United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162 WASHINGTON, TUESDAY, JUNE 7, 2016 *No. 89*

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 knows what is best for us, we submit today to Your loving providence. Continue to be our refuge and strength, a very present help in the time of trouble. May we never forget that nothing in all creation can separate us from Your love.

Bless our lawmakers. Fill their hearts with such love for You that no difficulty or hardship will prevent them from obeying Your precepts. Help them to remember that those who walk in integrity travel securely.

Lord, strengthen their resolve to serve You as they should and in doing so may they become more aware of Your continuous presence.

We pray in Your great 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 MINORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The Democratic leader is recognized.

DONALD TRUMP AND THE JUDICIARY COMMITTEE CHAIRMAN

Mr. REID. Mr. President, the Republican nominee of our great country continues to attack a Federal judge because of his Mexican heritage. This is not only wrong, it is racist and un-American. It is also a fundamental attack on the American judiciary system.

When issues like these arise, the Nation has historically looked to the Senate for leadership. In particular, throughout our history, the Senate Judiciary Committee has been a bastion of independence and bipartisanship. When Federal judges are under assault, we should expect the chairman of the Judiciary Committee to rise above politics and condemn racism—but not this Judiciary chairman who is now the chairman of the committee in the United States Senate, not the senior United States Senator from Iowa.

Instead of a bold feat of bipartisanship, we are left with yet another example of how he has become the most partisan Judiciary chairman in the history of America. Instead of rising above partisanship and condemning Trump's racist attacks on a highly qualified judge—by the way, who was born in Indiana—Senator GRASSLEY kisses Trump's ring and toes the party line. Instead of condemning Trump, GRASSLEY defended him.

His rationale is mind-boggling. Listen to this: Senator GRASSLEY says that Trump must respect the Judiciary because over the course of hundreds of lawsuits and years of litigation, Trump has actually won some cases. I can't make up something like this.

For example, a quote from a newspaper article:

Grassley also suggested Trump's propensity for filing lawsuits showed some level of respect for the judicial branch.

''He must respect the Judiciary,'' Grassley said. ''I've seen statistics that he's won over 400 cases, only lost 30.''

How about that. I find it curious that the chairman doesn't have time to read Merrick Garland's questionnaire or give him a hearing, but he has time to study Donald Trump's success rate in the courtroom. This says a lot, and one of the things it says is what Senator GRASSLEY's priorities are.

In spite of everything coming out of Donald Trump's mouth, Senator GRASSLEY remains loyal to Donald Trump. According to an Iowa newspaper, the Ames Tribune, Senator GRASSLEY told his constituents on Friday: ''He isn't concerned by any of the controversial or inflammatory rhetoric coming from the Trump campaign.''

I am a little disappointed, but—with what has happened the last couple of months—not surprised. I believe no Member of the Senate has done more for Donald Trump than the chairman of the Senate Judiciary Committee.

In January, when many Republicans were still trying to distance themselves from Donald Trump, Senator GRASSLEY introduced Trump at an Iowa campaign event. Since then, despite dozens of editorials against Senator GRASSLEY and pressure from his constituents, Senator GRASSLEY has done everything in his power to hold open a Supreme Court seat for Donald Trump to fill. I am surprised Senator GRASSLEY has yet to acknowledge these racist attacks on Judge Curiel because these attacks are beyond the pale. Instead, Senator GRASSLEY chose to further establish himself as a Trump cheerleader, just like the Republican leader has done.

Last week Senator GRASSLEY told his constituents:

He's building confidence with me.

Talking about Trump.

I've already said I'm going to vote for him. . . . I'd campaign with him.

But this is not the beginning of Senator GRASSLEY's campaign for Donald Trump. Senator GRASSLEY's entire chairmanship the past 6 months has been one big campaign push for Trump. His committee has become an extension of the Trump campaign. The Republican Judiciary Committee has done everything to focus on boosting Trump but has neglected to do its job in the process.

Under Chairman GRASSLEY, the committee is reporting out almost no bills,

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

fewer judicial nominations than any time in recent history, and because of this inaction by the chairman of the Judiciary Committee, the Senate has confirmed fewer judges than in decades. We heard the report yesterday of how the Federal system of courts in our country is in disrepair. Why? Because the Judiciary Committee is processing none of the appointments President Obama has made.

What has the Judiciary Committee done instead? It has spent its time carrying out a political hit job on Secretary Clinton. Senator GRASSLEY has wasted countless dollars and staff time developing partisan opposition research that he hoped could be used to help Trump's candidacy against Secretary Clinton. It hasn't helped, but it has shortened the pocketbook of the American people. Senator GRASSLEY has been so desperate to drag Secretary Clinton's name through the mud that he even encouraged the FBI to leak an independent review of Secretary Clinton's use of email.

At every turn, the senior Senator from Iowa has used his committee for partisan purposes that benefit only one person: Donald Trump. There is no better example than the current vacancy on the Supreme Court. Rather than doing his constitutional duty and processing Merrick Garland's nomination, Chairman GRASSLEY took his marching orders from Trump, and Trump said: Delay, delay, delay. And that is exactly what the Senator from Iowa has done—delay, delay, delay.

Chairman GRASSLEY is hoping to run out the clock. He is hoping President Trump gets to nominate the next Supreme Court Justice. That is why last month Senator GRASSLEY said of Trump: ''I think I would expect the right type of people to be nominated by [Trump] to the Supreme Court.''

After Donald Trump's latest attack on the Judiciary, does Senator GRASSLEY really believe that Trump is the right man to pick nominees to the Supreme Court or any court? Donald Trump said that a Federal judge should be disqualified from presiding over a case because of his Mexican heritage, even though he was born in Indiana. He said the same would apply if the judge were Muslim. Does Senator GRASSLEY believe Trump's comments were racist? This is a place for the senior Senator from Iowa to start his quest for fairness.

The Republican junior Senator from Nebraska agrees it was racist. This is what he tweeted yesterday: ''Public Service Announcement: Saying someone can't do a specific job because of his or her race is the literal definition of 'racism.' '' The junior Senator from South Carolina, also a Republican, called Trump's remarks ''racially toxic,'' but what does the senior Senator from Iowa say? Zero, nothing.

Does the chairman of the Judiciary Committee agree with Donald Trump? Does Senator GRASSLEY also believe judges should face a religious test? The senior Senator from Iowa said he trusts Donald Trump's judgment. He said, and I repeat: ''He's building confidence with me.''

After everything we have heard from Donald Trump—all of his vile, unhinged rants—does Senator GRASSLEY honestly have confidence that Donald Trump should pick the next Supreme Court Justice? I don't trust Trump to make that decision, the people of Iowa don't, and America doesn't. Senator GRASSLEY must stop using his committee to do Trump's bidding. He must stop using the once-proud Judiciary Committee as an extension of the Trump political campaign.

Instead of continuous delay, delay, delay, Chairman GRASSLEY should give Merrick Garland a hearing and a vote, but do it now. Waiting for Donald Trump to choose the ninth member of the Supreme Court is not the answer.

I yield the floor.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2943, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2943) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain amendment No. 4229, to address unfunded priorities of the Armed Forces.

The PRESIDING OFFICER. The Senator from Maine.

CYBER SECURITY AND OUR ELECTRIC GRID

Mr. KING. Mr. President, at 3:30 in the afternoon on December 23 of last year, about a half hour before sunset, the lights started to go out in western Ukraine. The power started to go out. The operator in one of the Ukrainian powerplants noticed, to his horror, that he no longer controlled the cursor on his computer screen. The cursor moved of its own accord and started opening dialogue boxes and opening breakers.

The operator tried frantically to get back into the computer, only to find he was locked out and the password had been changed. At the same time, the call center of this utility in Ukraine was blocked by thousands of fake calls, so the utility itself could not know what was happening in the countryside. The backup generators around western Ukraine also went down. Malware was installed on the operating computers and a system called KillDisk was installed, which wiped the disks and rendered the computers useless.

As a final insult, the power in the power control system itself went off and the operators were literally left in the dark. This was the first major cyber attack of a public utility anywhere in the world. It was sophisticated, it was well planned, and it was devastating. Within a few minutes, 230,000 people in the country of Ukraine were without power.

That attack could have occurred in Kansas City, in San Jose, in New York, or here in Washington. Ever since I have served in this body as a member of the Armed Services and Intelligence Committees, I have heard repeated warnings from every public official involved with intelligence and national security that an attack on our critical infrastructure is not possible, it is likely.

How many shots across our bow, how many warning shots do we have to endure? Sony, the OPM, insurance companies, and now the nightmare scenario of an electric grid attack.

We can learn something from what happened in the Ukraine, and there is a piece of good news and a lesson for us. The attack, which left 230,000 people without power, only persisted for about 6 hours. The interesting part of the scenario of this development was that one of the reasons they were able to get the power back on so fast was because the Ukrainian grid was not up to modern—I hesitate to say ''standards''—practices in terms of its interconnectedness and its digitization. There were old-fashioned analog switches, and the most old-fashioned analog switch of all, a human being, who could actually throw breakers and get the system back online.

However, in this country we are not so lucky, and I use that in a very sort of backward way because we have the most advanced grid structure in the world. We are more digital, we are more automated, we are more interconnected, but that makes us more vulnerable. That makes us more vulnerable. We are asymmetrically vulnerable because we are asymmetrically interconnected. We keep getting these warning shots. A lot is being done by our utilities and by our government agencies to work on protecting this country from a devastating cyber attack. But I know of no one who would assert that enough is being done and that we are ahead of this threat.

I introduced a bill yesterday, along with three cosponsors: Senator RISCH from Idaho, Senator COLLINS from Maine, and Senator HEINRICH from New Mexico—all of whom, along with myself, are members of the Intelligence Committee, where we hear about these threats practically weekly. The bill is pretty straightforward. It tasks our great National Labs with working with the utilities over a 2-year period to determine, not new software patches and new complexity, but if we can protect

our grid by returning to, at least at critical points in the grid, the old-fashioned analog switches or good-old Fred, who has to go and throw a breaker with his dog. It may be that going back to the future, if you will—going back to the past and simplifying some of these critical connection points may be the best protection we can have. The idea is for the Labs to put their best people on this and for the utilities to do the same on a voluntary basis.

I might add that there is nothing mandatory about this bill. We are trying to work on finding some solutions that are implementable in the short run to protect us from this grave threat. Once we get a report back, hopefully we will be able to implement this legislation across the country.

I am tired of hearing warnings. It is really time for us to act, and this is a straightforward bill that I hope can move through this body at the speed of a cyber attack so that we can then have the defense we have to have.

An attack on our critical infrastructure—particularly the electric infrastructure across this country—would, in fact, be devastating and would undoubtedly involve a loss of lives. I do not want to be here on a darkening winter afternoon and see the lights going off across America—the power to hospitals, the power to our transportation system, the power that makes our lives what they are today. This is not an abstract threat. We know from the Ukraine that the capability exists to do exactly that and take down the grid. We must act expeditiously and directly to counteract that threat. If we do not do so, we are failing our responsibility to the people of America, our constituents, and the United States.

I urge rapid consideration of this bill, and I look forward to its consideration at the Energy Committee. Three of the four sponsors are also members of the Energy Committee as well as the Intelligence Committee, and I am hoping we can move this rapidly so we can begin the process of countering what is not an abstract threat but a direct, clear, and present danger to the future of this country.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here this morning to urge my colleagues to support an amendment that I have offered to the National Defense Authorization Act to extend the Afghan Special Immigrant Visa Program, also known as the SIV Program.

The SIV Program gives Afghans who supported the U.S. mission in Afghanistan and now face grave threats because of their willingness to help our service men and women on the ground in Afghanistan the ability to come to the United States. To be eligible, new applicants must demonstrate at least 2 years of faithful and valuable service. To receive a visa, they must also clear a rigorous screening process that includes an independent verification of their service and then an intensive interagency security review.

People may ask: Who are these Afghans? Let me give a few examples of the extraordinary service they have provided.

The first person I will talk about—and I can't use his name for privacy and security reasons—worked as an interpreter for U.S. Special Operations Command, SOCOM, from 2005 to 2016—11 years. He originally applied for a special immigrant visa in 2012 and continued to work for SOCOM during the interim. One of the applicant's direct supervisors, the commander of 1st Battalion, Third Special Forces Group, stated that the applicant's brother was murdered by extremists—probably Taliban—due to the applicant's work for the U.S. Government, and the applicant himself has been wounded several times while serving.

A second individual worked as the head interpreter for a provincial reconstruction team, or PRT team, for years. Because of his service, his children can't go to school and the lives of his family members are in danger. The applicant's PRT commander was one of multiple direct Defense Department supervisors to submit letters of recommendations on his behalf testifying to his loyal and valued service.

A third interpreter served the Defense Department from 2008 to 2015. He left work in December following an IED attack which robbed him of one eye and his vision in the other. He applied for his special immigrant visa after being wounded and is in the beginning stages of the extensive interagency vetting process.

Clearly, the service of these individuals has been critical to our successes in Afghanistan, and in at least a handful of other cases, SIV recipients' commitment to the U.S. mission was so strong that they found ways to contribute even after they arrived in the United States. One promptly enlisted in the Armed Forces and later worked as a cultural adviser to the U.S. military. Another graduated from Indiana University and Georgetown and has worked as an instructor at the Defense Language Institute. A third, who worked as a senior adviser at the U.S. Embassy, now serves on the board of a nonprofit, working to promote a safe and stable Afghanistan.

These contributions in Afghanistan and beyond help explain why senior U.S. military officers and diplomats are so supportive of the Afghan SIV Program.

Here is what the current commander of U.S. forces in Afghanistan, General Nicholson, wrote recently about the need to reauthorize the SIV Program:

> These men and women who have risked their lives and have sacrificed much for the betterment of Afghanistan deserve our continued commitment. Failure to adequately demonstrate a shared understanding of their sacrifices and honor our commitment to any Afghan who supports the International Security Assistance Force and Resolute Support missions could have grave consequences for these individuals and bolster the propaganda of our enemies. . . . Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and the long-standing tradition of honoring our allies.

Last year, General Nicholson's predecessor, General Campbell, wrote a similar letter affirming his strongest support for the SIV Program and urging Congress to ''ensure that the continuation of the SIV program remains a prominent part of any future legislation on our efforts in Afghanistan,'' adding that the program ''is crucial to our ability to protect those who have helped us so much.''

Their view is shared by senior diplomats as well. Ambassador Ryan Crocker, who served in Afghanistan from 2011 to 2012, recently wrote that ''taking care of those who took care of us is not just an act of basic decency, it is also in our national interest. American credibility matters. Abandoning these allies would tarnish our reputation and endanger those we are today asking to serve alongside U.S. forces and diplomats.

I see that my colleague Senator MCCAIN is on the floor. I know my colleague remembers, as I do, watching all of those Vietnamese holding on to those helicopters that were leaving when America pulled out of Vietnam because they knew what their fate was going to be once America left that country. That is not something we can allow to happen in future conflicts. When we make a promise to those people who helped us on the ground, we need to abide by that promise. We need to make sure those people who helped our service men and women are able to get to this country and are not killed by the Taliban and other enemies of the United States and Afghanistan.

Yet, despite these compelling cases and despite the persuasive arguments of our senior military and civilian leaders, the Senate NDAA does not currently reauthorize and extend the SIV Program or allow for additional visas because of the objections of some few in this body. This is particularly problematic because we are going to issue all of those unallocated SIVs by the end of this year even while there are thousands of Afghans at some stage in the application process and new applicants still beginning. In effect, this means that without congressional action, the SIV Program will sunset around December and thousands of Afghans who have stood alongside our military and other government personnel are at severe risk. I hope this body will decide that this is unacceptable and that we have to make sure we support those people who have supported our men and women on the ground and who have, in fact, died to support our men and women on the ground.

I am happy to join Senator MCCAIN and Senator JACK REED, the chair and ranking member of the Armed Services Committee, in trying to pass this

amendment and make sure we support those people who supported us.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be brief.

I thank the Senator from New Hampshire for her continued advocacy for these individuals who literally placed their lives on the line to assist us in combating the forces we have been struggling against for now these many years. These individuals deserve our thanks, but more importantly, they deserve the ability to come to the United States of America. According to our military leaders, their lives are in danger. They are the first target of the enemy because the enemy wants revenge against those who helped Americans, and there is no doubt in the minds of our military leaders that these individuals literally saved the lives of the men and women who are fighting in Afghanistan and Iraq on our behalf.

I believe we should actually have a voice vote, and if necessary, have a vote if there is any controversy associated with this legislation.

If America is going to seek the assistance of individuals who are willing to help us and then abandon them, then we have a very serious moral problem.

I thank the Senator from New Hampshire for her continued advocacy. I hope we can get this issue resolved as soon as possible.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, the National Defense Authorization Act before us is important for our troops, wounded warriors and veterans, and national security.

One way it will help keep Americans safe is by renewing clear prohibitions on President Obama's ability to move dangerous Guantanamo terrorists into our country or release them to unstable regions like Libya, Yemen, and Somalia.

Our country faces the most ''diverse and complex array of crises'' since World War II, as Henry Kissinger observed last year, but President Obama nonetheless seems focused on pursuing a stale campaign pledge from 2008. The President should spend his remaining months in office working to defeat ISIS. He should work with us to prepare the next administration for the threats that he is going to leave behind. He should not waste another minute on his myopic Guantanamo crusade.

Just about every detainee that could feasibly be released from the secure detention facility has already been released. Some have already returned to the fight, just as we feared. Some have even taken more innocent American life, according to the Obama administration. But the bottom line is this. The hard core terrorists who do remain are among the worst of the worst—the worst of the worst.

Here is how President Obama's own Secretary of Defense put it:

[T]here are people in Gitmo who are so dangerous that we cannot transfer them to the custody of another government no matter how much we trust that government. I can't assure the President that it would be safe to do that.

There is Khalid Shaikh Mohammed, the mastermind behind 9/11. He has declared himself the enemy of the United States. There is the 9/11 coordinator who was planning even more strikes when he was captured. There is Bin Laden's former bodyguard, the terrorist who helped with the bombing of the USS *Cole* and trained to be a suicide hijacker for what was to be the Southeast Asia portion of the 9/11 attacks. These terrorists are among the worst of the worst. They belong at a secure detention facility, not in facilities here in our own communities, not in unstable countries where they are liable to rejoin the fight and to take even more innocent life.

Have no doubt, there are detainees who would almost certainly rejoin terrorist organizations if given that opportunity. Here is what the Office of the Director of National Intelligence found in a report just this year: ''Based on trends identified during the past 11 years, we assess that some detainees currently at [Gitmo] will seek to reengage in terrorist or insurgent activities after they are transferred.''

So, look, the next Commander in Chief, whether Democrat or Republican, will assume office confronting a complex and varied array of threats. That is why we must use the remaining months of the Obama administration as a year of transition to better posture the incoming administration and our country. What we should not be doing is making it even more challenging for the next President to meet these threats.

Releasing hard core terrorists was a bad idea when Obama was campaigning in 2008, and it is even a worse idea today. We live in a complex world of complex threats. The NDAA before us will renew clear prohibitions against administration attempts to transfer these terrorists to the United States on its way out the door. We don't need to close a secure detention center. We need to ensure the American people are protected. Passing the legislation before us represents an important step in that direction. It will help position our military to confront the challenges of tomorrow. It will help support the men and women serving in harm's way today.

I want to thank Chairman MCCAIN of the Armed Services Committee for his extraordinary work on this very important bill, and I thank Senator REED, the ranking member, as well.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, do the math. A Federal prisoner held in a Federal prison in America today costs us about $30,000 a year. The most serious and dangerous criminal prisoners held in the Federal prison system are put in supermax facilities for $86,000 a year. That is the cost. Not a single prisoner has ever escaped from a supermax facility in the United States—ever. It costs $30,000 for routine prisoners and $86,000 for the most dangerous.

What does it cost us to incarcerate one detainee each year at Guantanamo? It costs $5 million apiece—$5 million for each detainee. The budget to keep Guantanamo open is about $500 million a year, and we have fewer than 100 detainees there, and there is a request for another $200 million in construction at Guantanamo. So when Senators come to the floor and say we have got to keep Guantanamo open for fewer than 100 detainees, one obviously has to ask the question: Is there another place they can be held just as safely, just as securely, at considerably less cost? The answer is obvious. The answer is clear. The supermax Federal prisons can hold anyone convicted of terrorism, serial murder, or heinous crimes, and can hold them securely without any fear of escape.

The argument was made by the Senator from Kentucky: Well, if we are going to put terrorists in prisons across America instead of Guantanamo, that is a danger to the community. Really?

I represent the State of Illinois. We have the Marion Federal Prison in southern Illinois. We have a lot of good men and women who work there. What are we doing? For $30,000 a year, we are holding convicted terrorists in the Marion Federal prison. I have been a Senator for Illinois for 20 years. How many times have I received complaints that terrorists were being incarcerated at the Marion Federal penitentiary? None—not one, not one time.

So for the symbol of maintaining Guantanamo, we are going to continue to spend $5 million a year per detainee. This bill before us, the Defense authorization bill, will continue that.

If we are looking to save some money that taxpayers are giving to our government and perhaps should be spent in better ways, let's start with Guantanamo. The President is right that if they are a danger to America and the world, they could be safely held in other prisons across the United States at a fraction of the cost of what we are spending at Guantanamo. Those who call themselves fiscal conservatives cannot ignore that obvious argument.

Let me say a word. I support Senator SHAHEEN's provision when it comes to the Afghans who helped us. It is a good provision. These men and women risked their lives for us and for the men and women in uniform. We need to allow them to come safely to the United States and be in a position where they can have peace of mind that they are not going to be killed because they are friends of America. I think her provision is a good one. I am anxious to support it.

Let me just say on the state of play on amendments that I have an amendment that I consider to be very important. I offered it over a week ago, so Members have had more than enough time to take a look at it. I will describe it in very simple terms, instead of going into a long explanation, although I certainly have one ready.

Basically, within this bill—and S. 2943, the National Defense Authorization Act, is a big bill—there is about $524 billion in spending for our Department of Defense. I want America to always be safe, always have the best, and I want us to invest in the men and women of our military because we believe in them, their families, and our veterans.

There is a provision in this bill, though, that troubles me greatly. It is an effort to eliminate a program known as the Congressionally Directed Medical Research Programs. How big is this medical research program? It is $1.3 billion. It is less than two-tenths of 1 percent of the total expenditure for the Department of Defense.

Is it important? I think it is very important. For 25 years, the Department of Defense medical research has come through with breakthrough financing to eliminate concerns, and it gives hope to members of the military, their families, and to everybody living across America.

I remember when it started. I was a Member of the House of Representatives. It was 1992. One group came forward—the Breast Cancer Coalition. They said: We need a reliable place to turn for a steady investment in breast cancer research. That is what started the program.

