. The fossil fuel industry can't punish Coke and Pepsi and WalMart and Apple and Google and Mars and all the other 100-plus companies who rallied publicly around a strong Paris agreement. You have to stand together.

Around Congress, the bullying menace of the fossil fuel industry is a constant. If the good guys cede the field to them, the result is predictable: members of Congress frozen in place, often against their better judgment. It doesn't have to be this way. I'm in Congress, and I'm writing here to say: we need you guys to show up.

Mr. WHITEHOUSE. Mr. President, it is time not just for us to wake up but for the good guys to show up. Fossil fuel folks for years outright denied climate change and happily funded their array of denial front groups. That failed the tests of truth and decency, but at least it was consistent. This new hypocrisy, to say one thing and do another, is playing with fire. First, it poses a legal risk. It is never good to say things you can't truthfully say under oath, which may be one reason we see such histrionics from the climate denial front groups about investigations where fossil fuel executives may have to tell the truth under oath. Second, it is a real reputation risk, especially among younger consumers who aren't going to love an industry that lies. It is hard to say that you are not lying when what you are saying and what you are doing are opposite.

It is time for the fossil fuel industry to end this new double game. Either put your money where your mouth is and start working with Congress to enact a price on carbon, as you say you wish, or go back to your climate denial and your creepy front groups and see how that works out for you, but saying one thing while you are doing the exact opposite is just not sustainable.

I yield the floor.

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

MAY 29, 2015.

Her Excellency, Ms. CHRISTIANA FIGUERES,
Executive Secretary of the UNFCCC,
Bonn, Germany.

His Excellency, Mr. LAURENT FABIUS President of COP21,
Paris, France.

DEAR EXCELLENCIES: Climate change is a critical challenge for our world. As major companies from the oil & gas sector, we recognize both the importance of the climate challenge and the importance of energy to human life and well-being. We acknowledge that the current trend of greenhouse gas emissions is in excess of what the Intergovernmental Panel on Climate Change (IPCC) says is needed to limit the temperature rise to no more than 2 degrees above pre-industrial levels. The challenge is how to meet greater energy demand with less CO_2. We stand ready to play our part.

Our companies are already taking a number of actions to help limit emissions, such as growing the share of gas in our production, making energy efficiency improvements in our operations and products, providing renewable energy, investing in carbon capture and storage, and exploring new low-carbon technologies and business models. These actions are a key part of our mission to provide the greatest number of people with access to sustainable and secure energy.

For us to do more, we need governments across the world to provide us with clear, stable, long-term, ambitious policy frameworks. This would reduce uncertainty and help stimulate investments in the right low carbon technologies and the right resources at the right pace.

We believe that a price on carbon should be a key element of these frameworks. If governments act to price carbon, this discourages high carbon options and encourages the most efficient ways of reducing emissions widely, including reduced demand for the most carbon intensive fossil fuels, greater energy efficiency, the use of natural gas in place of coal, increased investment in carbon capture and storage, renewable energy, smart buildings and grids, off-grid access to energy, cleaner cars and new mobility business models and behaviors.

Our companies are already exposed to a price on carbon emissions by participating in existing carbon markets and applying 'shadow' carbon prices in our own businesses to test whether investments will be viable in a world where carbon has a higher price.

Yet, whatever we do to implement carbon pricing ourselves will not be sufficient or commercially sustainable unless national governments introduce carbon pricing evenhandedly and eventually enable global linkage between national systems. Some economies have not yet taken this step, and this could create uncertainty about investment and disparities in the impact of policy on businesses.

Therefore, we call on governments, including at the UNFCCC negotiations in Paris and beyond—to:

Introduce carbon pricing systems where they do not yet exist at the national or regional levels.

Create an international framework that could eventually connect national systems.

To support progress towards these outcomes, our companies would like to open direct dialogue with the UN and willing governments. We have important areas of interest in and contributions to make to creating and implementing a workable approach to carbon pricing, including:

1. Experience. For more than a century we have provided energy to the world. We are global in reach, closely familiar with managing major projects and risks of many kinds, and well-versed in trading and logistics. As we are already users of carbon pricing systems across the world, exchange of information at international scale could help to identify the best solutions.

2. Motivation. We want to be a part of the solution and deliver energy to society sustainably for many decades to come. Like our counterparts in other industry sectors we will play a key role in implementing the measures and deploying the technologies that will lead to a lower carbon future. Low carbon business models and solutions are fragile until they reach critical size, but with linked carbon pricing systems worldwide, uncertainty would be reduced and such solutions will start to create value for business more rapidly.

3. Pragmatism. We believe our presence at the table could be helpful in designing an approach to carbon pricing that would be both practical and deliverable, as well as ambitious, efficient and effective.

4. A forum for discussion. Our companies and others have come together under the auspices of the World Economic Forum to form the Oil & Gas Climate Initiative, or are members of the International Emissions Trading Association, the World Bank or the UN Global Compact Carbon Pricing initiatives. We believe these forums may offer an appropriate ground for public-private dialogue on how to price carbon into energy.

Practically, we and our senior staff will seek to engage and share our companies' perspectives on the role of carbon pricing in several important settings:

In our meetings with Ministers and Government representatives.

As we attend and address conferences.

As we hold engagements with our investors.

As we conduct meetings with other stakeholders including partners, suppliers, academics and researchers.

As we hold meetings for management and staff within our businesses.

Pricing carbon obviously adds a cost to our production and our products—but carbon pricing policy frameworks will contribute to provide our businesses and their many stakeholders with a clear roadmap for future investment, a level playing field for all energy sources across geographies and a clear role in securing a more sustainable future.

We acknowledge the long-term challenge and appreciate that this will be transformative across the energy sector. Over many decades, our industry has been innovative and has been at the forefront of change. We are confident that we can build on our trajectory of innovation to meet the challenges of the future.

Each of us will copy this letter personally to key contacts among investors, governments, civil society and our staff.

Yours sincerely,

HELGE LUND,
BG Group.
BOB DUDLEY,
BP.
CLAUDIO DESCALZI,
Eni S.p.A.
BEN VAN BEURDEN,
Royal Dutch Shell.
ELDAR SAETRE,
Statoil ASA.
PATRICK POUYANNÉ,
Total S.A.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:15 p.m., adjourned until Wednesday, May 18, 2016, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 2016:

OVERSEAS PRIVATE INVESTMENT CORPORATION

TODD A. FISHER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2016.

DEVEN J. PAREKH, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2016.

AFRICAN DEVELOPMENT FOUNDATION

LINDA THOMAS–GREENFIELD, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2015.

LINDA THOMAS–GREENFIELD, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2021.

JOHN W. LESLIE, JR., OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2019.

LINDA I. ETIM, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2021.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

GEORGETTE MOSBACHER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2018.

DEPARTMENT OF DEFENSE

ERIC K. FANNING, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE ARMY.

DEPARTMENT OF STATE

ROBERT ANNAN RILEY III, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

KAREN BREVARD STEWART, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

MATTHEW JOHN MATTHEWS, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL FOR THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARCELA ESCOBARI, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

ASIAN DEVELOPMENT BANK

SWATI A. DANDEKAR, OF IOWA, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF STATE

ADAM H. STERLING, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

KELLY KEIDERLING-FRANZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

STEPHEN MICHAEL SCHWARTZ, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF SOMALIA.

CHRISTINE ANN ELDER, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

ELIZABETH HOLZHALL RICHARD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LEBANESE REPUBLIC.