It is true that breast cancer is not limited to the military. But it is also true that there is a higher incidence of breast cancer among women in our military than in the general population for reasons we still don't understand. So is this an important issue to the military and the rest of America? Of course, it is. Over the last 25 years, we have invested more than $3 billion in breast cancer research through this program. Has it been worth it? I can tell you it has. Through their research, they developed a drug called Herceptin. The Department of Defense medical research developed this drug Herceptin to fight breast cancer.

One of my colleagues here in the Senate told me this morning that the life of his wife was saved by this drug, Herceptin. I was downstairs for a press conference just a few minutes ago. Another woman came up to me and said that her life was saved. She was diagnosed with breast cancer, and Herceptin saved her life. That was a part of the investment in the Department of Defense medical research program that paid off. I can go on—and I will later—about other investments that have paid off, not just for the members of the military and their families but for all of America.

What is proposed in this bill is the largest cut in medical research since sequestration in Congress. We asked the Department of Defense: If the provisions of this bill that are being asked for are put in place, what impact will it have on medical research programs in the Department of Defense? They said it would effectively eliminate them.

This proposal in this bill will swamp medical research programs in the Department of Defense with more redtape than they have ever seen. An example of this is that this Department of Defense authorization bill calls for an annual audit of every entity applying for medical research grants from the Department of Defense. The audit requirements are the same as for the largest defense contractors in the United States. We have never held other entities other than the largest defense contractors to these standards. It will require an additional 2,400 audits a year by the Department of Defense.

Well, does the agency that does the auditing have the extra personnel? Do they have work that needs to be done? It turns out that they have $43 billion in existing contracts that have not been audited, and this bill will pile on 2,400 more audits. It will slow down any effort to promote medical research, and it will dramatically increase the overhead costs for that medical research.

Surely, there must be some scandal in this program that led to the conclusion that we need all this redtape. But the answer is no. The close scrutiny and investigation of the Institute of Medicine and other entities have found that this program over the years has been a good program. It has had some mistakes, but only a handful when you look at the thousands of medical research grants that have been given.

I am going to ask for an opportunity to offer this amendment to strike the provisions which basically kill the Department of Defense medical research program that is directed by Congress.

We don't earmark what entities are going to get the grants. It is a competitive, peer-reviewed process. I want to make sure this amendment gets a vote, and, after that vote, I will be more than happy to move forward on all the amendments on this bill. It is an important bill, and I hope we can pass it at the end of the day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, let me assure the Senator from Illinois that we were trying to get the language of a companion amendment to his amendment approved by that side of the aisle so that we can move forward with the amendment of the Senator from Illinois. Hopefully, we can get that language as soon as possible so that we can take up the formal debate on his amendment.

In the meantime, in response to the comments of the Senator from Illinois, I have seen the latest polling data, and the approval of Congress is at about 14 percent—something like that. I have not met anyone lately from the 14 percent that approve of Congress.

One of the major reasons is, of course, that they believe we have wasted their defense dollars by the billions and have wasted their taxpayer dollars by the billions. There is no greater example of that than what has happened with the so-called medical research.

Every single one of these dollars probably goes to a worthy cause. Unfortunately, about 90 to 95 percent of that money has nothing to do with defense.

Why would the Senator from Illinois and so many, overwhelmingly, take the money that is earmarked for the men and women who are serving when the effects of sequestration are causing our leadership in the military to say that we are on the ragged edge of our capability to defend the Nation and when the Commandant of the Marine Corps and the Chief of Staff of the Army have said that we are putting the lives of Americans at greater risk because we don't have sufficient funding. Instead, we are taking $2 billion out of defense money and putting it into programs that have nothing to do with defense. Why is that?

One would ask why would Congress take money from defense and put those monies into programs that have nothing to do with defense? It is called the Willie Sutton syndrome. That is when the famous bank robber was asked why he robbed banks. He said, ''That is where the money is.'' That is exactly what we are seeing here.

We saw the Willie Sutton syndrome begin in 1992. In 1992, there was $25 million that was designated for medical research. That was $25 million in 1992. Today, we now are going to have almost—last year, the funding increased by 4,000 percent, from $25 million in 1992 to $1 billion last year. So if you ever have seen a graphic example of the Willie Sutton syndrome, it has to be this. Is there anyone who is opposed to breast cancer research? Is there anyone who is opposed to medical research for so many important challenges to the health of our Nation? Of course not. Of course not.

But what the Senator from Illinois and the appropriators have done, year after year after year, is exactly this: OK. Here we go. There is $200 million. Here we are—reconstructive transplants, genetic studies of food allergies, cooperative epilepsy, chiropractic clinical trials, muscular dystrophy, peer-reviewed vision, peer-reviewed Alzheimer's, bone marrow failure, multiple sclerosis, and on and on.

All of these are worthy causes. They have nothing to do with the defense of this Nation. That is the problem with this. I will probably lose this vote. The Senator from Illinois will probably succeed because there are so many special interests that are involved. But don't say this is for the defense of this Nation. What it is all about is finding money from the largest single appropriations bill to put into causes that,

by all objective observers, should be taken out of the Health and Human Services account.

Unfortunately, there is not enough money in the Health and Human Services account. So guess what. Take it out of defense. Meanwhile, we don't have enough troops trained, and we don't have enough to pay for their deployments. In case you missed it, there are stories about the squadron down in South Carolina—marines—where they are robbing parts from planes, where an Air Force squadron comes back with most of their aircraft not capable of flying, with only two of our brigade combat teams able to be in the first category of readiness—only two—because they don't have enough money for training and operations and maintenance.

But we are going to take billions out, and we are going to give it to autism, lung cancer, ovarian cancer. All of those are worthy causes. Now we have lobbyists from all over the Nation coming up: Oh, they are going to take away money from ''fill in the blank.'' They are all angry. I am not trying to take the money from them. I am saying that the money should not come out of defense. I am saying that to defend this Nation, every single dollar is important to the men and women who are defending this Nation and fighting and dying as we speak.

So I congratulate the Senator from Illinois as every year, just about, the money for medical research has gone up from an initial $25 million in 1992 to $1 billion this year, a 4,000-percent increase. Let me repeat. Spending on medical research at DOD—nearly 75 percent—has nothing to do with the military, and it has grown 4,000 percent since 1992.

Now we can talk to all the lobbyists who come in for these various and very important medical research projects and say: We took care of you. I say to the Senator from Illinois: Take care of them from where it should come, which is not out of defending this Nation. In 2006, the late Senator from the State of Alaska, Ted Stevens, under whose leadership the original funding for breast cancer was added, said that the money would be ''going to medical research instead of the needs of the military.'' During the floor debate on the annual Defense appropriations bill, Senator Stevens had this to say:

> We could not have any more money going out of the Defense bill to take care of medical research when medical research is basically a function of the NIH. It is not our business. I confess. I am the one—

I am quoting Senator Stevens now.

> I confess, I am the one who made the first mistake years ago. I am the one who suggested we include some money for breast cancer research. It was languishing at the time. Since that time, it has grown to $750 million. In the last bill we had dealing with medical research, that had nothing to do with the Department of Defense.

I want to emphasize again that I will support funding for every single one of these projects. I will support it when it comes out of the right account and not from the backs of the men and women who are serving in the U.S. military. It has to stop. It has to stop. So this year, the NDAA prohibits the Secretary of Defense and the service Secretaries from funding or conducting a medical research and development project unless they certify that the project would protect, enhance, or restore the health and safety of members of the Armed Forces. It requires the medical research projects be open to competition and comply with DOD cost accounting standards.

It does not seem to me that that is an outrageous demand. I know my colleagues are going to come and say: Oh, we need this money because of ''fill in the blank,'' and this is vital to the health of America. I am all for that. But don't take it out of the ability of the young men and women to serve this Nation in uniform. That is what the amendment of the Senator from Illinois does.

If this amendment passes, nearly $900 million in the defense budget will be used for medical research that is unrelated to defense and was not requested by the administration. One would think that if this is so vital, the administration would request it. They have not. They have not.

If this amendment passes—and it will, I am confident—$900 million will be taken away from military servicemembers and their families. If this amendment passes, $900 million will not be used to provide a full 2.1-percent pay raise for our troops. It will not be used to halt dangerous reductions in the size of our Army and Marine Corps. It will not be used to buy equipment so that our airmen don't have to steal parts from airplanes in the boneyard in Arizona to keep the oldest, smallest, and least ready Air Force in our history in the air.

As I said, many of the supporters of this amendment have opposed lifting arbitrary spending caps on defense unless more money is made available for nondefense needs. So, the Senator from Illinois—if I get this straight—wants to add nearly $1 billion in spending for medical research but is also opposed to increasing spending to a level of last year for defense spending. That is interesting.

With these caps still in place, which we are going to try to fix later on in this bill, the Senator wants to take nearly $1 billion of limited defense funding to spend on nondefense needs. So I say to my colleague, the Senator from Illinois: It is not that he is wrong to support medical research. No one is attacking that. I can guarantee you, the first thing the Senator from Illinois is going to say: Well, we are going to take this money away from medical research. I am not. I am saying that it shouldn't come from the backs of the men and women who are serving this Nation.

I would ask him not to say that because it is not the case. If he wants to add that money into the Health and Human Services account, I will support the amendment. I will support it. I will speak in favor of it. He has proposed the wrong amendment to support medical research. Instead of proposing to take away $900 million from our military servicemembers, he should be proposing a way to begin the long-overdue process of shifting the hundreds of millions of dollars of nonmilitary medical research spending out of the Department of Defense and into the appropriate civilian departments and agencies of our government.

Let me be clear again. This debate is not about the value of this medical research or whether Congress should support it. Any person who has reached my age likely has some firsthand experience with the miracles of modern medicine and the gratitude for all who support it. I am sure every Senator understands the value of medical research to Americans suffering from these diseases, to the families and friends who care for them, and all those who know the pain and grief of losing a loved one.

But this research does not belong in the Department of Defense. It belongs in civilian departments and agencies of our government. So I say to my colleagues, the NDAA focuses the Department's research efforts on medical research that will lead to lifesaving advancements in battlefield medicine and new therapies for recovery and rehabilitation of servicemembers wounded on the battlefield, both physically and mentally.

This amendment would harm our national security by reducing the funding available for military-relevant medical research that helps protect service men and women on the battlefield and for military capabilities they desperately need to perform their missions. It would continue to put decisionmaking about medical research in the hands of lobbyists and politicians instead of medical experts where it belongs.

So what is happening right now as we speak? Phones are ringing off the hook: We need this money for ''fill in the blank.'' We have to have this money. It is the end of Western civilization unless we get it. I support every single one of these programs. There is not a single one that I would not support funding for. But when you take it away from the men and women who are serving in the military for nonmilitary purposes, I say it is wrong.

I will be glad to have the vote as soon as the other side clears our amendment process. But, again, I ask my colleagues: Don't distort this debate by saying we are trying to take away this medical research. What we are trying to say with the bill is that we are trying to do everything we can to take every defense dollar and make sure that we help the men and women who are serving in conflicts that are taking place throughout the world.

We are not against the reason it was adopted by the Armed Services Committee—against this funding. We are

against where it is coming from. So let's do something a little courageous for a change around here. Let's say: No, we will not take this money out of defense, but we will take it out of other accounts which are under the responsibility of the Senate and the Congress of the United States. That is all I am asking for. That is all.

Obviously it probably will not happen. Every advocate for every one of those programs has now been fired up because they have been told that we are going to take away their money. We are not going to take away their money; we want their money coming from the right place. I would even support increases in some of this spending, but it is coming from the wrong place.

As I said at the beginning of my remarks, it is the Willy Sutton syndrome, from $25 million in 1992 all the way up to here—all the way here—now $1 billion, a 4,000-percent increase. So I am sure that Senator after Senator will come to the floor: Oh, no. We can't take away this money from ''fill in the blank.'' This is terrible for us to do this. It is not terrible for us to do this.

The right thing to do is not to deprive the men and women who are serving in the military of $1 billion that is badly needed for readiness and for operations to keep them safe. That is what this debate is all about. I expect to lose it.

I congratulate the lobbyists ahead of time. I congratulate the Senator from Illinois ahead of time. But don't be surprised when the American people someday rise up against this process where we appropriate $1 billion for something under the name of national defense that has nothing to do with national defense.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, this Senator will never apologize for medical research—never. I certainly understand the National Institutes of Health have the primary responsibility for medical research. I am pleased to report that at this moment in the subcommittee, we are marking up an increase of more than 5 percent in the funding for that important agency.

I thank Senator BLUNT from the other side of the aisle and Senator MURRAY from our side of the aisle for finding the resources for that. But to argue that because we are putting money into the National Institutes of Health we can take money away from the Department of Defense ignores the obvious. We take money away from the Department of Defense medical research program at the expense of men and women in the military, their families, and veterans.

Look at the example the Senator from Arizona used. He stood and he pointed to his chart and he said: Well, there is even spending here for epilepsy and seizures. Now, why would that be? We have to spend money on our military and their issues.

Well, let's take a look. Since the year 2000, over 300,000 Active-Duty servicemembers have experienced a traumatic brain injury. Currently, the prevalence of post-traumatic epilepsy among those members who have suffered a brain injury is unknown. There are few risk factors that are known to guide decisionmaking in diagnosing the treatment of the disease. According to the American Epilepsy Society, over 50 percent of TBI victims—these are military members who have been exposed to traumatic brain injury with penetrating head injury from the Korean and Vietnam wars—have developed post-traumatic epilepsy. For the Senator from Arizona to point to this as one of the wasteful areas of medical research is to ignore the obvious: that 300,000 of our men and women in uniform have suffered from traumatic brain injury. And we know from past experience that many of them end up with post-traumatic epilepsy. To argue, then, that this medical research into epilepsy and seizures has no application or value to members of the military is basically to ignore the obvious.

What we have tried to do in establishing this program is, first, we cannot earmark that any grant be given to any institution. All we can do is suggest to the Department of Defense areas that we think have relevance to our military. They then have to make the decision. Each and every grant has to pass a threshold requirement that it have relevance to the military and their health.

Well, it turns out there are many things that are concerning. Would you guess that prostate cancer is a major concern in the military as opposed to the rest of our population? You should because the incidence of prostate cancer among those who serve in the military is higher than it is in the general population. Why is that? Is it an exposure to something while they served? Is there something we can do to spare military families from this cancer by doing basic research? I am not going to apologize for that, nor am I going to apologize for the breast cancer commitment that has been made by this Department of Defense medical research program.

The Senator from Arizona is correct. Groups are coming to us and saying: This Department of Defense medical research is absolutely essential.

I just had a press conference with the Breast Cancer Coalition. There has been $3 billion invested in breast cancer research through the Department of Defense over the last 24 years. As I said earlier, it led to the development of a new drug that saved the lives of breast cancer victims—Herceptin. The drug has saved lives. To argue that this money was not well spent, should have been in another category, didn't apply here and there—let's look beyond that. Let's consider the lives saved, not just of men and women across America but of members of families of those who have served our country.

The list goes on and on. I could spend the next hour or more going through every single one of them. The provision of the Senator from Arizona in his own bill is designed to eliminate the medical research programs at the Department of Defense. That is not my conclusion; that is the conclusion of the Department of Defense. He has put in so much redtape and so many obstacles and added so much overhead and so much delay that he will accomplish his goal of killing off medical research at the Department of Defense directed by Congress. That would be a terrible outcome—a terrible outcome for people who are counting on this research.

No apologies. I am for increasing the money at the National Institutes of Health. I have said that already. And I am for increasing money at the Department of Defense. It has been money well spent and well invested for the men and women of our military.

I might add and let me first acknowledge that my colleague from Arizona has a distinguished record serving the United States in our U.S. Navy. We all know his heroic story and what he went through. So I am not questioning his commitment to the military in any way whatsoever. But I will tell you that veterans organizations and others stand by my position on this issue. When we had the press conference earlier, it wasn't just the Breast Cancer Coalition; the Disabled American Veterans was also there asking us to defeat this provision in the bill that would put an end to the Department of Defense medical research programs.

For the good of these families, all of the members of these families in the military, as well as our veterans, let's not walk away from this fundamental research.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I think the Senator from Illinois and I have pretty well ventilated this issue, and once we get an agreement on votes, we could schedule a vote on it. I think we are very well aware of each other's positions. I have been talking about this issue for quite a period of time, as I watch our defense spending go down and our ''medical research'' go up.

The argument of the Senator from Illinois is that men and women in the military are subject to all of these various health challenges, ranging from arthritis to vascular malfunctions, et cetera, because they are Americans, because they are human beings? Yes, we agree that members of the military are subject to all of these needs and earmarks for various illnesses that affect Americans.

And by the way, traumatic brain injury causes a whole lot of things. So to say that epilepsy is the result of traumatic brain injury, there are all kinds of things that are the result of traumatic brain injury, and I strongly support funding—and so have many others—for research on traumatic brain injury. We know the terrible effects of

that on our veterans. But there are, at least on this list, 50 different diseases and medical challenges, and connecting that all to defense takes a leap of the imagination and is, obviously, ridiculous. It is ridiculous. Here we have pancreatic cancer, Parkinson's, and all of these. Veterans are subject to those, yes, but it should not be in the Defense bill and it should not be taken out of defense money, particularly in this period of need.

So if the Disabled American Veterans and every veteran organization is told they will not have funding for these programs, of course they are going to object to this provision in the bill. But if they are told the truth—and the truth is that they should get this money but it shouldn't be taken out of defense—most of these veterans would like to see it not taken out of defense; they would like to see it taken out of where it belongs.

So, as I say, I am sure there is press conference after press conference rallying all of these people because they are being told they won't get the funding, and I can understand that, but that is not what this Senator wants and what America should have, which is the funding taken out of the accounts of which there is the responsibility of the various committees and subcommittees in Congress and in the Committee on Appropriations. That is what this is all about.

So all I can say is that, as I predicted, the Senator from Illinois raises the issue of all of these things that will lose money. It is not that they will lose money. They will get the money if you do the right thing in the Committee on Appropriations, which is taking it out of the right accounts. To stretch the imagination to say that all of these are because of the men and women in the military is, at best, disingenuous.

Mr. DURBIN. Mr. President, I ask for 2 minutes.

The PRESIDING OFFICER. The assistant minority leader.

Mr. DURBIN. Mr. President, the total for the Department of Defense medical research programs we are discussing amounts to less than 0.2 percent of this total budget—less than two-tenths of 1 percent—and the Senator from Arizona is arguing that we are wasting money that could otherwise be spent in more valuable ways for our military. We are not wasting money; we are investing in medical research programs that serve our military, their families, and our veterans, and I will never apologize for that.

Yes, these groups are upset because they have seen the progress that has been made with these investments, coordinating with the NIH and the Institute of Medicine. They have done the right thing. They have found cures, they have relieved the problems and challenges facing our military, their families, and the veterans who have served.

In terms of whether the amendment the Senator has already put into the bill is going to have any negative impact on Department of Defense medical research, let me quote the Department of Defense and what they said about the language from Chairman MCCAIN: These changes would drastically delay the awards, risking the timely obligation of funds, significantly increase the effort and cost for both the recipients and the Federal Government. With the additional audit services needed, documentation that recipients would be required to provide, changes to recipients' accounting systems, the scientific programs would be severely impacted. Massive confusion would follow. Most likely, recipients would not want to do business with the Department of Defense. These issues would lead to the failure of the Congressionally Directed Medical Research Program.

If the Senator wanted to come and just say ''Put an end to it,'' that would be bold, that would be breathtaking, but it would be direct and it would be honest. What he has done is cover it in redtape. I am in favor of research, not redtape. There is no need to kill off these critical medical research programs for our military and our veterans.

I yield the floor.

Mr. MANCHIN addressed the Chair.

Mr. MCCAIN. Mr. President, I think I have precedence.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I just want to say again that there are various accounts in the appropriations process that are directly related to the issues that have now been inserted in the Department of Defense authorization bill. That is what this is all about, and that is all it is all about.

We can talk about all of the compelling needs and the terrible stories of people who have been afflicted by these various injuries and challenges to their health, but the fact is, it is coming from the wrong place, and that is what this is all about.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I just want to say that after listening to both my colleagues, who are passionate about this issue, they are both right. They are both right. If we had a tax plan—a competitive tax plan—that took care of our priorities based on our values, they would both be funded properly. That is what we have to get to. We have to get past picking and choosing and basically take care of the values we have as Americans, so I hope we can come together on that.

OPIOID EPIDEMIC

Mr. President, I am rising today because we have reached another crisis point in our country. In 2014 we had almost 19,000 people die due to opioid prescription drug overdose. These are legal prescriptions. These are by companies that basically developed products legally. We have the FDA that basically said that we should use it, that it is good for us, and our doctors were saying this is what we should do. So basically we have an epidemic on our hands from products we all believed were going to help us. We had 16 percent more people die in 2014 than in 2013. We have lost 200,000 Americans since 1999—200,000. If that is not an epidemic, I don't know what is. I really don't know.

Unfortunately, a major barrier to those suffering opioid addiction—these are legal prescription drugs—is insufficient access to substance abuse treatment centers. Between 2009 and 2013, only 22 percent of those who were suffering from addiction could find treatment—only 22 percent.

For so long, we kind of put our heads in the sand and basically thought that this was a crime, that it wasn't basically an illness—an illness that we now have come to understand needs treatment. We are way behind the scale on this.

In my State of West Virginia, 42,000 West Virginians, including 4,000 youth—these are kids younger than 16 years of age—sought treatment for legal abuse but failed to find it. Think about this: If you are a parent or a grandparent and your kids are begging for help, the only way they can find any help today is to get them arrested, get a felony on them, and then the judge will send them to drug court. That is it. That is the alternative. That is not a solution we as Americans should be settling for.

The largest long-term facility in West Virginia with more than 100 beds is Recovery Point. It is run by all former addicts. These were people whose lives were basically destroyed. They got together and said: We can help people. We can save them. There is mentoring. They bring them in, and it is a yearlong program. It has the greatest success rate of anything else we have in our State.

In 2014 about 15,000 West Virginians got some sort of treatment for drug or alcohol abuse, but nearly 60,000 people went untreated because they couldn't find it or couldn't afford it. Based on conversations with our State police and all law enforcement in the State of West Virginia, 8 out of every 10 calls they are summoned to for some kind of criminal activity is due to drugs, some form of drugs.

All of our young students here will be able to identify with this and the people who have problems.

These people recognize they need help and they have been turned away.

I have introduced a piece of legislation with quite a few of my colleagues. I would hope all of my colleagues in this body would look at it very seriously. It is called LifeBOAT. LifeBOAT basically simply says this: We need to have a fee on all opiates. The reason for this was that in the 1980s, we were told this was a wonder drug. It will relieve us of pain 24 hours—not addictive at all. Well, we know what happened there. That wasn't effective and it wasn't accurate.

What we are asking for is one penny, one penny per milligram on all opiate prescriptions, just one penny. That one penny will give continuous funding for treatment centers around the country. That will bring in about $1.5 billion to $2 billion a year. I would hope it wouldn't bring in anything. That would mean we wouldn't have rampant addictions as we have throughout the country.

This is the LifeBOAT. We would hope people would get on board. I have asked my colleagues on the other side of the aisle. This is not a tax. It is basically a treatment plan. We have fees we charge for alcohol. We have a fee for cigarettes—nothing for opiates. This is destroying as many, if not more, lives. All of this is a commonsense approach forward.

I say to all of my colleagues, there will not be a Democratic or a Republican family who will hold it against you for trying to find a treatment program for their child or a loved one or someone in their family.

I have come to the floor every week to read letters from people who have been affected and their lives have been changed. I have one from my State of West Virginia, and she writes:

In Elementary school (I believe 4th grade) my daughter became a cheerleader for Pop Warner Football.

Then 6th through 8th she cheered for the Middle School. Her Senior year she cheered for High School as well. She also played Volleyball for the High School and with an adult league, and Basketball for a Jerry West league.

She had excellent grades in school, many friends and a great personality. To say she was well rounded is pretty accurate.

I am not quite sure where things went wrong. How we have ended up where we are today.

Today, and for several years now, my daughter is a drug addict. At one time she was prescribed antidepressants, then nerve pills, then she broadened to her own choices. She has tried many drugs but her choice is opiates.

Legal prescription opiates.

She is the mother of our first 2 grandbabies that are now in the custody of family members due to her drug use.

The home is unfit for the children to be raised in. Continuing:

She is also a sister, aunt, granddaughter, cousin, niece and friend to many. And the wife of an addict. She has been in and out of jail, court and community corrections several times.

I have lost many nights of sleep waiting for a knock at our door or a phone call to tell me I need to identify my daughter. Thankfully, I am a lucky one so far that has not had to do that. Others have not been as fortunate.

She has been homeless and sleeping in her car for almost a year except for the nights I could beg for her to come stay with us.

Her husband has stole from my family and is not allowed on any of our properties. She feels obligated into staying by his side.

I don't know why.

She has had several seizure episodes that were drug related. One time she was at a local grocery store with our granddaughter. She was transported by an ambulance after her 4 year old daughter screamed for help.

A 4-year-old daughter screaming for help for a mother who has had an overdose and addiction. Continuing:

She went to a 10-day detox. Which ended up being a waste—

We know that 10 days or a month doesn't do a thing—

because there was not a place for her to go for rehab after that.

One time she got out of jail and thought she could kick this habit on her own. She couldn't, and back to jail she went.

Right now she is in a grant funded long term facility.

If you talk to any people in addiction treatment, it takes a minimum of 1 year to get them through.

She has been there almost a month. My heart and hopes are high.

I pray for her and those like her on a daily basis. Addiction is such a cruel and punishing way of life. It leaves scars inside and out.

All I am asking for is this LifeBOAT piece of legislation that will give us a lifeboat to help families who are desperately in need. I would hope everyone would consider this. It is not a burden on anybody. It is not a burden on people taking normal prescriptions. It is only 1 penny per milligram on opiates produced, used, and consumed in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, for the benefit of my colleagues, we are working on trying to set up a series of a few amendments, including the Durbin amendment and others. Hopefully, we will have that resolved within half an hour or so, so we can then schedule votes for today.

I know my colleagues are aware that tomorrow the first part of the day is for the joint meeting, with an address by the Prime Minister of India, so that even shortens our time. We want to try to get as many amendments done as we can today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I speak on amendment No. 4260 to the National Defense Authorization Act, which would elevate U.S. Cyber Command to a combatant command.

In 1986, Congress passed a law elevating and establishing U.S. Special Operations Command to address the rapidly growing need for special operators and to unify our forces. Think about that. Today they are now leading the effort against ISIS. There is another force quietly leading a battle against ISIS, and it is on a completely new battlefield. U.S. Cyber Command is one of our most important elements in the fight against terrorism today and tomorrow.

I stand today with eight bipartisan cosponsors to my amendment, including the chairman of the Armed Services Committee. I thank them for their support. This includes Senators WARNER, BENNET, MURKOWSKI, CARDIN, and BLUMENTHAL, as well as Senators GARDNER and ERNST.

The Commander of Cyber Command recently testified before the Armed Services Committee, stating that an elevation to a combatant command ''would allow them to be faster, generating better mission outcomes.''

At a time when ISIS is rapidly recruiting online and developing technology like self-driving cars packed full of explosives, the United States needs to ensure that cyber and technology warfare is at the top of our priorities. U.S. Cyber Command needs to be able to react quickly and to engage the enemy effectively. Our troops need to be as effective online as they are in the air, in the land or at sea. To do all of that, we need to elevate them to a combatant command, where they will be reporting directly to the President of the United States through the Secretary of Defense.

I have provided for a plan in this year's Defense appropriations bill to fund this in the future, and I am committed to ensuring the elevation of Cyber Command is successful. In the long run, we need to ensure that they have increased access to training, to top equipment, and to ensure their other commands are able to integrate the forces successfully.

Right now as we debate the National Defense Authorization Act, we need to ensure that we give them the authority to defeat our adversaries, and that means elevation to a combatant command. The threat of a cyber attack is one of the fastest growing threats facing our Nation, and we cannot stand by as the Department of Defense delays to act on this urgent need.

I urge my colleagues to support my amendment No. 4260, which will elevate U.S. Cyber Command to a combatant command.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, with regard to the previous discussion, I want to point out to my colleagues, on this whole issue of a billion dollars that is being taken out of defense, the appropriate subcommittee on the Appropriations Committee and the authorizing committee is Labor, Health and Human Services, Education, and Related Agencies. Certainly, as I mentioned before—and taken out of the National Institutes of Health account, for which a lot of money was already being appropriated. So there is an appropriate vehicle for these expenditures of funds of nearly $1 billion, and it is not the Department of Defense.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TEXAS FLOODING

Mr. CRUZ. Mr. President, my home State of Texas is strong and resilient. Texans aren't people who tire easily, and we certainly don't give up when the going gets tough, but that doesn't mean the State of Texas hasn't faced its share of adversity.

Over the last few weeks, the resolve of our great State has been tested with historic flooding that has taken at least 16 lives across Texas. Among those 16 are 9 young soldiers at Fort Hood, 9 soldiers whose truck was overturned while crossing a flooded creek.

Their lives were ended in that flooding. Their families have been torn asunder, not by combat losses far away. When brave young men and women sign up to defend this country, they expect—they understand the threat that enemies abroad might endanger them, but they shouldn't be losing their lives here at home in a sudden and unexpected accident that took the lives of nine soldiers in an instant. Those nine soldiers should be remembered: SPC Yingming Sun, SSG Miguel Angel Colonvazquez, SPC Christine Faith Armstrong, PFC Brandon Austin Banner, PFC Zachery Nathaniel Fuller, Private Isaac Lee Deleon, Private Eddy Raelaurin Gates, Private Tysheena Lynette James, and Cadet Mitchell Alexander Winey.

All of us should remember those soldiers and every one of the soldiers, sailors, airmen, and marines who risk their lives for us daily.

Just yesterday on a plane flight from Texas, I had the pleasure of again meeting a young lieutenant whom I had met in the hospital at Fort Hood in 2014. He had been shot in the chest with a .45 in that tragic shooting that occurred. I must say it was so inspirational to see this young lieutenant healed, mobile, proudly serving our country, and energized. That is the spirit of our Armed Forces, and we should never forget their commitment to freedom.

Heidi and I right now, along with millions of Americans, are lifting up in prayer those Texans who have lost their lives, who have lost their homes, and the families who are suffering due to this flooding. We are also lifting up the first responders who so bravely risk everything to keep us safe.

In particular, I want to take a moment of praise for the Red Cross. I had the privilege yesterday of speaking with the CEO of the Red Cross to thank them directly for their efforts on the ground, helping people who are suffering, helping people who have lost their homes and who are struggling.

She and I shared what we have seen in tragedy after tragedy after tragedy, which is that, in the face of disaster and in the face of adversity, Texans and Americans come together. There is a spirit of solidarity, a spirit of unity that the worse the tragedy, the more we come together and help our friend and neighbor, help our sister and brother. During these difficult times, Texans demonstrate that sharing spirit, and we are thankful to Americans across the country who are lifting us up in prayer.

As the waters continue to recede and the wreckage is being cleared, my office will continue to work very closely with the local and State government officials, along with the entire Texas delegation, to help ensure a smooth recovery process, including offering—as I already have—my full support and assistance when Governor Abbott requests Federal aid for those afflicted by this disaster.

While Texas continues to rebound from these torrential floods, our Nation is also flooded with circumstances that require the very same strength and resolve that we face in the face of tragedy. This week, the Senate continues debating the National Defense Authorization Act. This legislation reflects our Nation's military and national security priorities. The decisions we make today will affect not only our lives but those of future generations.

We face serious times as a Nation. Our constitutional rights are under assault. We have economic stagnation, young people yearning for employment opportunities only to find none, and government regulations that crush innovations. Abroad and at home, the threat is growing each and every day of radical Islamic terrorists. In order to best ensure the future of our Nation, we must make sure America is secure.

The most important constitutionally mandated responsibility of the Federal Government, the one authority that it must—not merely can—exercise is to provide for the common defense. There is no better example of how egregiously we have strayed from our core function than the way in which our spending on defense has been held hostage year after year to the ever-increasing appetite for domestic spending by President Obama and his political allies. The programs they are forcing on the American people aren't necessary to protect our lives and safety. But funding our Nation's security is necessary, and it is in this spirit that I have approached my work on the National Defense Authorization Act. I look forward to continuing this debate with colleagues on both sides of the aisle.

My goal for the NDAA is simple. We need to make sure our military is strong, our homeland is secure, and our interests abroad are protected. The NDAA shouldn't be a vehicle to further an agenda that has nothing to do with actually defending America.

On the Senate Armed Services Committee, I was proud to work with my colleagues, both Republicans and Democrats, in introducing and getting adopted 12 amendments—12 amendments that were included in this legislation that cover the range of policy issues from strengthening our ability to protect ourselves through missile defense, to improving our ability to stand with allies such as the nation of Taiwan, to improving our ability to deal with the growing threats from nations like Russia and China, to prohibiting joint military exercises with Cuba, to preventing the transfer of terrorists from Guantanamo to nations that are on the State Department's watch list. All of those were done working closely with colleagues, Republicans and often many Democrats. Yet there are still many issues I believe should be addressed in this legislation, and I want to highlight three of those issues—three amendments that I hope this full body will take up.

The first is an amendment to increase spending on Israeli missile defense. This is an amendment on which I have been working very, very closely with the senior Senator from South Carolina, Mr. GRAHAM.

The second is an amendment to stop the Obama administration's plan to give away the Internet, to empower our enemies over the Internet. On this, I have been working closely with Senator LEE from Utah and Senator LANKFORD from Oklahoma.

The third amendment I want to address is an amendment to strip the citizenship from any Americans who take up arms and join ISIS or other terrorist organizations waging jihad against the United States of America. In this, I have worked with a number of Senators, including Chairman GRASSLEY of the Judiciary Committee.

Each of these amendments addresses different policy components of our Nation's security. But they all share the ultimate objective of ensuring that America remains the strongest nation the world has ever known.

The first amendment I have submitted and that I would urge this body to take up would increase funding for our cooperative missile defense program with Israel to ensure that our ally—our close friend—can procure the necessary vital assets and conduct further mutually beneficial research and development efforts. This has been an ongoing partnership between Israel and the United States of America and yet, unfortunately, the Obama administration, in its request submitted to Congress, zeroed out procurement for David's Sling, Arrow 2, and Arrow 3, vital elements of Israeli missile defense. This is at a time when the threats are growing, and the administration decided that zero was the appropriate level. Respectfully, I disagree. This amendment would fully fund procurement for Israeli missile defense.

Now, much of this missile defense is done in partnership working closely with American corporations producing jobs here at home. But it is also vital to our national security, as we see a proliferation of threats across the world. The technology of intersecting incoming threats and intersecting incoming missiles before they can take the lives of innocents is all the more important. Yet we are at a time when the administration has funneled hundreds of millions—and headed to billions—of dollars to Iran and their despotic regime.

The administration knows and they acknowledge that substantial portions of those funds will be used to fund radical Islamic terrorists, will be used to fund efforts to murder Israelis and to murder Americans. Yet, nonetheless, it is U.S. taxpayer dollars and dollars under the control of our government—billions—that are going to the Ayatollah Khamenei, who chants and pledges ''Death to America'' and ''Death to Israel,'' as a result of the fecklessness of our foreign policy.

Our closest ally in the Middle East remains in a deeply troubling and precarious position. Israel must be prepared to defend against Hamas and Hezbollah rocket stockpiles that are being rebuilt and improved, while also being forced to counter an increasingly capable adversary in the nation of Iran, which is intent on the destruction of Israel. We must not fail in our obligation to stand with Israel. It is my hope that, if and when this body takes up this amendment, we will stand in bipartisan unity, standing with Israel against the radical Islamic terrorists who seek to destroy both them and us. In doing so, we will further both Israeli national security and the safety and security of the United States of America.

In addition to working to provide for our common defense and protect our sovereignty, I have also introduced an amendment that would safeguard our country in a very different way. I have submitted an amendment that would prohibit the Obama administration from giving away the Internet. This issue doesn't just simply threaten our personal liberties. It also has significant national security ramifications. The Obama administration is months away from deciding whether the U.S. Government will continue to provide oversight over the core functions of the Internet and continue to protect it from authoritarian regimes who view the Internet as a way to increase their influence and suppress the freedom of speech.

Just weeks ago, the Washington Post—hardly a bastion of conservative thought—published an article entitled: ''China's scary lesson to the world: Censuring the Internet works.'' We shouldn't take our online freedom for granted. If Congress sits idly by and allows the administration to terminate U.S. oversight of the Internet, we can be certain authoritarian regimes will work to undermine the new system of Internet governance and strengthen the position of their governments at the expense of those who stand for liberty and freedom of speech.

This prospect is truly concerning, given the proposal submitted by the Internet Corporation for Assigned Names and Numbers, known as ICANN. ICANN is a global organization, and its latest proposal unquestionably decreases the position of the United States while it increases the influence of over 160 foreign governments within ICANN in critical ways—foreign governments like China, foreign governments like Russia. Additionally, this proposal has the potential to expand ICANN's historical core mission by creating a potential gateway to content regulation, and it would only further embolden ICANN's leadership, which has a poor track record of acting in an unaccountable manner and a proven unwillingness to respond to specific questions posed by the Senate.

Relinquishing our control over the Internet would be an irreversible decision. We must act affirmatively to protect the Internet, as well as the operation and security of the dot-gov and dot-mil top-level domains, which are vital to our national security.

For whatever reason, the Obama administration is pursuing the giveaway of the Internet in a dogged and ideological manner. It is the same naive foolishness that decades ago led Jimmy Carter to give away the Panama Canal. It is this utopian view that, even though we built it, we should give it to others whose interests are not our own. We should not have given away the Panama Canal, and we should not be giving away the Internet. If the Obama administration succeeds in giving away the Internet—which is, No. 1, prohibited by the Constitution of the United States, which specifies that property of the United States Government cannot be transferred without the authority of Congress—this administration is ignoring that constitutional limitation and is ignoring the law. But if the Obama administration gives away the Internet, it will impact freedom, it will impact speech for you, for your children, and your children's children.

I would note that one of the things this body is good at is inertia—doing nothing. Right now, that is what this body is doing to stop it. My amendment would say that control of the Internet cannot be transferred to anyone else without the affirmative approval of the United States Congress. If it is a good idea to give away the Internet that we built, that we preserve, that we keep free, that we protect with the First Amendment—and I can't imagine anyone reasonably objective believing it is, but if it is—we ought to debate it on this floor. A decision of that consequence should be decided by Congress and not by unaccountable bureaucrats in the Obama administration. So it is my hope that colleagues in this body will come together, at the very minimum, to say not whether or not the Internet should be given away but simply that Congress should decide that. There was a time when this body was vigorous in protecting its constitutional prerogatives. It is my hope that this body will rediscover the imperative of doing so.

The third amendment I have submitted on the NDAA that I want to address is the Expatriate Terrorist Act, a bill I introduced over a year ago and that I have now filed as an amendment to the NDAA.

As we all know, radical Islamic terrorists have been waging war against the United States since—and, indeed, well before—9/11, and yet the President cannot bring himself to identify the enemy, preferring instead to use meaningless bureaucratic terms like violent extremists. The President naively believes that refraining from calling the threat what it is—radical Islamic terrorism—will somehow assuage the terrorists and discourage them from making war against us and our allies. But that hasn't stopped ISIS from promising to strike America over and over and over, nor did it dissuade the radical Islamic terrorists here in the United States who have committed attacks against Americans since this President first took office—the terrorist attack in Fort Hood, which the administration inexplicably tried to characterize as ''workplace violence,'' the Boston Marathon bombing, the terrorist attack on military recruiters in Little Rock and Chattanooga, and, most recently, the horrific attack in San Bernardino.

The question for us in Congress is whether we have given the government every possible tool, consistent with the Constitution, to defeat this threat. I do not believe we have, which is why I have introduced the Expatriate Terrorist Act.

Over the years, numerous Americans, like Jose Padilla, Anwar al-Awlaki and Faisal Shahzad, just to name a few, have abandoned their country and their fellow citizens to go abroad and join radical Islamic terrorist groups. Intelligence officials estimate that more than 250 Americans have tried or succeeded in traveling to Syria and Iraq to join ISIS or other terrorist groups in the region. This amendment updates the expatriation statute so that Americans who travel abroad to fight with radical Islamic terrorists can relinquish their citizenship. This will allow us to preempt any attempt to reenter the country and launch attacks on Americans or to otherwise hide behind the privileges of citizenship. In this more and more dangerous world, it would be the height of foolishness for the administration to allow known terrorists—radical Islamic terrorists affiliated with ISIS, Al Qaeda, or other Islamist groups—to travel back to the United States of America using a passport to carry out jihad and murder innocent Americans.

This legislation should be bipartisan legislation. This legislation should be legislation that brings all of us together. We might disagree on the questions of marginal tax rates as Democrats and Republicans. We might disagree on a host of policy issues. But when it comes to the simple question of whether an Islamic terrorist intent on killing Americans should be allowed to use a U.S. passport to travel freely and come into America, that answer should be no, and that ought to be an issue of great agreement.

Today I call upon my colleagues to join me in supporting these amendments and coming together. Together

these amendments strengthen our Nation both at home and abroad. We are stronger than the obstacles we face. And by the grace of God, we will succeed. The stakes are too high to quit, and we will stand together and continue to strengthen this exceptional Nation, this shining city on a hill that each and every one of us loves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I hope the Senator from Texas, who just made a moving commentary, would consider in the future standing together and voting for the Defense authorization bill rather than voting against it.

We stood together on the committee with only three votes against the Defense authorization bill, and he voted against it last year as well. So I would look forward to working with the Senator from Texas and maybe getting him—instead of being one or two in the bipartisan effort of the committee—to vote for the Defense authorization bill.

I might tell him also that with his agenda, as he described it, I would be much more agreeable to considering that agenda if he would consider voting for the defense of this Nation—which is that thick—which we worked for months and months with hearings, meetings, and gatherings, and he decided to vote against the authorization bill. So I look forward to working with him, and perhaps next time he might consider voting for it rather than being 1 of 3 out of some 27 in the committee who voted for it in a bipartisan fashion, of which I am very proud.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRUZ. Mr. President, I would briefly respond to my friend from Arizona. As he is aware, this NDAA contains one provision that in the history of our country is a radical departure. For the first time ever, this NDAA would subject women to Selective Service and potentially the draft.

Was this change done through open debate? Was this change done in front of the American people? Was this change done reflecting their views? No. It was inserted by committee staff in the committee draft. It is a radical change that is attempting to be foisted on the American people.

I am the father of two daughters. Women can do anything they set their mind to, and I see that each and every day. But the idea that we should forcibly conscript young girls into combat, in my mind, makes little to no sense. It is, at a minimum, a radical proposition. I could not vote for a bill that did so, particularly that did so without public debate.

In addition to that, I would note that in previous years, I have joined with Senator LEE and others in pressing for an amendment that would protect the constitutional rights of all Americans against unlimited detention of American citizens on American soil. The chairman is well aware, because I have told him this now 4 years in a row, that if the Senate would take up and pass the amendment protecting the constitutional due process rights of American citizens—the Bill of Rights actually matters—then I would happily vote for the bill. Yet the Senate has not taken up that amendment, so I have had no choice but to vote no at the end of the day.

I can tell you right now that if this bill continues to extend the draft to women—a radical change, much to the astonishment of the voters, being foisted on the American people not just by Democrats but by a lot of Republicans—then I will have no choice but to vote no again this year. But I can say this: I would be thrilled to vote yes if we focused on the vital responsibilities of protecting this country rather than focusing on extraneous issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senator from Texas has the unique capability of finding a provision in a bill that thick to base his opposition on with a strong moral stand. The fact is that every single military leader in this country—both men and women, members of the military uniformed leadership of this country—believes it is simply fair, since we have opened up all aspects of the military to women in the military, that they would also be registering for Selective Service.

I would also point out that every single member of the committee—people such as Senator AYOTTE, Senator SHAHEEN, Senator MCCASKILL, all of the female members of the committee—also finds it a matter of equality. Women I have spoken to in the military overwhelmingly believe that women are not only qualified but are on the same basis as their male counterparts.

Every uniformed leader of the U.S. military seems to have a different opinion from the Senator from Texas, whose military background is not extensive. I believe it was indefinite detention last time, which obviously is an issue but, in my view, not a sufficient reason because it was not included. The bill last year did not address that issue, but because we didn't address the issue to the satisfaction of the Senator from Texas, then he voted against the bill. This year it is Selective Service.

The vote within the committee was overwhelming. The opinion of men and women in the military—every one of our military leaders believes that.

The Senator from Texas is entitled to his views, but to think that somehow that is sufficient reason for him to continue to vote against the bill—even though he does not respect the will of the majority—in my view, that is not sufficient reason to continue to oppose what is a bipartisan bill that was overwhelmingly voted for in committee and at the end of the day, in previous years, was voted for overwhelmingly in the Senate.

I respect the view of the Senator from Texas. Too bad that view is not shared by our military leadership—the ones who have had the experience in combat with women in the military.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

STANDING TOGETHER AS ONE NATION

Mr. MENENDEZ. Mr. President, I thought long and hard about giving this speech, and I don't come to the floor lightly, but as the senior Latino in this Chamber, I felt I had to speak, for those who do not recall the past are destined to repeat it, and I don't want to let this opportunity pass without speaking out.

The remarks of the presumptive Republican nominee for President about Judge Gonzalo Curiel are taking this Nation and the Republican Party down a dark and slippery slope. The road to some of the darkest moments of history have been paved with the rants of petty demagogues against ethnic minorities for centuries. And now, again in this century, Donald Trump is echoing those same racist rants and by doing so threatening to take this Nation to a dangerous place.

While Donald Trump's racist themes throughout his campaign are a new low for one of America's major political parties, they are not unique in history. This is page one on the dark chapters of history: Separate us from them. Tyrants and dictators have incited hatred against ethnic and religious minorities for centuries in order to consolidate power for themselves. Increasingly radical-thinking Republicans are not blameless in creating the environment that has led to this disaster, that has led to a new McCarthyism that calls out people not for their beliefs but for their ethnicity.

We have governed from crisis to crisis over the past 8 years, not because we cannot find solutions to our problems but because of political decisions to delegitimize the process and the President. They have fed into the ranks of a petty demagogue and now struggle to find safe ground. They have given quarter to snake oil salesmen and conspiracy theorists.

Now we have the head of a major U.S. political party attacking a Federal judge because of his parentage. This isn't a reality TV show or real estate deal; this is an attack on our independent judiciary. We are talking about a Presidential candidate tearing the fabric with which we enforce our laws and help citizens protect themselves from injustice.

In every aspect of her life, my mother believed in being treated fairly. What she did not believe is that being treated fairly meant she would always get what she wanted and that if she did not get it, it would be proof that the process of the system was corrupt, unfair, and out to get her.

To my mother and to me, lashing out when we don't get what we want—as Donald Trump seems to do so often—can be described only as remarkably childish, thin-skinned, surprisingly egocentric, and frankly, for someone who aspires to lead this Nation, dangerously undemocratic, if not outright demagogic, threatening the very safeguards our Founders put in place to protect us from those, like Mr. Trump, whose only view of the world seems to be in a mirror. His only response to adversity is to blame someone else and turn people against each other. The fact is, leaders don't turn people against each other; they bring them together in common cause. Mr. Trump needs to learn that there is not always someone else to blame for defeat. The fact that you lost doesn't imply unfairness, it only indicates that you lost, and he should get used to it, although it is a difficult concept for someone raised to believe there would be no losing and if there were, it must be a mistake that can be rectified with power, money, or a lawsuit. Apparently, in Mr. Trump's mind, if he loses, it must be someone else's fault: It is he. It is they. It is those people. He isn't American. He doesn't have a birth certificate. He is a Muslim. It is all of them. He is a Mexican judge, and I want to build a wall, so he is being unfair to me.

That attitude may be childish and pathetic in a schoolyard bully, but in an American President and Commander in Chief, it is downright dangerous.

I have traveled my State and this Nation and listened to people who wonder, as many of us do, how our political dialogue has become so dangerously coarse and brash and blatantly racist and how we seem to have reduced the greatness of this country to its lowest common denominator. We are talking about electing a President—a man or woman who will hold the nuclear code and will decide matters of war and peace and whether to send our sons and daughters into harm's way. The stakes are too high to allow a megalomaniac to pound his chest over a legitimate decision ordered by a judge who was confirmed unanimously by this Senate.

Many of my colleagues have tried to distance themselves from the comments of the nominee, but in many cases they have not gone far enough. They have not called him out as they should, politics aside, for the threat he poses to this Nation if he is elected.

Many of my colleagues must recognize, as I do, that a Federal judge born in Indiana, which is part of these great United States, with a Mexican family background whose parents became U.S. citizens is not a Mexican judge but is an American judge, just as a U.S. Senator like this one—born in New York, raised in New Jersey, from a Cuban family background—is a U.S. Senator. To imply otherwise and ask Judge Curiel to recuse himself from a case because of where his parents were born is on its face racist.

They need to come to the floor and denounce the comments of their nominee. In fact, all Americans should denounce this kind of blatant racism. The tone of the Trump campaign and his statements, actions, and demeanor threaten to send us down a slippery slope. He doesn't seem to be able to stop himself. He has doubled down and said that it is impossible, for example—that a judge of Muslim descent might not be able to render a favorable decision in a Trump v. Whomever case because of the candidate's policy to ban Muslims from entering this country. Anyone who won't stand up and call this blatant racism has decided to put partisan politics ahead of our country. This is how a new McCarthyism comes to America, sold by a reality TV show host, aided and abetted by a political party without the courage to stand up to racism in its most cynical form.

I have watched this campaign, like most of my colleagues, incredulous at what I heard, shocked, in disbelief, and with a deep concern at the level of discourse that has degenerated into name calling and out-and-out racism. Many of my Republican colleagues and friends are pulling their punches, not going far enough to denounce the racist rants of their nominee.

This is not the American political system that I know or grew up with, it is not how we run campaigns, and it should make us all feel uncomfortable. But it is not good enough to simply be uncomfortable with what the presumptive Republican nominee says. We can't just turn a deaf ear and a blind eye to someone like Donald Trump and where he threatens to take this Nation should he be elected. We cannot wait until it is too late, and I believe my colleagues know it but have not yet found a way to articulate it.

We as a nation have to face the ugliness of what he has said and what he has no doubt yet to say. We as a people must immediately and unconditionally condemn and reject the type of blatant racism we heard over the last few days. Those who do not stand up to intolerance and hatred only encourage it and sow the seeds of bigotry that will ultimately divide us as a nation and a people.

I urge all of my Republican colleagues and all Americans to reject the politics of settling scores and grudges and work toward changing the hateful rhetoric we continue to hear.

We are a nation of immigrants—all of us. We all know the reality of what it means to work hard, get an education, build a career, and find our way to this Chamber or the Federal bench. Many of us grew up in immigrant neighborhoods, like Judge Curiel, having to navigate many obstacles, the veiled or not-so-veiled insults, the derogatory comments, the finger-pointing and racial stereotypes, while always remaining rational and logical enough to take the long view and see beyond the mirror and beyond ourselves so we can make the best decisions we can and take what comes and in doing so become part of the larger whole, no longer a stranger but members of something larger than ourselves.

When Donald Trump says ''There's my African American'' at a political rally, we see only a fellow American, a citizen, one of us, not one of them.

Today we are all Judge Gonzalo Curiel, and today we stand together as one Nation, indivisible, no matter how hard someone tries to divide us.

I repeat: The road to some of the darkest moments in history have been paved with the rants of petty demagogues against ethnic minorities for centuries, and Donald Trump is echoing those same racist rants, threatening to take this Nation to a dangerous place. Let's all of us speak out before it is too late.

With that, I yield the floor.

The PRESIDING OFFICER (Mr CRUZ). The Senator from South Dakota.

THE PRESIDENT'S FOREIGN POLICY

Mr. THUNE. Mr. President, as we enter the final stretch of the Obama administration, many have began analyzing the President's tenure and debating what legacy he will leave. People are asking: Are we better off? Are we safer? Unfortunately, the evidence suggests that the answer to both of those questions is no.

As we look around the world right now, we see more and more unrest and insecurity, and the foreign policy failures of the President and his administration are partly responsible. Again and again, when it has come time for the President to lead, he has chosen instead to sit on the sidelines. His failure to act has emboldened our enemies and alienated our allies.

Take the situation in Syria. I am not blaming the start of the Syrian civil war on President Obama, but when a redline was drawn and crossed and the President ignored it, we lost our credibility and our ability to influence President Assad. As we retreated from a position of strength, turmoil and unrest erupted in Syria.

The President's reluctance to act must have looked familiar to foreign leaders like Vladimir Putin. It doesn't make the front pages of the papers anymore, but we must remember that Russia invaded the sovereign country

of Ukraine and annexed Crimea while the President did nothing. After that, it is no surprise that Russia felt free to involve itself in Syria or that it continues to occupy and influence parts of eastern Ukraine as if it were a colony and not a free nation.

Recently, we have also seen Russian jets buzzing U.S. Navy ships. I can think of few other Presidents who would have stood for Russia's behavior, but this passiveness now defines President Obama's approach to foreign policy. The now-infamous Russian reset promoted by President Obama and Secretary Clinton will go down in history as a strategic failure of this administration.

In the Pacific, which was intended to be a key focus of the President's foreign policy, China has gone largely unchallenged, especially in the South China Sea. The noticeable absence of the United States over the last 7 years has led to China building an island and standing up an airfield in some of the most disputed waters in the world—an island, Mr. President. Can you imagine if a country tried to build an island near the United States and then to militarize it? It is no surprise that our allies in Southeast Asia are growing increasingly nervous with the rising military power making such aggressive claims on their doorsteps.

Then there is the situation in Iraq. During his campaign, the President promised to withdraw U.S. troops from Iraq, which he then proceeded to do on a publicly announced timetable. Military planners and congressional Republicans warned that telegraphing our plans to insurgents will encourage them to bide their time and wait for our troops to leave before preying upon an underprepared Iraqi military. But it was evident that President Obama and Secretary Clinton didn't want to see our obligation to the Iraqis through; they were more interested in keeping an ill-advised campaign promise no matter what the cost to security in Iraq.

The President proceeded with his plans to withdraw our troops without pressing former Iraqi Prime Minister Maliki on the importance of making sure his country was stable and secure before we withdrew. Everyone knows what happened next: The lack of American troops left a gaping hole in Iraq security and ISIS rolled in to fill the gap. Once called the JV team by President Obama, ISIS quickly established itself as arguably the most dangerous terrorist organization in the world. From its safe haven in Iraq, ISIS has spread terror across the Middle East and into Europe, destroying peaceful communities and cultural relics alike in its pursuit of a caliphate.

My heart especially breaks for the Christians and other religious minorities in the region in this time of darkness. Their experience under ISIS has been one of relentless persecution and suffering—genocide, Mr. President.

ISIS's spread has only made the situation in Syria more dire, as well as extended terror beyond the Middle East to Europe. It may have also influenced a mass shooting here in the United States.

Even the President's supposed leadership triumphs have demonstrated his unwillingness to stand up to our Nation's enemies. As the days pass, buyer's remorse from Democrats for the Iran deal continues to grow. The President negotiated a nuclear deal with Iran that will not only fail to stop Iran from acquiring a nuclear weapon, but it will actually make it easier for Iran to acquire advanced nuclear weapons down the road. This deal will jeopardize the security of the United States and our allies for many years to come.

Deputy National Security Advisor Ben Rhodes has admitted to creating ''an echo chamber'' of falsehoods to sell the deal. We have also learned that a firm that helped push the deal also funded positive media coverage. Not only was this a bad deal that will make it easier for Iran to acquire advanced nuclear weapons down the road, the administration was disingenuous in how it sold the deal. It pulled a fast one over Congress, the American people, and our partners around the world, all in the name of burnishing the President's legacy, not because it was the will of the people. This is another instance of the President's missteps that sends troubling signals to our allies—in this case, Israel, our closest and most reliable ally in the region.

I make these points because it is against this backdrop of growing international instability and lessening U.S. influence that the Senate is now considering the National Defense Authorization Act. This legislation authorizes the funding necessary to equip our troops with the resources they need to carry out their missions.

As we look beyond the failures of the Obama administration to the challenges that lie ahead, it is even more important that when it comes to our military, we get things right. It is not America's strength that tempts our adversaries, it is our weakness. That is why we need to ensure that our military is well-equipped and trained to meet the challenges of rising powers through high-tech capabilities, while also being agile and versatile to combat increased unconventional threats from nonstate actors.

We sleep at night in peace and safety because our military stands on watch around the globe. As threats multiply around the world, we must ensure that the military has every resource it needs to confront the dangers facing our Nation. We need to support essential forward-looking weapons systems, such as the B–21 long-range strategic bomber and high-tech drones to deter and defeat future threats.

We must ensure that detainees stay at Guantanamo, instead of returning to the fight. We must ensure that our troops and their families at home have the support they need and deserve. This bill will accomplish all that.

As we continue to debate the National Defense Authorization Act, I am sure there are some contentious issues that will come up, but while there may be some disagreement, we must pass this essential legislation without delay. Playing politics with funding for our troops, as the President did by vetoing the National Defense Authorization Act last summer, is unacceptable. I urge my colleagues to join me to advance this essential legislation to provide for our troops to ensure the safety and defense of America and to help restore America's position of strength.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

HAZARDOUS MATERIALS RAIL TRANSPORTATION SAFETY IMPROVEMENT BILL

Mr. WYDEN. Mr. President, rural Oregonians who have long worried about trains rumbling through our treasured Columbia River Gorge had their fears realized last Friday when a mile-long oil train derailed and caught fire in the heart of one of our State's crown jewels, the Columbia River Gorge.

Our State is rich with breathtaking places, and we believe the Columbia River Gorge is right at the top of the list. Local tribes consider the area sacred ground, and it took the breath away from Meriwether Lewis, who wrote in his journal of ''beautiful cascades which fell from a great height over stupendous rocks. . . .''.

In addition to being a haven for wildlife, the gorge is the lifeblood for tens of thousands of residents in the Pacific Northwest, a critical transportation corridor, and a center for outdoor recreation and tourism. Those who visit the gorge do so to windsurf, kiteboard, and parasail, fish, hike, and camp. It boasts the most visited recreation site in the Pacific Northwest, the thundering Multnomah Falls that Meriwether Lewis wrote about.

In this pristine area, trains carrying flammable liquids barrel through the gorge on tracks that were built in the first half of the 20th century. On Friday, just a stone's throw from our region's lifeblood, the Columbia River, one of those trains fell off the tracks. Sixteen cars hauling crude oil crashed within view of a community school in the small town of Mosier. Three tank cars caught fire, one car leaked oil, and one experienced what is known as a thermal tear, sending a column of flames shooting into the air.

We can see from the photo next to me just how close this fiery crash was to that school. People within a mile of the crash site were evacuated. The evacuation zone included Interstate 84, which was closed for 12 hours, and at least 100 nearby households. Some of these folks have yet to return to their homes. The sewer system was damaged badly enough that it was taken offline. Firefighters were forced to use so much water to put out the fire that the town's main well was depleted. As a result, residents who remain have been

forced to drink bottled and boiled water. This has all been taking place in the middle of a heat wave at home.

Here is the point about the reality I just described. A lot of Oregonians are telling me that we got lucky with the oil train accident in Mosier, and they are right. This crash has left Oregonians wondering what unlucky would have looked like. I can tell you it doesn't take a lot of imagination. The Mosier crash could have been much worse if the train had been going faster and with more cars derailing. It could have been worse if the crash had happened on Thursday, when winds were clocked above 30 miles an hour and the fire would have spread to the nearby tree line. If the crash had happened a mile east, it would have been on the edge of the river, causing a potentially catastrophic spill in the middle of a salmon run. If it had happened 60 miles west, it would have been in downtown Portland or in one of the suburbs.

Oregon has been lucky a lot, and at some point that luck is going to run out. What people in small communities in Oregon want to know, and what they deserve to know, is what happens next. What is Congress going to do to start fixing the problem?

I am here this morning with my friend and colleague from Oregon, Senator MERKLEY, to talk about what specifically we are going to do to get this fixed. More than a year ago, I introduced legislation with Senator MERKLEY, Senator SCHUMER, and five other Senators called the Hazardous Materials Rail Transportation Safety Improvement Act. Since then, four more Senators have signed on. Among the bill's lead supporters are the International Association of Firefighters and the International Association of Fire Chiefs.

Our bill reduces the chance of accidents in the first place by providing funding for communities to relocate segments of track away from highly populated areas and for States to conduct more track inspections. Next, it helps communities prepare for a possible accident by paying for training for first responders before the next accident. Finally, the bill provides market incentives to use the safest tank cars to transport hazardous materials, which lowers the chance of a spill or a fire in the event of an accident.

On Monday I talked with Union Pacific's CEO, Mr. Fritz. He committed to work with me and the Senate sponsors on this legislation. He indicated there were parts of the bill that the company can support. I think knowing that the company is willing now to follow up is a bit of constructive news and an encouraging development, but much more needs to be done.

Yesterday, Senator MERKLEY and I, with our Governor, Congressman BLUMENAUER, Congressman BONAMICI, called for a temporary moratorium on oil train traffic through the Columbia River Gorge. Yesterday, when I talked to the CEO of Union Pacific, Mr. Fritz, he committed that the Union Pacific will not ship Union trains of oil through the gorge until there are three developments: No. 1, the cause of the accident has been determined, No. 2, Union Pacific ensures that an accident will not happen again, and the company sits down and works out concerns that are obviously of enormous importance to the residents of Mosier.

These commitments are helpful, and we are going to monitor them closely. The company has to do everything possible to help get residents in the town back on their feet. That includes getting the sewage system up and running and getting people back in their homes so they can get about their everyday lives.

In my view, it would be hard, after a very close call like the one in Mosier on Friday, for anybody to just walk away and say, well, there probably will not be another accident, because while the people of Mosier work to get back to their normal lives, the threat of another crash is going to linger. Our people are talking about it. They are telling the newspapers they are nervous. They are nervous about the prospect of another accident, which is lingering in the minds of folks across my State.

It has been clear for years that more needs to be done to protect our communities and prevent the next accident from ever occurring. It is tragic that Mosier has now joined a long and growing list of both small towns and big cities that have experienced an oil train accident, including: Casselton, ND; Lynchburg, VA; Aliceville, AL; New Augusta, MS; LaSalle, CO; Galena, IL; Watertown, WI; and Philadelphia, PA.

More needs to be done to ensure that transportation systems used to haul crude oil and other flammable liquids are up to par. I hope Members of this body on both sides of the aisle will join me and Senator MERKLEY and nine other Senators. We already have over 10 percent of the Senate. I hope they will join us in our effort to protect communities everywhere from the next oil train accident. This has nothing to do with Democrats and Republicans. What this has to do with is whether we are going to take commonsense steps to prevent these accidents and ensure that in particular we do everything we can to have the kind of trains that are not as likely to be part of accidents in the future.

My colleague Senator MERKLEY has been a terrific partner in this effort. We have been talking about how we are going to tackle this urgent issue for the people we represent, and he is going to have important remarks about Friday's accident in Mosier as well.

With that, I yield the floor and look forward to Senator MERKLEY's comments.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise with my friend and colleague Senator WYDEN to draw attention to the dangerous oil train derailment that occurred in Oregon last Friday and the urgency to protect communities around our Nation with stronger safety regulations for these rolling explosion hazards.

The folks in the Columbia Gorge have experienced a proliferation of trains carrying coal and carrying oil. They have been concerned about the length of the trains and how these trains roll through, dividing their communities and the challenges they have. There is one concern they have above everything else; that is, that a train full of explosive Bakken crude would derail in their community. That happened last Friday.

It is the very scenario communities have dreaded. This oil train was traveling through the Cascade Mountains along the Columbia Gorge on its way to Tacoma, WA, with 97 cars loaded with flammable, explosive Bakken crude. Sixteen tank cars went off the tracks. One car ruptured, and when it ruptured, it spewed oil. The oil created an inferno, and the inferno started to heat up the adjacent cars. The adjacent cars had pressure relief valves that as they got hot, started spewing oil out of these pressure relief valves, spreading the fire to three cars. This happened near the town of Mosier, OR, which is just 70 miles east of Portland.

We were fortunate. We thank our lucky stars no one was injured in the incident, but it could have been different, as my colleague from Oregon pointed out. The proximity of Mosier resulted in an evacuation of over 100 nearby residents and the nearby grade school with over 200 children. An air quality warning occurred for vulnerable residents from the thick plumes of black smoke. We were fortunate, and we are happy that no human life was taken and no injury occurred.

Let's take a look at what that inferno looked like in this photo. We can see the massive plume of burning Bakken crude rising into the air. We see here the fire in the adjacent cars. We see the proximity to the Columbia River. There could have been a massive release of oil into the Columbia River as well. Again, we were fortunate in this regard. The Columbia Gorge is a very special place, but as its narrow channel through the Cascade Mountain occurs, these trains run through the middle of virtually every community along the way. They represent a rolling time bomb. Citizens are right to have grave concerns.

I don't think the citizens along the Columbia Gorge are mollified by thinking, well, it could have been worse; we were fortunate this time. Instead, what the citizens of Mosier are thinking and citizens in communities all along the gorge are thinking is, our concerns about these rolling explosion hazards are confirmed, and we need to take serious measures so that one of these trains does not blow up in our community in the future.

Now there are inspections that take place. The track was reportedly inspected on May 31. A track detector vehicle used laser and other technology to inspect the track within the last 30 days.

But what happened? Why did this occur along this stretch of track? It is reported that a bolt or multiple bolts sheared. Why did they shear? Was it temperature differentials between day and night in our unusually warm spring? Was it because of the weight of these trains rolling through? Was it the volume of the traffic? Was it the speed they were traveling?

We have to understand every detail so that we respond and make sure this does not happen again. That is why it is so disturbing that the National Transportation Safety Board declined to investigate. In its mission, the NTSB is supposed to investigate accidents that result in the ''release of hazardous materials''—well, that certainly was the case—and that ''involve problems of a recurring nature''.

There have been recurring derailments that involve significant property damage. There was significant damage here. This derailment sent oil into Mosier's wastewater treatment plant. The plant has been closed down, a major challenge for the city to cope with. There has even been a pause in the drinking water because of the modest oil sheen in the river. It was uncertain where it was coming from and whether it would get into the intake for the drinking water.

So let's hereafter not have a situation where there is a significant crash and we don't have the investigation to learn everything about it so we can apply those lessons into the future.

Senator WYDEN has been leading the charge to make sure that we understand accidents, that we have the right set of precautions in place: braking standards on the brakes and speed standards on the tracks and upgraded railroad tanker cars that are far less likely to rupture. I thank him for his leadership on this. I am a full-square partner in this effort.

The tank car that ruptured was not one that met the new standards. It was what was referred to by the president of Union Pacific as kind of a ''medium safety''—not the worst car, not the oldest car. It did have some upgrades on it but certainly not the new cars that we have been setting and aspiring to have; that is, a stronger car with more protections, minimizing the chance of a rupture.

This is an issue we must take on seriously and urgently. Let's recognize that it is one accident after another. In July 2013, a runaway Montreal, Maine & Atlantic Railway train spilled oil and caught fire inside the town of Lac-Megantic in Quebec. Forty-seven people were killed. Thirty buildings burned in the town center.

In December of that year, a fire engulfed tank cars loaded with oil on a Burlington Northern Santa Fe train after a collision about a mile from Casselton, ND. Two thousand residents were evacuated as emergency responders struggled with the intense fire.

In January 2014, a 122-car Canadian National Railway train derailed in New Brunswick, Canada. Three cars containing propane and one car containing crude from western Canada exploded after the derailment, creating intense fires that burned for days.

In April of that year, 15 cars of a crude oil train derailed in Lynchburg, VA, near a railside eatery and a pedestrian waterfront, sending flames and black smoke into the air. Thirty thousand gallons of oil spilled into the James River.

The list goes on. In February of 2015——

Mr. MCCAIN. Will the Senator allow an interruption so that I can be recognized for a unanimous consent request, and he then will regain the floor?

Mr. MERKLEY. I would be honored to yield for your unanimous consent proposal.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Oregon yield to me for a unanimous consent request without losing his right to the floor.

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendments be in order to be offered: Durbin No. 4369 and Inhofe No. 4204. I further ask that the time until 4 p.m. be equally divided between the managers or their designees and that the Senate then proceed to vote in relation to the amendments in the order listed, with no second-degree amendments to these amendments in order prior to the votes, and that there be 2 minutes equally divided prior to each vote.

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

AMENDMENTS NOS. 4138, 4293, 4112, 4177, 4354, 4079, 4317, 4031, 4169, 4236, 4119, 4095, 4086, 4071, 4247, AND 4344

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendments be called up en bloc: 4138, Peters; 4293, Baldwin; 4112, Gillibrand; 4177, Schumer; 4354, Leahy; 4079, Heitkamp; 4317, Hirono; 4031, Cardin; 4169, Coats; 4236, Portman; 4119, Roberts; 4095, Ernst; 4086, Murkowski; 4071, Hatch; 4247, Danes; and 4344, Sullivan.

The PRESIDING OFFICER. 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 Arizona [Mr. MCCAIN], for others, proposes amendments numbered 4138, 4293, 4112, 4177, 4354, 4079, 4317, 4031, 4169, 4236, 4119, 4095, 4086, 4071, 4247, and 4344 en bloc.

The amendments are as follows:

AMENDMENT NO. 4138

(Purpose: To provide for the treatment by discharge review boards of claims asserting post-traumatic stress disorder or traumatic brain injury in connection with combat or sexual trauma as a basis for review of discharge)

After section 536, insert the following:

SEC. 536A. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) In addition to the requirements of paragraph (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

''(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

''(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

''(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.''.

AMENDMENT NO. 4293

(Purpose: To require a National Academy of Sciences study on alternative technologies for conventional munitions demilitarization)

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

SEC. 1422. NATIONAL ACADEMIES OF SCIENCES STUDY ON CONVENTIONAL MUNITIONS DEMILITARIZATION ALTERNATIVE TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of the Army shall enter into an arrangement with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall include the following:

(1) A review of the current conventional munitions demilitarization stockpile, including types of munitions and types of materials contaminated with propellants or energetics, and the disposal technologies used.

(2) An analysis of disposal, treatment, and reuse technologies, including technologies currently used by the Department and emerging technologies used or being developed by private or other governmental agencies, including a comparison of cost, throughput capacity, personnel safety, and environmental impacts.

(3) An identification of munitions types for which alternatives to open burning, open detonation, or non-closed loop incineration/combustion are not used.

(4) An identification and evaluation of any barriers to full-scale deployment of alternatives to open burning, open detonation, or non-closed loop incineration/combustion, and recommendations to overcome such barriers.

(5) An evaluation whether the maturation and deployment of governmental or private technologies currently in research and development would enhance the conventional munitions demilitarization capabilities of the Department.

(c) SUBMITTAL TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study conducted pursuant to subsection (a).

AMENDMENT NO. 4112

(Purpose: To expand protections against wrongful discharge to sexual assault survivors)

At the end of part II of subtitle D of title V, add the following:

SEC. 554. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting '', or sexually assaulted,'' after ''deployed overseas in support of a contingency operation''; and

(2) by inserting ''or based on such sexual assault,'' after ''while deployed,''.

AMENDMENT NO. 4177

(Purpose: To require a report on the replacement of the security forces and communications training facility at Frances S. Gabreski Air National Guard Base, New York)

At the end of subtitle B of title XXVI, add the following:

SEC. 2615. REPORT ON REPLACEMENT OF SECURITY FORCES AND COMMUNICATIONS TRAINING FACILITY AT FRANCES S. GABRESKI AIR NATIONAL GUARD BASE, NEW YORK.

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

(1) The 106th Rescue Wing at Francis S. Gabreski Air National Guard Base, New York, provides combat search and rescue coverage for United States and allied forces.

(2) The mission of 106th Rescue Wing is to provide worldwide Personnel Recovery, Combat Search and Rescue Capability, Expeditionary Combat Support, and Civil Search and Rescue Support to Federal and State entities.

(3) The current security forces and communications facility at Frances S. Gabreski Air National Guard Base, specifically building 250, has fire safety deficiencies and does not comply with anti-terrorism/force protection standards, creating hazardous conditions for members of the Armed Forces and requiring expeditious abatement.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth an assessment of the need to replace the security forces and communications training facility at Frances S. Gabreski Air National Guard Base.

AMENDMENT NO. 4354

(Purpose: To clarify that the National Guard's mission is both Federal and non-Federal for purposes of a report on the cost of conversion of military technicians to active Guard and Reserve)

On page 819, strike lines 7 through 13 and insert the following:

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense required to best contribute to the readiness of the Reserves and of the National Guard for its Federalized and non-Federalized missions.

AMENDMENT NO. 4079

(Purpose: To ensure continued operational capability for long-range bomber missions in the event of termination of the B–21 bomber program)

On page 556, line 2, insert '', including the modernization investments required to ensure that B–1, B–2, or B–52 aircraft can carry out the full range of long-range bomber aircraft missions anticipated in operational plans of the Armed Forces'' after ''program''.

AMENDMENT NO. 4317

(Purpose: To fulfill the commitment of the United States to the Republic of Palau)

At the end of subtitle H of title XII, insert the following:

SEC. 1277. SENSE OF CONGRESS ON COMMITMENT TO THE REPUBLIC OF PALAU.

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

(1) The Republic of Palau is comprised of 300 islands and covers roughly 177 square miles strategically located in the western Pacific Ocean between the Philippines and the United States territory of Guam.

(2) The United States and Palau have forged close security, economic and cultural ties since the United States defeated the armed forces of Imperial Japan in Palau in 1944.

(3) The United States administered Palau as a District of the United Nations Trust Territory of the Pacific Islands from 1947 to 1994.

(4) In 1994, the United States and Palau entered into a 50-year Compact of Free Association which provided for the independence of Palau and set forth the terms for close and mutually beneficial relations in security, economic, and governmental affairs.

(5) The security terms of the Compact grant the United States full authority and responsibility for the security and defense of Palau, including the exclusive right to deny any nation's military forces access to the territory of Palau except the United States, an important element of our Pacific strategy for defense of the United States homeland, and the right to establish and use defense sites in Palau.

(6) The Compact entitles any citizen of Palau to volunteer for service in the United States Armed Forces, and they do so at a rate that exceeds that of any of the 50 States.

(7) In 2009, and in accordance with section 432 of the Compact, the United States and Palau reviewed their overall relationship. In 2010, the two nations signed an agreement updating and extending several provisions of the Compact, including an extension of United States financial and program assistance to Palau, and establishing increased post-9/11 immigration protections. However, the United States has not yet approved this Agreement or provided the assistance as called for in the Agreement.

(8) Beginning in 2010 and most recently on February 22, 2016, the Department of the Interior, the Department of State, and the Department of Defense have sent letters to Speaker of the House of Representatives and the President Pro Tempore of the Senate transmitting the legislation to approve the 2010 United States Palau Agreement including an analysis of the budgetary impact of the legislation.

(9) The February 22, 2016, letter concluded, ''Approving the results of the Agreement is important to the national security of the United States, stability in the Western Pacific region, our bilateral relationship with Palau and to the United States' broader strategic interest in the Asia-Pacific region.''

(10) On May 20, 2016, the Department of Defense submitted a letter to the Chairmen and Ranking Members of the congressional defense committees in support of including legislation enacting the agreement in the fiscal year 2017 National Defense Authorization Act and concluded that its inclusion advances United States national security objectives in the region.

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

(1) to fulfill the promise and commitment of the United States to its ally, the Republic of Palau, and reaffirm this special relationship and strengthen the ability of the United States to defend the homeland, Congress and the President should promptly enact the Compact Review Agreement signed by the United States and Palau in 2010; and

(2) Congress and the President should immediately seek a mutually acceptable solution to approving the Compact Review Agreement and ensuring adequate budgetary resources are allocated to meet United States obligations under the Compact through enacting legislation, including through this Act.

AMENDMENT NO. 4031

(Purpose: To impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights)

(The amendment is printed in the RECORD of May 18, 2016, under ''Text of Amendments.'')

AMENDMENT NO. 4169

(Purpose: To require a report on the discharge by warrant officers of pilot and other flight officer positions in the Navy, Marine Corps, and Air Force currently discharged by commissioned officers)

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

SEC. ____. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE, CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

AMENDMENT NO. 4236

(Purpose: To require a report on priorities for bed downs, basing criteria, and special mission units for C–130J aircraft of the Air Force)

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

SEC. 1085. REPORT ON PRIORITIES FOR BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS FOR C–130J AIRCRAFT OF THE AIR FORCE.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Air Force Reserve Command contributes unique capabilities to the total

force, including all the weather reconnaissance and aerial spray capabilities, and 25 percent of the Modular Airborne Firefighting System capabilities, of the Air Force; and

(2) special mission units of the Air Force Reserve Command currently operate aging aircraft, which jeopardizes future mission readiness and operational capabilities.

(b) REPORT ON PRIORITIES FOR C–130J BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS.—Not later than February 1, 2017, the Secretary of the Air Force shall submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C–130J aircraft unit bed downs.

(2) The strategic basing criteria of the Air Force for C–130J aircraft unit conversions.

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities.

(4) Such other information relating to C–130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

AMENDMENT NO. 4119

(Purpose: To prohibit reprogramming requests of the Department of Defense for funds for the transfer or release, or construction for the transfer or release, of individuals detained at United States Naval Station, Guantanamo Bay, Cuba)

After section 1022, insert the following:

SEC. 1022A. PROHIBITION ON REPROGRAMMING REQUESTS FOR FUNDS FOR TRANSFER OR RELEASE, OR CONSTRUCTION FOR TRANSFER OR RELEASE, OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

While the prohibitions in sections 1031 and 1032 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) are in effect, the Department of Defense may not submit to Congress a reprogramming request for funds to carry out any action prohibited by either such section.

AMENDMENT NO. 4095

(Purpose: To improve Federal program and project management)

(The amendment is printed in the RECORD of May 24, 2016, under ''Text of Amendments.'')

AMENDMENT NO. 4086

(Purpose: To authorize a lease of real property at Joint Base Elmendorf-Richardson, Alaska)

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

SEC. 2826. LEASE, JOINT BASE ELMENDORF-RICHARDSON, ALASKA.

(a) LEASES AUTHORIZED.—

(1) LEASE TO MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may lease to the Municipality of Anchorage, Alaska, certain real property, to include improvements thereon, at Joint Base Elmendorf-Richardson (''JBER''), Alaska, as more particularly described in subsection (b) for the purpose of permitting the Municipality to use the leased property for recreational purposes.

(2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—The Secretary of the Air Force may lease to the Mountain View Lions Club certain real property, to include improvements thereon, at JBER, as more particularly described in subsection (b) for the purpose of the installation, operation, maintenance, protection, repair and removal of recreational equipment.

(b) DESCRIPTION OF PROPERTY.—

(1) The real property to be leased under subsection (a)(1) consists of the real property described in Department of the Air Force Lease No. DACA85-1-99-14.

(2) The real property to be leased under subsection (a)(2) consists of real property described in Department of the Air Force Lease No. DACA85-1-97-36.

(c) TERM AND CONDITIONS OF LEASES.—

(1) TERM OF LEASES.—The term of the leases authorized under subsection (a) shall not exceed 25 years.

(2) OTHER TERMS AND CONDITIONS.—Except as otherwise provided in this section—

(A) the remaining terms and conditions of the lease under subsection (a)(1) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85-1-99-14; and

(B) the remaining terms and conditions of the lease under subsection (a)(2) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85-1-97-36.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 4071

(Purpose: To redesignate the Assistant Secretary of the Air Force for Acquisition as the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics)

At the end of subtitle C of title IX, insert the following:

SEC. 949. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) REDESIGNATION.—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking ''Assistant Secretary of the Air Force for Acquisition'' and inserting ''Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics''; and

(2) by inserting '', technology, and logistics'' after ''acquisition''.

(b) REFERENCES.—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

AMENDMENT NO. 4247

(Purpose: To require an expedited decision with respect to securing land-based missile fields)

At the end of subtitle D of title XVI, insert the following:

SEC. 1655. EXPEDITED DECISION WITH RESPECT TO SECURING LAND-BASED MISSILE FIELDS.

To mitigate any risk posed to the nuclear forces of the United States by the failure to replace the UH–1N helicopter, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff—

(1) decide if the land-based missile fields using UH–1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements;

(2) not later than 30 days after the date of the enactment of this Act, submit to Congress a report on the decision relating to a request for forces required by paragraph (1); and

(3) if the Chairman determines the implementation of the decision to be warranted to mitigate any risk posed to the nuclear forces of the United States—

(A) not later than 60 days after such date of enactment, implement that decision; or

(B) if the Secretary cannot implement that decision during the period specified in subparagraph (A), not later than 45 days after such date of enactment, submit to Congress a report that includes a proposal for the date by which the Secretary can implement that decision and a plan to carry out that proposal.

AMENDMENT NO. 4344

(Purpose: To authorize military-to-military exchanges with India)

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

SEC. 1247. MILITARY-TO-MILITARY EXCHANGES WITH INDIA.

To enhance military cooperation and encourage engagement in joint military operations between the United States and India, the Secretary of Defense may take appropriate actions to ensure that exchanges between senior military officers and senior civilian defense officials of the Government of India and the United States Government—

(1) are at a level appropriate to enhance engagement between the militaries of the two countries for developing threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, tactics, techniques, and procedures, and humanitarian assistance and disaster relief;

(2) include exchanges of general and flag officers; and

(3) significantly enhance joint military operations, including maritime security, counter-piracy, counter-terror cooperation, and domain awareness in the Indo-Asia-Pacific region.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now vote on these amendments en bloc.

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

Is there any further debate on these amendments?

Hearing none, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 4138, 4293, 4112, 4177, 4354, 4079, 4317, 4031, 4169, 4236, 4119, 4095, 4086, 4071, 4247, and 4344) were agreed to en bloc.

Mr. MCCAIN. Mr. President, I mentioned to my colleagues that we would have these two votes later this afternoon, depending on an agreement between the majority leader and the Democratic leader. I thank my colleagues for their cooperation, and we look forward to those two votes.

I thank my colleague from Oregon for allowing me to make this unanimous consent request.

The PRESIDING OFFICER. For the information of all Senators, the Senate is under an order to recess at 12:30 p.m.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator MERKLEY, my colleague from Oregon, be allowed to finish his remarks prior to the recess.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that, at the conclusion of the Senator's remarks, I be recognized for my remarks for 8 minutes before the recess.

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

The Senator from Oregon.

HAZARDOUS MATERIALS RAIL TRANSPORTATION SAFETY IMPROVEMENT BILL

Mr. MERKLEY. Mr. President, in February of 2015, on Valentine's Day, a 100-car Canadian National Railway train hauling crude oil and petroleum distillates derailed in Ontario, Canada. The blaze burned for days.

Two days later, a 109-car CSX oil train derailed and caught fire near Mount Carbon, WV, leaking oil into a Kanawha River tributary and burning a house to its foundation. The blaze burned for weeks.

In November of last year, a dozen cars loaded with crude oil derailed from a Canadian Pacific Railway train, causing the evacuation of dozens of homes near Watertown, WI.

Let's take a look at this chart. In all, there have been 32 crashes involving oil trains since 2013. So in less than 4 years, there have been 32 crashes. I just highlighted a few of them. We see a massive increase of crude oil transported by rail. Therefore, there is a corresponding concern because of the explosive nature of this product and the derailments resulting in explosions and infernos.

Senator WYDEN and I have been calling for reform. We are going to keep pressing. We need better information for first responders on the scheduling of these trains. We need better knowledge of where the foam that can be used to respond is stored. We need more foam stored in more places. We need faster implementation of the brake standards and faster implementation of the speed standards and faster implementation of the railcar tanker standards.

But we have to understand what happened in every one of these wrecks. Let's take the same diligence to this that we take to aviation. We study every plane crash to understand what went wrong so we can take these lessons and diminish the odds of it happening again. The result is, we have incredibly safe aviation. Shouldn't we have the same standards when it applies to transportation across America with trains full of explosive oil running through the middle of our towns, not just in Oregon but all across this country? Haven't we learned in crash after crash after crash that these are not one-time isolated incidents, but something that happens with considerable regularity? Can't we do more?

Yes, we can. Yesterday, when I talked to the president of Union Pacific, I told him we were going to call for a moratorium, and Senator WYDEN and Governor Brown and Representatives BLUMENAUER and BONAMICI have joined in this effort. He heard our voice. He understands the challenge to these communities and the concerns that until the mess is cleaned up and until we understand and address the fundamental problems that contributed to this crash, no more oil should roll through the Columbia Gorge.

That is what we have called for. That is what we are going to keep persisting in. Let's stop this process of having oil train crash after oil train crash, explosion after explosion, inferno after inferno. The damage has gone up dramatically as the transportation of this oil has gone up dramatically. Incidents resulted in $30 million in damage last year, up from one-fourth of that the previous year.

So let's act. Let's act aggressively. Let's act quickly. Senator WYDEN's act would take us a powerful stride in the right direction.

Let's not look to our citizens and towns with rail tracks across this country and simply shrug our shoulders. Instead, let's say we know we have a major problem and we are going to be diligent and aggressive in solving it.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4204

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment in order to call up amendment No. 4204.

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

The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 4204.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provision relating to the pilot program on privatization of the Defense Commissary System)

Strike section 662.

Mr. INHOFE. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the Inhofe-Mikulski amendment No. 4204: SESSIONS, RUBIO, SHELBY, MORAN, WARREN, PETERS, and MENENDEZ.

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

Mr. INHOFE. Mr. President, we have been here before. The same language that is in the base bill right now was in a year ago. On the floor last year, we passed the Inhofe-Mikulski amendment, requiring a Secretary of Defense report on commissary benefits. It passed by unanimous consent with 25 bipartisan sponsors and cosponsors, and it was supported by 41 outside organizations and by the administration. It required a study on the impact of privatization of commissaries on military families before a pilot program on privatizing could be implemented that was to look at modifications to the commissary system.

I am sending the language now, which I will get to in a minute. It required a Comptroller General assessment of the plan no later than 120 days after submittal of the report.

Here is the situation. The House passed the fiscal year 2017 NDAA, and it doesn't include privatization language. The Senate version has the same language as last year, which would authorize a pilot program to privatize five commissaries on five major military bases. But only yesterday, we received the report from the Secretary of Defense. We have not yet received the Comptroller General's review.

Congress asked for this study because of concerns about the impact that privatization could have on our servicemembers and the commissary benefit. It seems as if we are taking away benefits. We are working these guys and gals harder than we ever have before, and this is one very significant benefit that is there.

Senator MIKULSKI and I, along with our now 38 cosponsors—last year it was 25—and with the support of 42 outside organizations are offering a simple amendment that strikes the privatization pilot program, allowing Congress to receive and vet the Secretary of Defense report and the valuation of the Comptroller.

This is not the first time this was done. The January 2015 report by the Military Compensation and Retirement Modernization Commission determined that commissaries were worth preserving, and they did not recommend privatization. That report took place almost 2 years ago.

When surveyed in 2014, 95 percent of the military members were using commissaries and gave them a 91-percent satisfaction rate.

According to the Military Officers Association of America, the average family of four who shops exclusively at commissaries sees a savings of somewhere between 30 percent to 40 percent.

Mr. President, I have six testimonials from military members about using commissaries that I wish to enter into the RECORD. They said the following:

''Our family needs the commissary! We wouldn't be able to afford a decent amount of groceries for our family if we had to shop off post!''

''My husband is currently active duty AF, and I drive 30 one way just to be able to shop at the commissary. We are stationed at a base in the middle of nowhere and if I were to shop at our local store, I would pay nearly twice as much. And, I know that a vast majority of those stationed where we are use the commissary for the same reason. And please consider those stationed overseas and in other rural locations. If the commissaries were privatized, they could increase the prices and without competition, our grocery bill would be significantly higher.''

''Whether I am in the states or overseas I use my benefits of lower food cost. I've been in the military for 22 years, I've seen a lot of changes. But this should not be one. If anyone from your office wants more information feel free to contact me.''

''While there are some items that may be found at a lower individual price on the economy the total combined savings remains constant.''

''When I went out in town and we tried to get the same amount, we got about half of the groceries that we could afford at the Commissary.''

''If you want to keep an all-volunteer military, you must keep the benefits that are in place as of today and for the future. All that are serving and have served depend on the

commissary and exchange for low-cost goods. If the Commission does not recommend a pay increase, all benefits are extremely needed.''

Commissaries are required to operate in remote areas. A lot of these objections are from commissaries in remote areas where people don't have any other place to actually make their purchases.

At a time when thousands of junior servicemembers and their families use food stamps, we should not be making changes that could increase costs at the checkout line.

The commissary benefit encourages people to reenlist, preserving a well-trained, dedicated military. It ensures that training investments are well spent, saving the expense of retraining the majority of the force every few years. The commissary savings and proximity and the consistency of the commissaries also encourage spouses, whose opinions may be a deciding factor in reenlistment decisions.

I know this is true. Just last Friday I was at Altus Air Force Base. I went into the commissary and talked to someone who was reconsidering. It was the wife of a flyer. Right now one of the biggest problems we have in the Air Force is the pilot shortage. They said that would be a major determining the factor. So it is the right thing to do.

It also provides jobs for families of servicemen. Sixty percent of the commissary employees are military related. The greatest benefit is that their jobs are transferable. If they are transferred from one place to another, they are already trained and ready to go.

As I said, the Department of Defense delivered their report only yesterday and no one has had a chance to really go over it. The mandated GAO review of this plan is now under way. Of course, it could be up to 120 days after this for the next step to become completed.

The report supports section 661 of the Senate bill regarding optimization of operations consistent with business practices, but it doesn't affect 662. That is the section where we had the pilot program.

We have addressed this before, but the report also acknowledges that privatization would not be able to replicate the range of benefits, the level of savings, and geographic reach provided by DeCA while achieving budget neutrality.

It states that the Department of Defense—and I am talking about the report from the Department of Defense—is continuing its due diligence on privatization by assessing the privatization-involved portions. They are already doing that right now. In fact, some things have already been privatized, such as the delis, the bakeries. They have been privatized already in those areas and that is actually working. So privatizing military commissaries before having a full assessment of the costs and benefits is not the responsible thing to do. We owe that to our members.

Mr. President, I ask unanimous consent to have printed in the RECORD the Members who are cosponsors and the organizations that are supporting the Inhofe-Mikulski amendment No. 4204.

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

INHOFE-MIKULSKI AMENDMENT #4204

(1) Boozman (R-Ark.), (2) Boxer (D-Cali.), (3) Brown (D-Ohio), (4) Burr (R-N.C.), (5) Capito (R-W.Va.), (6) Cardin (D-Md.), (7) Casey (D-Pa.), (8) Collins (R-Maine), (9) Gillibrand (D-N.Y.), (10) Hatch (R-Utah), (11) Heller (R-Nev.), (12) Hirono (D-Hawaii), (13) Kaine (D-Va.), (14) Klobuchar (D-Minn.), (15) Lankford (R-Okla.), (16) Markey (D-Mass.), (17) Menendez (D-N.J.), (18) Moran (R-Kan.).

(19) Murkowski (R-Alaska), (20) Murray (D-Wash.), (21) Nelson (D-Fla.), (22) Peters (D-Mich.), (23) Rounds (R-S.D.), (24) Rubio (R-Fla.), (25) Schatz (D-Hawaii), (26) Schumer (D-N.Y.), (27) Session (R-Ala.), (28) Shelby (R-Ala.), (29) Stabenow (D-Mich.), (30) Tester (D-Mont.), (31) Tillis (R-N.C.), (32) Udall (D-N.M.), (33) Vitter (R-La.), (34) Warner (D-Va.), (35) Warren (D-Mass.), (36) Whitehouse (D-R.I.).

42 ORGANIZATIONS SUPPORTING THIS AMENDMENT/OPPOSING PRIVATIZATION LANGUAGE IN THE BILL

(1) Air Force Sergeants Association, (2) American Federation of Government Employees, (3) American Federation of Labor and Congress of Industrial Organizations Teamsters, (4) American Logistics Association, (5) American Military Retirees Association, (6) American Military Society, (7) American Retirees Association, (8) American Veterans, (9) Armed Forces Marketing Council, (10) Army and Navy Union, (11) Association of the United States Army, (12) Association of the United States Navy, (13) Fleet Reserve Association, (14) Gold Star Wives of America.

(15) International Brotherhood of Teamsters, (16) Iraq and Afghanistan Veterans of America, (17) Jewish War Veterans of the United States of America, (18) Military Order of Foreign Wars, (19) Military Order of the Purple Heart, (20) National Defense Committee, (21) National Guard Association of the United States, (22) National Military Family Association, (23) National Military and Veterans Alliance, (24) Military Partners and Families Coalition, (25) Military Officers Association of America, (26) National Association for Uniformed Services, (27) Society of Military Widows, (28) The American Military Partner Association, (29) The Coalition to Save Our Military Shopping Benefits, (30) The Flag and General Officers Network.

(31) Tragedy Assistance Program for Survivors, (32) The Retired Enlisted Association, (33) Uniformed Services Disabled Retirees, (34) United States Army Warrant Officers Association, (35) Veterans of Foreign Wars, (36) Vietnam Veterans of America, (37) Iraq and Afghanistan Veterans of America, (38) National Industries for the Blind, (39) Naval Enlisted Reserve Association, (40) Reserve Officer Association, (41) Enlisted Association of the National Guard of the United States, (42) The American Legion.

Mr. INHOFE. Mr. President, I yield back the remainder of my time.

RECESS

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

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 4204

Ms. MIKULSKI. Mr. President, I rise today to offer a bipartisan Inhofe-Mikulski amendment to the National Defense Act. What does our amendment do? It stops the privatization of commissaries, which are an earned benefit for our military and their families.

Every year when the Senate debates this bill, we talk about how we love our troops and how we always want to support our military families. But if we really love our troops, we need to make sure our troops have the support they need. One of the earned benefits that does that is the commissaries. And if we love our troops, why would we want to proceed in this direction of privatization? Our troops don't view commissaries as a subsidy; they view them, as do I, as an earned benefit. I am fighting here to preserve this piece of the earned benefit compensation package.

What are the commissaries? Since 1826, military families have been able to shop at a network of stores that provide modestly priced groceries. The commissary system is simple: If you are an Active-Duty, Reserve, National Guard, retired member, or a military family member, you have access to more than 246 commissaries worldwide. They give military members and their families affordability and accessibility to health foods.

Senator INHOFE spoke earlier about where these commissaries are. Some are located in our country, and some in remote areas, and over 40 percent are either in remote areas or overseas.

Last year Senator INHOFE and I stood up for military family benefits to stop privatization. Congress adopted our amendment, but in doing so required a DOD study assessing privatization, which would affect commissaries. We needed to understand how privatization would affect levels of savings, quality of goods, and impact on families. DOD finally gave us the report on June 6, 2016. So they dropped the report on D-day. And guess what. It reaffirms what Senator INHOFE and I have been saying: We should not privatize commissaries without additional study. The report is simple and straightforward: We should not proceed with the privatization or a pilot on privatization until further study.

First, DOD has demonstrated that privatization cannot replicate the savings the current commissary system provides. Second, privatization significantly reduces the benefits available to commissary patrons. And privatization would dramatically reduce the workforce, which is where so many military families work. The DOD cannot move

forward with privatization with a large number of unknowns.

We must honor the DOD request and fully evaluate the implications of privatization before we make drastic changes that hurt our military families. That is why everyone should support the Inhofe-Mikulski amendment. Our amendment is straightforward.

It strikes bill language authorizing a pilot program privatizing commissaries. It is supported by 41 organizations—the American Logistics, the National Guard Association, the National Military Family Association.

Privatizing commissaries is penny wise and pound foolish. If we care about the health of our troops, we must reject this.

I have been to the commissaries in Maryland. Go to the one at Fort Meade. Fort Meade is a tremendous place. We might not deploy troops the way Fort Bragg or Camp LeJeune does, but what we do there is phenomenal. There are 58,000 people who work at Fort Meade. We are in the heart of Maryland, which has such a strong military presence, both Army and Navy. If you came to the commissary with me, you would see it as a nutritional settlement house. You would really like it because you see people there, first of all, of all ranks and ages mingling together. You might see a young woman who is married to an enlisted member of the military, and she is learning a lot about food and nutrition. She is getting advice, and she is getting direction, in addition to saving money. Also, if you go there, you would see oldtimers, who—although they are counting their pennies, they are counting their blessings that they have this commissary to be able to go to.

When I say a settlement house, it is a gathering to learn about food, about nutrition, about a lot of things. It often offers healthier food at cheaper prices.

When I talked with our garrison commander about something he and I worked on together called the Healthy Base Initiative, he said that what we were doing there was so phenomenal. We worked to bring in things like salad bars and some of the more modern kinds of things. This was just phenomenal.

So, first, we need commissaries. Second, if we are looking at how to make the budget neutral, and I don't argue with that point, the DOD study itself says we need to explore two things: other ways of achieving budget neutrality—and they had some suggestions—and also explore with the private sector who would be interested in privatization whether it would result in cost savings without costing the benefits, meaning what is really sold there in nutrition. There are a lot of new and wonderful ideas. My father ran a small grocery store. He would be amazed at what grocery stores are now. But things like going to private labeling, better management—the DOD has some other toolkits to do before we go off on this approach to privatizing without analyzing. So I am for analyzing and then looking at the next step.

The report this year just arrived. I know the authorizing committee didn't have the benefit of it. So I hope we will stick with Senator INHOFE and me, reject this amendment, look out for our troops, and let's explore other ways to achieve budget neutrality, but let's not just arbitrarily single out this earned benefit for cost savings.

Mr. President, the chair of the Armed Services Committee looks like he is eager to speak, but I also want to say that I support the Durbin amendment we will be voting on later on this afternoon. I am a strong supporter of DOD's Congressionally Directed Medical Research Program. I was very concerned about the bill language. I understand the need for regulation but not strangulation. What is proposed in this bill would be so onerous, I am worried it would stop this research altogether. We can't let that happen, and Senator DURBIN's amendment would ensure that this program is allowed to continue its lifesaving discoveries. This congressionally mandated research has done so much good in so many areas, and we have large numbers of groups—from the Breast Cancer Coalition to the disabled veterans themselves—who support the Durbin amendment.

I have been supporting this program for more than 25 years. It all started in 1992 when the breast cancer community was looking to create a new research program. And by the way, the breast cancer advocates were just as organized, mobilized, and galvanized back then as they are today. The advocates knew that DOD ran the largest health system in the country and envisioned a new research program that was peer-reviewed and included input from not just scientists but also advocates. This was a new concept at the time that the needs of a community affected by disease would be considered when determining research priorities.

So we started with breast cancer in 1992 and quickly expanded to look at other illnesses and conditions. Since 1992, Congress has provided more than $11.7 billion to fund more than 13,000 research grants. Today DOD's medical research program studies prostate cancer, ALS, traumatic brain injury, multiple sclerosis, lung cancer, ovarian cancer, autism, amputation research, and many others. And I am so proud that research is conducted at Fort Detrick in Maryland, Johns Hopkins, and the University of Maryland.

Almost immediately, Congress's investment in DOD's medical research program paid off—and with dividends. Breast cancer research led to the development of Herceptin, a standard care for the treatment of breast cancer. Lung cancer research led to creation of the first lung cancer bio-specimen repository with clinical and outcome data available to all researchers studying lung cancer. Traumatic brain injury research led to the development of two FDA-cleared devices to screen for and identify TBI in military members. Amputee care research led to the development of amputee trauma trainer, a device which replicates blast injuries from IEDs in war zones. It trains physicians to better respond to war injuries. Some of the DOD's regenerative medical breakthroughs are so astonishing you would think you were reading science fiction. The Department's medical program supported the first ever double hand transplantation on a combat-wounded warrior. Wow—so proud that this ground-breaking procedure was developed and performed at Johns Hopkins. This is just a snapshot. The list of successes are as long as they are inspiring.

For years, opponents of DOD's medical research program have argued against this program. They say, ''Oh, this research is duplicative. Oh, this research should only benefit active military.'' Well, I say ''no'' to both arguments.

First, DOD's research is complementary to NIH's research but is not duplicative or redundant. In fact, the Department's research grants are peer-reviewed by doctors, scientists, advocates, and Federal agencies to ensure there is not duplication in efforts. The Institute of Medicine has reviewed DOD's program and found it to be efficient and effective.

Second, we know the diseases studied by DOD affect both active military and their families. Imagine if we refused to allow DOD to study breast cancer in 1992 simply because there were fewer woman serving? We wouldn't have the advances that we do today saving lives and improving lives. Taking care of military families is an essential part of our promise to our men and women in uniform.

We have an opportunity to block this misguided language in the underlying bill that would have terrible consequences for medical research. The discoveries and treatments speak for themselves. I urge my colleagues to support Senator DURBIN's amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4204

Mr. MCCAIN. Mr. President, we will probably discuss this some more—this issue of the privatization—later on before we actually vote on the amendment, but this is a classic example of a distortion of an issue which could save the taxpayers $1 billion that we subsidize the commissary system. It is not privatizing, I say to the Senator from Maryland; it is a pilot program of five—count them, five—military bases. There are companies and providers of food and services that are ready to try to establish on bases. We are not taking away a single commissary. We are not closing a single one—not one. But what we are trying to do is—if you want to have a hamburger at Burger

King or McDonald's or Dunkin' Donuts or use UPS, you can go on a military base and they will provide you that service. The government doesn't do it. They don't make hamburgers. They don't carry mail. All of a sudden, now we have to have more studies. The real study would be a pilot program which proves successful.

By the way, if you ask the men and women who are in the military ''Would you like to shop at Walmart or Safeway or one of these others if it is convenient?'' do you know what the answer is? ''Of course. Yes.'' Because there is more variety and there are lower prices.

Does my colleague, the Senator from Maryland, know that we are spending over $1 billion of taxpayer money on these commissaries every year, when we could probably do it for nothing or even charge these groups or commercial enterprises that would like to come, in a pilot program, to a military base? This is crazy. Fort Belvoir Commissary right here, the highest grossing store in the system, loses 10 cents on every dollar of goods it produces and sells, and guess who covers those losses. The taxpayers of America.

It is not an attempt to take away the commissary benefits; it is an attempt to see if the men and women in the military and all their dependents around the bases might get a better product at a lower price. That is what five—count them, five—privatizations are attempting to try.

Yesterday, we received the Department of Defense report on its plan to modernize the commissary and exchange systems. In that report, DOD stated that private sector entities are ''willing to engage in a pilot program.'' DOD has told us that at least three major private sector entities are interested in testing commissary privatization. This has led DOD to publish a request for information to industry to give feedback on how a privatization pilot program could work. So why would my colleague support an amendment that would delay what needs to be done?

This is really all about an outfit called the grocery brokers. That industry has been working overtime to stop this pilot program because if it is successful, privatization would destroy their successful business model because they wouldn't have to use the grocery brokers. That is what this is all about, my friends.

So rather than paying over $1 billion a year to be in the grocery business, privatization might provide—I am not saying it will, but it might provide the Department of Defense with an alternative method of giving the men and women in the military and our retirees high-quality grocery products, higher levels of customer satisfaction, and discount savings, while reducing the financial burden on taxpayers. We need to have a pilot program for sure.

Five pilot programs is not the end of civilization as we know it. It is not a burden on the men and women who are serving. I have talked to hundreds of men and women who are serving. I said ''How would you like to have Safeway on the base? How would you like to have Walmart?'' and they said ''Gee, I would really like that'' because they get a wider and diverse selection from which to choose—not to mention, although it doesn't seem to matter around here, it might save $1 billion for the taxpayers. But what is $1 billion? We are going to spend a couple billion dollars just on medical research—which the Senator from Maryland obviously is in favor of—calling it in the name of defense, when it absolutely should be funded by other branches of the Appropriations Committee, rather than the Willie Sutton syndrome and taking it out of defense.

All I can say to the Senator from Maryland is that all we are talking about is giving it a try in five places. Let's not go to general quarters about an attempt to see if we can save the taxpayers $1 billion a year. We are not going to close any commissaries in any remote bases. We are not doing anything but a five-base pilot program. That is all there is to this amendment, and to portray it as anything else is a distortion of exactly what the legislation has clearly stated its intent to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, despite what was just said, I am not in the pocket of something called grocery brokers. I am not here showing for something called grocery brokers. I am here to stand up for military and military families. I want the record to show that. I don't even know what grocery brokers are. I know what a grocery store is because my father ran one, I worked in one and learned a lot from the kind of values my father ran his business on.

Let's talk about the DOD-mandated report that we did last year when we discussed this. The report acknowledges that privatization would not be able to replicate the range of benefits, the level of savings, and the geographic reach provided by the commissaries while achieving budget neutrality. DOD is continuing its due diligence on privatization. It is still assessing the privatization of all or portions of the commissary system.

What I worry about is cherry-picking. ''Oh, we are going to privatize.'' They are going to do it in the lucrative markets, in the Baltimore-Washington corridor, but right now our commissaries, owned by the United States of America for the troops defending the United States of America, are required to operate where the servicemembers are, even when it would not be economically beneficial from a commercial standpoint. Go ahead with this privatization myth, fantasy, or delusion that they are not going to cherry-pick.

More than two-thirds of the commissaries serve military populations living in locations that are not profitable for private sector grocers. These commissaries are made possible by the appropriated funds subsidy and by operating efficiencies and volumes of the large statewide stores. It is not only taxpayers they are subsidizing. Over 40 percent of commissaries' appropriated budget provide commissary services overseas and in remote locations. Do you think they are going to be part of privatization? They are going take what they want, where they can make money, and then these others are going to be defunded because, yes, you might talk about what the taxpayers subsidize, but at large, more profitable commissaries are also a cross-subsidy to those that are in the more remote areas or overseas.

Commissaries provide a benefit to servicemembers in the form of savings, proximity, and consistency that in some ways the commercial grocery sector, which must operate for profit, might find difficult to sustain.

Business is business. We know how the defense contractor game works. We know how the contractors are. They go where they can make money. That doesn't necessarily mean they go where they serve the Nation. I have great respect for our defense contractors. Many of them are either headquartered in Maryland or serve Maryland, but let's face it, their business is to make money, not necessarily to serve the troops. If they can make money serving the troops, they will make money and want to have stores where they can make money. That doesn't deal with the remote area. Let's hear it from our Alaskan people, let's hear it from the overseas people, and so on.

All I am saying is, while we continue on the path to explore either complete budget neutrality or to achieve budget neutrality, the Department of Defense says it needs more analysis on what it can do with itself and what the private sector is talking about.

There are three major private sector companies that have expressed interest. I would want to know, are they going to cherry-pick or are they going to be like Little Jack Horner waiting to get their hands on a plum? I am for the whole fruit stand, and I want it at the commissaries.

This has been a good exchange, and I respect my colleague from Arizona in the way he has stood up for defense. I know he wants to serve the troops as well. So let's see where the votes go, and we look forward to advancing the cause of the national security for our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Maryland. I always enjoy spirited discussion with her. She is a wonderful public servant, and I am going to miss her in this institution because she has an honorable record of outstanding service, and I always enjoy doing combat.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

HEAR ACT

Mr. CORNYN. Mr. President, earlier today, the Senate Judiciary Subcommittee on the Constitution convened a hearing on a piece of legislation I introduced with several of my colleagues called the Holocaust Expropriated Art Recovery Act, or the HEAR Act. This bill is long overdue, and like most pieces of good legislation, it is pretty straightforward.

During the Holocaust, Nazis regularly confiscated private property, including artwork, adding one more offense to their devastating reign. Today, the day after the anniversary of D-day and decades after World War II ended, there are still families who haven't been able to get their stolen artwork or family heirlooms back.

The HEAR Act will support these victims by giving them a chance to have their claims decided on the merits in a court of law and hopefully facilitate the return of artwork stolen by Nazis to their rightful owners. That is why we called the hearing ''Reuniting Victims with Their Lost Heritage.'' It is true that Hitler's final solution in World War II was not just the extermination of the Jewish people but erasing their culture. This was part of the overall plan in Hitler's final solution. This legislation will help those who had vital pieces of their family and cultural heritage stolen to find justice.

This legislation is also consistent with our country's diplomatic efforts and longstanding congressional policy. I am grateful to my colleague from Texas, Senator CRUZ, as well as the senior Senator from New York, Mr. SCHUMER, and Connecticut, Senator BLUMENTHAL, for joining me in introducing this bipartisan piece of legislation. I hope the Senate Judiciary Committee will mark this up soon and the full Chamber will consider it soon.

Mr. President, separately, as we continue our work on the Defense authorization bill, I want to talk for a moment about how important that is. Yesterday I spent some time talking about the threats not only to our troops overseas who are in harm's way but threats that those of us here at home are experiencing as a result of a more diversified array of threats than we have ever seen in the last 50 years. I say ''50 years'' because the Director of National Intelligence, James Clapper, has served in the intelligence community for 50 years, and that is what he said—we have a more diverse array of threats today than he has seen in his whole 50-year career. That includes here at home because it is not just people traveling from the Middle East to the United States or people coming from the United States over to the Middle East training and then coming back. It is also about homegrown terrorists—people who are inspired by the use of social media and instructed to take up arms where they are and kill innocent people in the United States and, unfortunately, as we have seen in Europe as well.

As we think about the legacy of this President and his administration when it comes to foreign policy, I am reminded of the comments by former President Jimmy Carter, a Democrat, commenting on another Democratic President's foreign policy. When he was asked, he candidly admitted and said: I can't think of a single place in the world where the United States is better off or held in higher esteem than it was before this administration. He called the impact of President Obama's foreign policy minimal. I would suggest that is awfully generous, if you look around the world, the threats of a nuclear-armed North Korea, which has intercontinental ballistic missiles it has tested in creating an unstable environment there with our ally and friend to the south, South Korea, if you look at what is happening in Europe as the newly emboldened Putin has invaded Crimea and Ukraine with very little consequences associated with it. I have said it before and I will say it again, weakness is a provocation. Weakness is a provocation to the world's bullies, thugs, and tyrants, and that is what we see in spades.

In the Middle East, President Obama talked about a red line in Syria when chemical weapons were used, but then when Bashar al-Assad saw that there was no real followthrough on that, it was a hollow threat and indeed he just kept coming, barrel-bombing innocent civilians in a civil war which has now taken perhaps 400,000 lives. Then, we have seen it in the South China Sea, where China, newly emboldened, is literally building islands in the middle of the South China Sea—one of the most important sealanes to international commerce and trade in Asia.

I will quote on North Korea again. Former Secretary of Defense Leon Panetta said: ''We're within an inch of war almost every day in that part of the world,'' talking about Asia, with the threat of China in the South China Sea, North Korea. As far as North Korean aggression is concerned, this administration has basically done nothing to counter that aggression.

Under the President's watch, this regime has grown even more hostile and more dangerous because it is so unstable. In fact, when she was Secretary of State, Secretary Clinton testified in her confirmation hearing that her goal was ''to end the North Korean nuclear program.'' That is what Secretary Clinton said. Her goal was to end the North Korean nuclear program. She even promised to embark upon a very aggressive effort to that effect.

We know what happened. Instead, she adopted what was later euphemistically called strategic patience. That is just another way of saying doing nothing. In other words, this more laid-back approach is simply lost on tyrants like we see in North Korea, and it certainly didn't punish the North Korean leadership for its hostilities.

We can't continue down the reckless path of ignoring challenges around the world or retreating where people are looking for American leadership. That is why it is so critical that we demonstrate our commitment to our men and women in uniform by passing this important Defense authorization bill this week.

We have an all-volunteer military, and that is a good thing. We have many patriots who join the military, train, and then are deployed all around the world, as directed by the Commander in Chief, but the idea that we would not follow through on our commitment to make sure they have the resources they need is simply unthinkable.

I hope we will continue to make progress on the Defense authorization bill and make sure we provide the resources, equipment, and authorization they need in order to defend our country. Let's get the NDAA, the Defense authorization bill, done this week.

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

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

The Senator from Arizona.

SYRIA

Mr. MCCAIN. Mr. President, while we are waiting for others to speak on the floor, I think it is important to take a moment to talk about the lead editorial in this morning's Washington Post, which describes the events transpiring in Syria, as we speak. The lead editorial says:

> Empty words, empty stomachs. Syrian children continue to face starvation as another Obama administration promise falls by the wayside.

This is a devastating and true story.

> It's been nearly six months since the U.N. Security Council passed a resolution demanding an end to the bombing and shelling of civilian areas in Syria and calling for immediate humanitarian access to besieged areas. It's been four months since Secretary of State John F. Kerry described the sieges as a ''catastrophe'' of a dimension unseen since World War II and said that ''all parties of the conflict have a duty to facilitate humanitarian access to Syrians in desperate need.''

Those were the words of Secretary of State John Kerry back in February.

The editorial continues:

> By Monday, there still had been no food deliveries to Darayya in the Damascus suburbs, the al-Waer district of Homs or several of the other 19 besieged areas, with a population of more than 500,000, identified by the United Nations. Nor had there been airdrops. None have been organized, and U.N. officials say none are likely in the coming days. Another deadline has been blown, another red line crossed—and children in the besieged towns are still starving.

This is heartbreaking. It is heartbreaking. It is heartbreaking. Children in besieged towns are still starving.

The editorial continues:

Over the weekend, Russian and Syrian planes—

Our allies, the Russians—

heavily bombed civilian areas in rebel-held areas of Aleppo and Idlib. The Syrian Observatory for Human Rights said 500 civilians, including 105 children, had been killed in 45 consecutive days of bombing in Aleppo. The ''cessation of hostilities'' negotiated by Mr. Kerry in February, which was never fully observed by Russia and Syria, has been shredded.

And the Obama administration's response? It is still waiting patiently for the regime of Bashar al-Assad to stop dropping barrel bombs from helicopters on hospitals and allow passage to aid convoys. It is still asking politely for Russia to stop bombing Western-backed rebel units and to compel the Assad regime to follow suit. ''We expect the regime to live up to its commitments,'' said a State Department statement Monday. ''We ask Russia to use its influence to end this inhumane policy.'' As for airdrops, ''that's a very complex question,'' said a spokeswoman.

The promise of air delivery, it turns out, was entirely rhetorical. On May 26, two senior U.N. officials publicly warned that a U.N. air bridge could not be established without permission from the Assad regime—the same regime that was blocking food deliveries by land. They called on the United States and Russia to ''find a way'' to begin the operation. But neither the United States nor Britain, the original proponent of the airdrops, acted to make an operation possible. Instead, they issued appeals to the Russian government—the same government that is systematically bombing civilian neighborhoods of Aleppo and Idlib.

The British ambassador to the United Nations hinted on Friday that if the Assad regime kept preventing land and air raid deliveries, his government ''will consider other actions.'' The French ambassador to the United Nations said ''the Syrian regime is continuing to systematically starve hundreds of thousands of civilians. These are war crimes . . . There is a strong momentum here in the Security Council . . . to say 'enough is enough.' ''

Strong words. Those are a Kerry specialty, too. People in the besieged towns are ''eating leaves and grass or animals of one kind or another that they can manage to capture,'' Mr. Kerry declared. Humanitarian access, he said, ''has to happen not a week from now . . . it ought to happen in the first days.'' That was on February 2.

On February 2, the Secretary of State declared humanitarian access where 500,000 people were starving. On February 2, he said that the humanitarian access ''has to happen not a week from now . . . it ought to happen in the first days.'' It is shocking and disgraceful. We should all be ashamed. By the way, the people who we are training to fight against ISIS are prohibited from fighting against the guy who is barrel-bombing and killing these thousands of men, women, and children—Bashar al-Assad. It is insanity. History will judge this administration and its actions not only with anger but with embarrassment. This is a shameful chapter in American history.

I note the presence of the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, is there an order of business that has been agreed to by unanimous consent?

The PRESIDING OFFICER. The time until 4 p.m. is equally divided.

Mr. DURBIN. Mr. President, I find it hard to understand why anyone would want to eliminate funding for militarily relevant defense medical research—research that offers families hope and improves and saves lives—especially now. When you look at the body of medical research across all Federal agencies, we are getting closer to finding cures for certain cancers, closer than ever to understanding how to delay the onset of neurological diseases like Alzheimer's and Parkinson's, closer than ever to developing a universal flu vaccine. Now is the time to be ramping up our investment in medical research, not scaling it back. Yet, there are two provisions in this Defense authorization bill that would effectively end the Department of Defense medical research program. These two provisions are dangerous. They cut medical research funding, which will cost lives—military lives and civilian lives. That is why I filed a bipartisan amendment, together with Senator COCHRAN, the Republican chairman of the Senate Appropriations Committee, which will be considered by the Senate this afternoon.

My legislation would remove Chairman MCCAIN's provisions so that lifesaving research at the Department of Defense can continue. Senator MCCAIN's two provisions, found in sections 756 and 898, work hand in hand to end the Department of Defense medical research program.

His first provision requires the Secretary of Defense to certify that each medical research grant is ''designed to directly promote, enhance, and restore the health and safety of members of the Armed Forces''—not veterans, not retirees, not spouses of military members, and not children of military families. In my view, they are all part of our national defense, and they should all be covered by the DOD health care system and research.

Senator MCCAIN's second provision, section 898, would require that medical research grant applicants meet the same accounting and pricing standards that the Department requires for procuring contracts. This is a dramatic change in the law. It is the imposition of miles of redtape on every medical research grant. The regulations that he has subjected them to apply to private companies that sell the Department of Defense goods and services, such as weapon systems and equipment. Among other things, it would require the Defense Contract Audit Agency, or DCAA, to conduct at least one, and probably several, audits on each grant recipient. Do you know what that means? It means there will be 2,433 more audits each year by the Defense Contract Audit Agency. How are they doing with their current workload? They are behind on $43 billion worth of goods and services that is being procured by the Department of Defense, and Senator MCCAIN would send them at least 2,433 more audits next year.

Taxpayers deserve to know that their money is well spent. The existing system does just that. A grant application now is carefully scrutinized, and throughout the 24-year history of this Defense research program, there have only been a handful of instances where serious questions have risen. No grant makes it through this process without first showing clear military relevance. If an applicant fails that test, it is over. If they clear it, they will be subject to a host of criticism and scrutiny by researchers, and then representatives from the National Institutes of Health and the Department of Veterans Affairs sit down and measure each grant against existing research. These rules are in place to protect taxpayers' dollars, and they do. Senator MCCAIN is now seeking to add miles of redtape to a program in the name of protecting it. His provisions go too far.

The Coalition for National Security Research, which represents a broad coalition of research universities and institutes, wrote: ''These sections''—referring to Chairman MCCAIN's sections—''will likely place another administrative burden on the DOD scientific research enterprise and slow the pace of medical innovation.''

When we asked the Department of Defense to give us their analysis of Chairman MCCAIN's provisions, they concluded—after looking at all of the redtape created by Senator MCCAIN—that these issues would lead to the failure of the Congressionally Directed Medical Research Program. That is clear and concise, and, sadly, it is accurate.

What Senator MCCAIN has proposed as a new administrative bureaucratic burden on medical research at the Department of Defense is not fiscally responsible, it doesn't protect taxpayers, and it is not in pursuit of small government by any means. These provisions are simply roadblocks.

Let's talk for a minute about the medical research funded by the Department of Defense. Since fiscal year 1992, this program has invested $11.7 billion in innovative research. The U.S. Army Medical Research and Materiel Command determines the appropriate research strategy. They looked for research gaps, and they want to fund high-risk, high-impact research that other agencies and private investors may be unwilling to fund.

In 2004, the Institute of Medicine, an independent organization providing objective analysis of complex health issues, looked at the DOD medical research program, and they found that this program ''has shown that it has been an efficiently managed and scientifically productive effort.'' The Institute of Medicine went on to say that this program ''concentrates its resources on research mechanisms that complement rather than duplicate the

research approaches of the major funders of medical research in the United States, such as industry and the National Institutes of Health.'' This has been a dramatically successful program.

I would like to point to a couple of things that need to be noted in the RECORD when it comes to the success of this program. This morning Senator MCCAIN raised a question about funding programs that relate to epilepsy and seizures when it comes to the Department of Defense medical research program. In a recent video produced by the Citizens United for Research in Epilepsy, they share heartbreaking stories of veterans suffering from post-traumatic epilepsy and the recovery challenges they face. They shared the story of retired LCpl Scott Kruchten. His team of five marines, during a routine patrol, drove over an IED. He was the only survivor. He suffered severe brain injury. Lance Corporal Kruchten suffered a seizure inside the helicopter while they were transporting him to Baghdad for surgery. He has been on medication ever since. In fact, seizures set back all of the other rehabilitation programs that injured veterans participate in and greatly slow their recovery.

Since the year 2000, over 300,000 Active-Duty military servicemembers have experienced an incident of traumatic brain injury. Many of them are at risk of developing epilepsy. Post-traumatic epilepsy comprises about 20 percent of all symptomatic epilepsy. According to the American Epilepsy Society, over 50 percent of traumatic brain injury victims with penetrating head injury from Korea and Vietnam developed post-traumatic epilepsy. The research we are talking about is relevant to the military. It is relevant to hundreds of thousands who have faced traumatic brain injury. I don't know why Chairman MCCAIN pointed that out this morning as an example of research that is unnecessary to the Department of Defense. It is clearly necessary for the men and women who serve our country.

Let me say a word about breast cancer too. In 2009, after serving the Air Force for over 25 years, SMSgt Sheila Johnson Glover was diagnosed with advanced stage IV breast cancer which had spread to her liver and ribs. She said breast cancer cut her military career short. She was treated with Herceptin, a drug developed with early support from the Department of Defense medical research funding. According to Sheila, ''It is a full circle with me, giving 25 years of service in the DOD and the Department of Defense giving me back my life as a breast cancer patient.''

Sheila is not alone; 1 out of every 8 women is at risk of developing breast cancer in her lifetime and 175,000 women are expected to be diagnosed with the disease each year. With more than 1.4 million Active-Duty females and female spouses under the Federal military health system, breast cancer research is directly related to our military and our military community.

Breast cancer research started this medical research program in the Department of Defense. It was given a mere $46 million at the start. Over the span of the life of medical research programs at the Department of Defense, a little over $11 billion has been spent. Almost one-third of it has gone to breast cancer research, and they have come up with dramatic, positive results, such as the development of this drug Herceptin.

The point I am getting to is this. If you believe the military consists of more than just the man or woman in a uniform but consists of their families and those who have served and who are now veterans, if you believe their medical outcomes are critically important to the future of our military, then you can understand why medical research programs such as this one, which would be virtually eliminated by Chairman MCCAIN's language, is so important for the future strength of our men and women in uniform and the people who support them.

Let me tell you about a constituent who wrote me last month. This photo shows Linda and Al Hallgren. Al is a U.S. veteran, survivor of bladder cancer. Linda wrote to me and said:

When my husband was originally diagnosed in 2013, our only options were bladder removal followed by chemotherapy. Prognosis based on his cancer was months to a year or so. There were so many questions that came to mind, primarily around, ''How did I get this?''

But as she pointed out to me, Al is a fighter, a survivor. Two years later, here they are, the two of them, enjoying a ride on a motorcycle.

When she passed along this photo, here is what she said: ''We continue to fight the battle and take moments out to enjoy life to the fullest one day at a time.''

She noted in her letter that there are many risks with bladder cancer associated with military service. Smoking is the leading cause. The incidence of smoking among our military members is entirely too high.

The Institute of Medicine also took a look at the use of Agent Blue from 1961 to 1971 in the Vietnam war and its linkage to bladder cancer. It is the fourth most commonly diagnosed cancer among veterans but only the 27th highest recipient of Federal research. So the story of this family and what they have been through raises an important question. Do we have an obligation to this individual who served our country, served it honorably, came home and suffered a serious medical illness? Do we have an obligation, through medical research, to try to find ways to make his life better, to make sure we spare him the pain that is associated with many of the things that are linked to his service in our military? Of course, we do. So why do we go along with this language that the chairman put in his authorization bill to eliminate these medical research programs?

I mentioned earlier the advancements that were made in breast cancer research. In 1993, the Department of Defense awarded Dr. Dennis Slamon two grants totaling $1.7 million for a tumor tissue bank to study breast cancer. He began his work several years earlier with funding from the National Cancer Institute, but researchers still lacked the regular source of breast tissue from women. That is when the DOD funding made a difference. Dr. Slamon's DOD-funded work helped to develop Herceptin, which I mentioned earlier.

At lunch just a few minutes ago, we heard from Senator BARBARA MIKULSKI. She told about the lonely battle which she fought for years for women to get medical research. Sadly, the National Institutes of Health and other places were doing research only on men. Thank goodness Senator MIKULSKI and others spoke up. They spoke up and NIH started changing its protocols. Then they went to the Department of Defense and said: We want you to focus on breast cancer, if you will, for the emerging role of women in our military, and they did with dramatic results. Now comes a suggestion from Chairman MCCAIN that we are to put an end to this research. We should burden it with more redtape. I don't think it makes sense. It certainly doesn't make sense for the men and women serving in the military and the spouses of the men who serve in the military who certainly understand the importance of this research.

DOD-funded research developed a neurocognitive test for diagnosing Parkinson's disease. The Department of Defense research also identified additional genetic risk factors for developing the disease, including two rare variants that we now know connect the risk for Parkinson's with traumatic injury to the head. What we find when we look at the list of research, such as Parkinson's disease, and question why that has any application to the military, it is that they knew there was an application, they knew there was a connection, and it was worth seeking.

Here is the bottom line. People have lived longer and more productive lives because of DOD-funded medical research, and we have an opportunity to help even more people if my amendment passes and we defeat the language that is in this Defense authorization bill.

Sixty-three Senators from 41 States, both sides of the aisle, requested increases in medical research for our next fiscal year. We can't earmark where that research is going to take place—that goes through a professional process—but you can certainly point out to the Department of Defense areas where they might have some interest, and they make the final decision.

If the McCain provisions become law, they put an end to research programs requested by a supermajority of the Senate.

Mr. President, how much time have I used and how much time currently remains?

The PRESIDING OFFICER (Mr. LANKFORD). There is 22½ minutes remaining.

Mr. DURBIN. I will yield the floor at this point to see if others are seeking recognition.

Mr. GRAHAM. Mr. President, how much time is remaining for our side?

The PRESIDING OFFICER. There is 30 minutes remaining for the majority.

Mr. GRAHAM. If it is OK with the Senator, I will make a few comments.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. No. 1, when it comes to Senator DURBIN, there is no stronger voice for medical research in the Senate and he should be proud of that.

Senator DURBIN and I are cochairing the NIH caucus, the National Institutes of Health, to make sure we take the crown jewel of our research at the Federal level and adequately fund it, to try to make it more robust, and in times of budget cuts, sequestration across the board, I want to compliment Senator BLUNT and Senator DURBIN and others for trying to find a way to increase NIH funding. I think we will be successful, and a lot of credit will go to Senator DURBIN.

As to the military budget, we are on course to have the smallest Army since 1940. We are on course to have the smallest Navy since 1915 and the smallest Air Force in modern times. Modernization programs are very much stuck in neutral. The wars continue, and they are expanding. By 2021, if we go back into a sequestration mode, we will be spending half of normally what we spend on defense in terms of GDP.

So to those who want to reform the military, count me in. This will be one of the most reform-minded packages in the history of the Department of Defense. We are trying to address the top-heavy nature of the military, where general officer billets have exploded, and make sure we have a leaner military at the top and put our emphasis on those out in the field fighting the war.

We are dealing with the explosion of contractors. We are looking at our medical delivery systems anew. It has all been bipartisan. Senator REED deserves a lot of credit with his Democratic colleagues to find ways to reform the military, not only to save money but to improve the quality of life of those in the military.

There is an obligation on all of us who are considered defense hawks to make sure the military works more efficiently. This bill drives contracting away from cost-plus to fixed price. We see a lot of overruns in terms of big-ticket items—billions of dollars over what was projected in terms of costs of the F–35 and aircraft carriers. One of the ways to change that problem is to have the contractor have skin in the game by having a fixed price rather than cost-plus contracting.

I want to compliment Senators MCCAIN and REED for looking at the way the military is being run and trying to make it more efficient, understanding that reform is necessary.

Having said that, 50 percent of the military's budget, for the most part, goes into personnel, and I believe we need more people in the Army, not less. So we can reform the military to save money, and we should. We can bring better business practices to the table, and we should. We can modernize the way we deliver health care to get outcomes rather than just spending money, and we should. We can look at every part of the military and put it under a microscope and make it more efficient and make sure it is serving the defense needs of the country.

Having said that, given the number of ships we are headed toward, 278—420,000 people in the Army—we need more people to defend this Nation, and we have an obligation to the people defending the Nation to give them the best equipment and take care of their families. I am not looking for a fair fight. I want to rebuild the military and make sure our military has the weapons systems that would deter war, and if you had to go to war, to win it as quickly as possible.

That gets us to medical research. There is about $1 billion spent on medical research within the Department of Defense. What we are suggesting is that we look at this account anew. What the committee has decided to do—Senator MCCAIN—is to say the Secretary of Defense has to certify that the money in the medical research budget in the Department of Defense is actually related to the defense world. There are a lot of good things being done in the Department of Defense in terms of medical research, but the question for us is, in that $1 billion, how much of it actually applies to the military itself because every dollar we spend out of DOD's budget for things not related to defense hurts our ability to defend the Nation.

It is not a slam on the things they are doing. I am sure they are all worthwhile. The question is, Should that be done somewhere else and should it come out of a different pot of money?

So the two measures we are proposing—to continue medical research in the future, the Secretary of Defense would have to certify that the medical research program in question is related to the Department of Defense's needs, and there is a pretty broad application of what ''need'' is—traumatic brain injury and all kinds of issues related to veterans. Of the $1 billion, using the criteria I have just suggested where there is a certification, some of the money will stay in the Department of Defense, but some of it will not because if we look at that $1 billion, a lot of it is not connected to what we do to defend the Nation.

The second requirement is that if they are going to get research dollars, they have to go through the same process as any other contractor to get money from the Department of Defense. That means they are in the same boat as anybody else who deals with the Department of Defense. If that is a redtape burden, then everybody who deals with the Department of Defense will share that burden. So rather than just writing a check to somebody, there is a process to apply for the money and the contracting rules will apply. These are the two changes—a certification that the money being spent on medical research benefits the military, the Department of Defense, and in order to get that money one has to go through the normal contracting procedures to make sure there is competition and all the i's are dotted and t's are crossed. I think that makes sense.

I think some of the money we are spending under the guise of military Department of Defense research has nothing to do with the Department of Defense, and we need every dollar we can find to defend the Nation. Many of these programs are very worthwhile, I am sure, and I would be willing to continue them somewhere else. I am supporting a dramatic increase in NIH funding. I am very much for research, but if we are going to bring about change in Washington, and if people like me who want a stronger military are going to advocate for a bigger military, I think we have an obligation to have a smarter, more reformed system.

I am not trying to have it both ways. I am looking at how the Pentagon works at every level, along with Senator MCCAIN, and we are bringing structural changes that are long overdue.

I want to compliment Senator REED, who has been a great partner to Senator MCCAIN. We don't always agree, but I think Senator REED has bought into the idea that the Pentagon is not immune from being reformed and the status quo has to change.

So with all due respect to Senator DURBIN, I think the provisions Senator MCCAIN has crafted make sense to me. To get research dollars in the future, the Secretary of Defense has to certify that the money in question helps the Department of Defense, and if one is going to bid for the business, they must go through the normal contracting process to make sure it is done right. Those are the only two changes.

Those programs that will be knocked out of the Department of Defense, I am certainly willing to keep them funded somewhere else. I think that is a long-overdue reform.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to respond to my friend from South Carolina. We are friends. We have worked on a lot of things together. I hope we will continue to do so in the future. We clearly see this issue differently today.

Two-tenths of 1 percent of the Department of Defense appropriations will go for medical research—about $1 billion in a budget of $524 billion. It is not an outrageous amount. We are not funding medical research at the expense of being able to defend America. Hardly anyone would argue that, but a small percentage would. I can make an argument—and I have tried effectively here—that when it comes to the medical research that is being done through the Department of Defense, it is extraordinary.

We have achieved so much for a minimal investment in so many different areas. I could go through the list—and I will—of those areas of research that have made such a big difference. I also want to say that there are 149 universities, veterans organizations, and medical advocacy groups that support the amendment that I offered today. The reason they support it is that what has been suggested—that this is not just another procedural requirement being placed in front of these institutions that want to do medical research—really understates the impact it will have.

The Department of Defense itself, after analyzing the McCain language that comes to us on this bill, said it will create a burden, a delay, additional overhead costs. The one thing we have not heard from Chairman MCCAIN or anyone on his side of the issue is what is the reason for this? Why are we changing a process that has been used for 24 years? Has there been evidence of scandal, of waste, of abuse?

Out of the thousands and thousands of research grants that have been given, only a handful have raised questions, and very few of those go to the integrity of the process. It has been a question about the medical procedure that was used. If we are going to impose new bureaucracies, new redtape, new requirements, new audits, why are we doing it? If there is a need for it, I will stand up with everyone here and protect the taxpayers' dollars. But that is not really what is at stake here.

This morning on the floor, Chairman MCCAIN made it clear. He just does not want medical research at the Department of Defense. He wants it limited strictly to certain areas and not to be expanded to include the families of those serving in our military—our veterans—through the Department of Defense. That is his position. He can hold that position. I certainly disagree with it.

If we take an honest look at this, what we have done in creating this new bureaucracy and redtape is simply slow down the process and make it more expensive. For one thing, each one of these universities and each one of these organizations has to go through an annual audit—at least one. The agency within the Department of Defense responsible for those audits is currently overwhelmed, before this new McCain requirement comes in for even more audits.

So it means the process slows down. Research does not take place in a matter of months; it might be years. Do you want to wait for years in some of these instances? I don't. I want timely research to come up with answers to questions that can spare people suffering and spare expense to the families as well as to the Department of Defense. When I go through the long list of things that have been done through these defense research programs, it is amazing how many times they have stepped up and made a serious difference.

Let me give you one other illustration. The incidence of blast injuries to the eye has risen dramatically among servicemembers of Iraq and Afghanistan due to explosive weapons such as IEDs. Current protective eye equipment—glasses, goggles, and face shields—are designed to protect mainly against high-velocity projectiles, not blast waves from IEDs.

In Iraq and Afghanistan, upward of 13 percent of all injuries were traumatic eye injuries, totaling more than 197,000. One published study covering 2000 to 2010 estimated that deployment-related eye injuries and blindness have cost a total of $25 billion. Notably, eye-injured servicemembers have only a 20-percent return-to-duty rate compared to an 80-percent rate for other battle trauma.

Since 2009, $49 million in this Department of Defense medical research program has gone to research for the prevention and treatment of eye injury and disease that result in eye degeneration and impairment or loss of vision. From the Afghanistan and Iraq conflicts, a published study covering 2000 to 2010 estimated that these injuries have cost a total of $25 billion. Eye-injured soldiers have only 20-percent return-to-duty rates.

Research at Johns Hopkins, where they received grants to study why eye injuries make up such a high percentage of combat casualty, found that the blast wave causes eye tissue to tear, and protections like goggles can actually trap blast reverberations. University of Iowa researchers developed a handheld device to analyze the pupil's reaction to light as a quick test for eye damage.

So you look at it and say: Well, why would we do vision research at the Department of Defense? Here is the answer: What our men and women in uniform are facing with these IEDs and the blast reverberations—damage to their eyesight and even blindness—wasn't being protected with current equipment. Is this worth an investment by the U.S. Government of less than two-tenths of 1 percent of the Department of Defense budget? I think it is. I think it is critically important that we stand behind this kind of research and not second guess people who are involved.

We are not wasting money in this research; we are investing money in research to protect the men and women in uniform and make sure their lives are whole and make sure they are willing and able to defend this country when called upon.

This idea of Chairman MCCAIN—of eliminating this program with new bureaucracy and redtape—is at the expense of military members, their families, and veterans. We have made a promise to these men and women who enlisted in our military that we will stand by them through the battle and when they come home. That should be a promise we keep when it comes to medical research as well.

I retain the remainder of my time.

Mrs. MURRAY. Mr. President, I want to start by thanking Senator DURBIN, Senator COCHRAN, and all my colleagues here today for their work to support critical investments in medical research at the Department of Defense. I am proud to stand with them, but frankly, I am also really disappointed that we have to be here.

For decades, investments in medical research by the Department of Defense have advanced improvements in the treatment of some of our toughest diseases. DOD medical research funding has led to the development of new risk assessment tools that help evaluate the likelihood of breast cancer recurrence, as well as new tests to determine the potential spread of a primary tumor. It has helped advance research that could lead to treatment for the debilitating and, to-date, incurable disease ALS. It is supporting ongoing research into improvements in cognitive therapy and access to treatment for children with autism. And I could go on.

DOD medical research programs have had such an impact on the lives of tens of millions of servicemembers and their families, as well as patients across the country. These programs certainly don't deserve to be on the chopping block, so it is very concerning to me that the defense authorization bill we are currently debating would severely restrict the scope of DOD research and undermine critical DOD support for research efforts on everything from breast cancer, to MS, to lung cancer, and much more.

If you are serving your country and have a child struggling with autism or if you are a veteran with severe hearing loss or if you are one of the many patients across the country waiting and hoping for a treatment or cure that hasn't been discovered yet, I am sure you would want to know that your government is doing everything it can to support research that could make all the difference.

I am proud to be supporting the amendment that we are discussing today, which would ensure that groundbreaking, and in some cases lifesaving, medical research at the Department of Defense can continue, and I urge all of my colleagues to join us. Thank you.

Mr. LEAHY. Mr. President, in this promising time, there are no resources too great to contribute to

groundbreaking medical research. Key discoveries, new technologies and techniques, and tremendous leaps in our knowledge and understanding about disease and human health are being made every day.

Biomedical research conducted by the Defense Department has been a critical tool in combatting rare diseases here in the United States and across the world. Since 1992, the Department of Defense's Congressionally Directed Medical Research Program, CDMRP, has invested billions of dollars in lifesaving research to support our servicemembers and their families, veterans, and all Americans. I am proud to have been involved with starting this program, and I have fought year in and year out to support it. As the Senate continues to debate this year's National Defense Authorization Act, NDAA, I am concerned that the Senate's bill includes two harmful provisions that would undermine medical research in the CDMRP and erode these paths to vital progress, taking hope away from millions of Americans.

The CDMRP has long led to advancements in the field of medicine. From the development of early-detection techniques for diagnosing cancer and improving ways to restore mobility to patients suffering from Amyotrophic Lateral Sclerosis, ALS, to advancing treatments for traumatic brain injury and progressing the approval of drugs to treat prostate and breast cancer. For more than two decades, this valuable medical research program has invested over $11 billion in the health of our servicemembers and their families and developed techniques to combat various cancers and the many rare and debilitating diseases faced by so many Americans.

I was proud to be there from the start of the CDMRP. Those efforts evolved from linking a bill I coauthored in 1992 to create a national network of cancer registries to assist researchers in understanding breast cancer, with an effort led by former Iowa Senator Tom Harkin, myself, and several others, to redirect military funds to breast cancer research. With the help of the late Pat Barr of the Breast Cancer Network of Vermont and the many others who were the driving force behind national breast cancer networks, the CDMRP received its first appropriations of $210 million for breast cancer research in the 1993 defense budget. Since then, the program has invested $3 billion in breast cancer research, leading to exponential nationwide reductions in the incidence of the disease. It was due to these investments that Pat Barr herself was able to enjoy an active and fulfilling life for decades after her own diagnosis and was able to spend so many years fiercely fighting for the research that has touched, improved or saved millions of lives.

The structure of the CDMRP has always advanced biomedical research for servicemembers and their families, as well as the public at large. It is shortsighted and frustrating that two needless provisions have been dropped into this year's NDAA, which would bar the Department of Defense from researching the medical needs of military families and veterans and require grant applications to comply with weapon system acquisition rules instead of the carefully peer-reviewed applications process from which all good science grows.

To redefine the definition of who can benefit from lifesaving treatment and research to cancer and other diseases is misguided and counterproductive. If we are to advance medicine in one population, these tools should be made available to everyone. If we change the scope of these long fought efforts, we deny researchers the knowledge they need to carry out science that saves lives. It hinders medical progress for our children and grandchildren.

Whereas proponents of these provisions claim they will bring cost savings in the long term, we all know this is simply not true. Disease does not discriminate between servicemember, family member, veteran, or civilian. When it comes to medical research, we shouldn't either. That is why I am proud to support the bipartisan Durbin amendment to strike these unnecessary and hindering provisions from the bill, which would needlessly block access to innovative discoveries in these burgeoning fields of medicine.

Biomedical research is a proven tool that brings us closer every day to finding cures and expanding treatments for debilitating conditions across the world. We cannot allow this year's defense authorization bill to deny our veterans, the families of our servicemembers, and other Americans victimized by ravaging disease the promise of such groundbreaking medical knowledge. I urge all Senators to join me in supporting Senator DURBIN's amendment and in defeating any provisions in the bill that threaten the continued success of the CDMRP. We must not lose sight of the progress we have made in the fight against breast cancer and other debilitating conditions. This valuable medical research program has paved the way for so many, and we must keep it strong for generations to come.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 22 minutes.

Mr. GRAHAM. I will just take a couple of minutes to keep everybody awake.

The history of this program is pretty interesting. In 1992, by mandate, the Congressionally Directed Medical Research Program began within the Department of Defense with an earmark of $20 million for breast cancer. So, back in 1992, somebody came up with the idea that we should put some money regarding breast cancer research into the Department of Defense bill.

Everybody I know of wants to defeat breast cancer and fund research at an appropriate level. Why did they do it in the Defense bill? Because the Defense bill was going to pass. It is the one thing around here that we all eventually get done because we have to defend the Nation. So that idea of a $20 million earmark for breast cancer—fast forward from 1992 to now—is $900-something million of research at the Department of Defense. It went from $20 million to $900 million. It has been about $1 billion a year for a very long time.

The reason these programs are put in the Department of Defense—some of them are related to the Department of Defense and veterans; many of them are not, and the ones that can make it in this bill are going to get their funding apart from their traditional research funding—is that the Department of Defense will get funded.

All we are saying is that, given the budget problems we have as a nation and the constraints on our military due to defense cuts and shrinking budgets, now is the time to reevaluate the way we do business. It is not that we are against medical research in the Defense Department's budget; we just want it to be related to defense. I know that is a novel idea, but it makes sense to me.

All the things that Senator DURBIN identified as being done in the Department of Defense—I am sure most of them are very worthy. Let's just make sure they are funded outside of the Department of Defense because the money is being taken away from defending the Nation. Taking money out of the Defense Department to do research is probably not a smart thing to do now if it is not related to defending the Nation, given the state of the world and the state of the military.

So this is business as usual, even if it is just $900 million, which is still a lot of money. I think it is time to relook at the way we fund the Defense Department and how it runs and try to get it in a spot that is more sustainable. So what have we done? We have said: You can still do research at the Department of Defense, but the Secretary of Defense has to certify it is related to our defense needs—and a pretty liberal interpretation of that.

If you are going to do research, you have to go through the normal contracting procedures that everybody else has to go through. Those two changes really make sense to me.

Here is the point: If you apply the test that it has got to be related to defending the Nation in a fairly liberal interpretation, probably two-thirds or three-fourths of this account would not pass that test. So that means there is going to be $600 million or $700 million—maybe more—that will go to defense needs, not research needs.

That doesn't mean that we don't need to spend the money on research. Most of it we probably do. The person delivering this speech is also the cochairman of the NIH, which is the part

of the government that does medical research. I want to increase that budget tremendously because the dividends to the taxpayers and to our overall health are real. I just don't want to continue to use the Defense Department as a way to do research unrelated to the defense needs of this country because I don't think that is the right way to do it.

When you are this far in debt and the military is under this much pressure, it is time for change. That is all this is—making a commonsense change to a practice that started at $20 million and is now almost $1 billion.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Almost 16 minutes.

Mr. DURBIN. Mr. President, let me respond to my friend from South Carolina. I keep giving examples of medical research in this program that relate directly to members of the military and their families and to veterans. All I hear back in return is: Well, we ought to be doing this research someplace else. Why? Don't we want the research to be done by the Department that has a special responsibility to the men and women in uniform and their families as well as veterans?

Let me give you another example that I think really helps to tell this story of research that is jeopardized by the McCain language in this authorization bill. Joan Gray graduated from West Point in the first class that included women. She was commissioned in the U.S. Army as a platoon leader, commander, staff officer. After 5 years of service, she sustained a spinal cord injury in a midair collision during a nighttime tactical parachute jump. Joan Gray's wounds required 12 vertebral fusions. She is now an ambulatory paraplegic and a member of the Paralyzed Veterans of America.

Spinal injuries sustained from trauma impact servicemembers deployed overseas and in training. Over 5 percent of combat evacuations in Iraq and Afghanistan were for spinal trauma. Spinal cord injuries require specialized care and support for acute injury, disability adjustment, pain management, quality of life.

Since 2009, Congress has appropriated in this account—which is going to be eliminated by this amendment—over $157 million to research the entire continuum of prehospital care, treatment, and rehab needs for spinal cord injury. The amount and extent of bleeding within the spinal cord can predict how well an individual will recover from a spinal cord injury.

Researchers at Ohio State University and the University of Maryland at Baltimore examined why some injuries cause more or less bleeding. They studied early markers of injury and found an FDA-approved diabetes drug that proved to reduce lesion size and injury duration in spinal cord injuries. At the University of Pennsylvania, researchers have studied how to facilitate surviving nerve axons to grow across an injury site after spinal cord trauma to improve nerve generation and functionality.

Is this research important? I would say it is. It is certainly important to those who serve us. It is important to their families as well. It should be important to all of us. Why are we cutting corners when it comes to medical research for our military and our veterans? Why is this account, which is less than two-tenths of 1 percent of this total budget, the target they want to cut? Medical research for the military and the veterans—every single grant that is approved has to go through the test of military relevance.

It isn't a question of dreaming up some disease that might have an application someplace in the world. A panel looks at the research that is requested and asks: Does this have relevance today to our military and their families and veterans as well? If it doesn't pass this test, it is finished. That is why I am fighting to protect this money. So much has come out of this that it is of value to the men and women in uniform and veterans. Putting this new procedure in here making them go through the procurement requirements that we have for the largest defense contractors in America is unnecessary, burdensome, and will delay this process and make it more expensive.

I would like to hear from the other side one example of abuse in these research grants that would justify changing the rules that have been in place for 24 years. Come up with that example. You are going to be hard-pressed to find it. After more than 2,000 of these grants a year for years—it has gone on for 24 years—I am waiting for the first example.

What I think is really at stake here is an effort to make it more difficult, more cumbersome, and less appealing to the universities to do this kind of research, and we will be the lesser for it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 17 minutes remaining.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed 9 minutes and that Senator JOHNSON then be allowed 5 minutes.

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

Mr. ALEXANDER. I ask unanimous consent that the remaining time be for the Senator from South Carolina.

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

Mr. ALEXANDER. Mr. President, would you please let me know when 8 minutes has elapsed.

The PRESIDING OFFICER. Yes. The Senator will be notified.

(The remarks of Mr. ALEXANDER and Mr. JOHNSON pertaining to the introduction of S.J. Res. 34 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to first inquire how much is remaining on my time.

The PRESIDING OFFICER. There are 11½ minutes remaining.

Mr. REED. Mr. President, I wish to comment on the two pending amendments.

I will begin by thanking my colleague from South Carolina for his thoughtful and kind words about the collaboration we have both witnessed on the committee as we brought this bill to the floor under the leadership of Chairman MCCAIN.

AMENDMENT NO. 4204

First, with respect to the Inhofe-Mikulski amendment, I share their concerns about the quality of commissaries. It is an essential service for military personnel. In fact, it is really in the fabric of military life, being able to go to a commissary. It is an important benefit, particularly for junior members, those who aren't as well paid as more senior members of the military. But both the chairman and my colleagues on the committee—many of them recognize the need to look for alternate approaches for delivering services to military families but doing so in a way that can save resources that could be used for operations and maintenance, for training, equipment—all the critical needs we are seeing much more clearly at this moment.

So we have proposed—and I support the chairman's proposal—to try a pilot program for commissaries that would be run by commercial entities. I think there is merit to this proposal. I want to emphasize that it is a pilot program. It is not a wholesale replacement of the commissary system. It is designed to test in real time whether a commercial entity can effectively use the resources and the operation of the commissary to better serve military personnel.

We have come a long way from years ago when the commissary was practically the only place a servicemember could get groceries or get the supplies they need for their home. Today, go outside any military base and you will see a Target, a Walmart, and every other combination of stores. Frankly, our young soldiers, sailors, marines, and airmen are used to going there. They are used to going to both places looking for bargains. They are used to the service. This is no longer the isolated military of decades ago where literally the only place you could shop was the commissary, and I think we have to recognize that.

The other thing we have to recognize is that there is now an interest by many grocery chains to test this model, to see if, in fact, they can deliver better services to military personnel.

I think that test should be made. That is the essence of the proposal within the Armed Services Committee mark. There is an ongoing study of this by the Department of Defense which I think is helpful. Part of the conclusion is this: ''The Department is critically assessing the privatization of all portion(s) of the commissary system.'' I will emphasize that this amendment does not support the privatization of all commissary systems at this time; they are looking at that issue. ''Initial conversations with interested business entities informed the Department of private sector willingness to engage, which is leading to more thorough market analysis, including a more formal Request for Information.'' This request was issued in May, just a few weeks ago.

I think we are now positioned to move forward and test this model, and that is what we are asking for—a pilot test. It is sensible. It is limited. We will learn quite quickly and very effectively whether this model works and what its potential is. I think in that process, too, we can conduct it in such a way that we will be able to structure, if it is a valuable enterprise, relationships between commercial entities that not only protect military personnel but enhance their experience at the commissary. That is the goal. It is not just to save dollars—that is important—but also to make sure that their experience in the commissary is both adequate and, in effect, more than adequate.

Mr. President, let me turn to Senator DURBIN's amendment very quickly. I support this amendment. The reason I do is not only because of the eloquence of the Senator from Illinois about the success of this program. But how we got here, as described by my colleague, to me, is a crucial point. It is a combination of history, of rules, of budgeting 20-plus years ago. But in the interim we have been able to create a useful medical research enterprise which I think will be dismantled—not intentionally. That is not the intent of the chairman or of any of the supporters of this provision in the bill. In fact, as the chairman said, he would stand up and support reallocating these funds someplace else. My colleague from South Carolina suggested, I believe, NIH. But if we look at how difficult it is to fund the Health and Human Services budget here—and this is what drives it—the reality is if these funds are taken out of this bill, they will not reappear, even through the best and sincere efforts of many of my colleagues, elsewhere. We will lose this funding, and we will lose hugely valuable resources.

As to the whole issue with certification by the Secretary of Defense, if we step back, this research has been so effective, and there is a linkage to every military member. It might not be as dramatic as a prosthesis to fix someone who lost their limb in combat, but certainly their wife, their child—pediatric diseases—may be affected. This research affects every American.

For those reasons, I am going to support Senator DURBIN's amendment. He has stated the case very well about unintended overhead caused by the certification process and all of the related issues. But I think the essence here is we have a valuable national resource that through the history and the bureaucratic and congressional procedures and policies has been embedded in the Defense Department. If we do not support Senator DURBIN's amendment, we will lose that. We won't recapture it elsewhere in another spending bill or in another authorization bill. I just think it is too much to lose.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The minority has 5 minutes, and the majority has 5½ minutes.

Mr. DURBIN. Mr. President, I thank Senator REED for his comments in support of my amendment. This is about medical research, and if I have a passion for the subject, I do. Certainly, I believe most of us do.

There comes a point in your life where you get a diagnosis or news about someone you love, and you pray to goodness that there has been some research to develop a drug or a procedure or a device which gives them a chance for life.

Do I want to invest more money in medical research so that there are more chances for life? You bet I do. And I believe our highest priority should be the men and women in uniform and their families and our veterans. That is why I will stand here today and defend this Department of Defense medical research program for as long as I have breath in my lungs. I believe it is essential that once we have made the promise to men and women in uniform, we stand by them and we keep our word, and our word means standing by medical research.

Some have made light of issues being investigated under medical research—not anyone on the floor today, but others.

Prostate cancer. What are they doing investigating prostate cancer at the Department of Defense? Servicemembers are twice as likely to develop prostate cancer as those who don't serve in the military. Why? I don't know the answer. Is it worth the research to answer that question? Of course it is.

Alzheimer's and Department of Defense medical research. For the men and women who served our country and have experienced a traumatic brain injury, their risk of developing Alzheimer's disease is much higher. For those suffering from post-traumatic stress disorder, the risk is also higher. So, as to Alzheimer's research at the Department of Defense, here is the reason.

Lou Gehrig's disease, or ALS. We sure know that one; don't we? According to the ALS Association, military veterans are twice as likely to be diagnosed with ALS relative to the general population. Why? Should we ask the question? Do we owe it to the men and women in uniform to ask this question about ALS? We certainly do.

Lung cancer. Of course there is too much smoking in the military and that is part of the reason, but the incidence is higher.

Gulf war illness. It wasn't until the Department of Defense initiated its research that we finally linked up why so many gulf war veterans were coming home sick. Now we are treating them, as we should.

There is traumatic brain injury, spinal cord injury, epilepsy, and seizure. The list goes on. To walk away from this research is to walk away from our promise to the men and women in uniform, their families, and our veterans. I am not going to stand for that. I hope the majority of the Senate will support my effort to eliminate this language that has been put into the Department of Defense authorization bill, and say to the chairman, once and for all: Stop this battle against medical research. There are many ways to save money in the Department of Defense. Let's not do it at the expense of medical research and at the expense of the well-being of the men and women who serve our country.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

(The remarks of Mr. ISAKSON pertaining to the introduction of S.J. Res. 34 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, as to the Durbin amendment, I want people to understand what we are trying to do.

There is $900 million spent on medical research in the Department of Defense. All we are asking is that the money being spent be related to the defense needs of this country. Of that $900 million, probably two thirds of the research money will not pass the test of being related to the Defense Department.

If you care about the men and women in uniform—which we all do—that is probably $600 million or $700 million to help a military that is in decline.

In terms of research dollars, I have worked with Senators DURBIN, ALEXANDER, and BLUNT to increase NIH funding. This idea of taking money out of the Defense Department's budget to do medical research unrelated to the defense needs of this country needs to stop because the military is under siege. We have the smallest Navy since 1915 and the smallest Army since 1940. If we really want to reform the way things are done up here, this is a good start.

To those programs that don't make the cut in DOD, we will have to find another place. If they make sense, I will help you find another place. To those medical research items that survive the cut, they are going to have to

go through the normal contracting procedure to make sure we are doing it competitively.

I don't think that is too much to ask. If you want things to change in Washington, somebody has to start the process of change. It is long overdue to stop spending money in the Department of Defense's budget for things unrelated to the Department of Defense, even though many of them are worthy.

The point we are trying to make is that our military needs every dollar it can get, and we need to look at the way we are doing business anew. That is exactly what this bill does, and Senator DURBIN takes us back to the old way of doing it.

Finally, the whole idea of medical research in the Department of Defense budget started with a $20 million earmark for breast cancer that is now $900 million. Why? Because if you can make it into DOD's bill, you are going to get your program funded. It is not about medical research. It is about the power of somebody to get the medical research program in the budget of the Department of Defense. It is not a merit-based process. It needs to be.

I yield the floor.

Mr. DURBIN. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute, 45 seconds.

Mr. DURBIN. And on the other side?

The PRESIDING OFFICER. One minute, 15 seconds.

Mr. DURBIN. Mr. President, I will conclude.

I would just say to my friend from South Carolina that I have gone through a long list of research projects at the Department of Defense and their medical research program, and each and every one of them I have linked up to medical families and peculiar circumstances affecting our military. That is why I think this Department of Defense medical research is so critical.

I have yet to hear the other side say that one of these is wasteful, and they can't. If our men and women in uniform are suffering from gulf war illnesses, of course we want the Department of Defense or any other medical research group to try to find out what is the cause of the problem and what we can do about it.

When it comes to the incidents of cancer being higher among veterans, are you worried about that? I sure am. Why would it be? Should we ask that question? Of course we should. And we do that through legitimate medical research.

Here is what the Institute of Medicine said about this medical research program: It ''has shown that it has been an efficiently managed and scientifically productive effort and that it is a valuable component of the nation's health research enterprise.''

This is not wasted money. This is medical research for the men and women in uniform, their families, and the veterans who served this country. I will stand here and fight for it every minute. To those who say we will strengthen our military if we do less medical research on behalf of the men and women in uniform and veterans, that doesn't make us a stronger military.

Let us keep our word to the men and women in uniform and to the veterans. We have told them we would stand behind them when they came home, and we have to keep our word.

I ask unanimous consent that a list of 147 organizations that support the Durbin amendment be printed in the RECORD.

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

GROUPS OPPOSING SECTIONS 756/898 & SUPPORTING DURBIN AMDT #4369

Academy of Nutrition and Dietetics, Action to Cure Kidney Cancer, Adult Congenital Heart Association, Alliance for Lupus Research/Lupus Research Institute, ALS Association, Alzheimer's Association, American Academy of Dermatology Association, American Academy of Pediatrics, American Association for Cancer Research, American Association for Dental Research, American Association of Clinical Urologists, American Brain Tumor Association, American Cancer Society Cancer Action Network, American Congress of Obstetricians and Gynecologists, American Dental Association, American Diabetes Association, American Gastroenterological Association, American Heart Association, American Lung Association, American Psychological Association.

American Society of Tropical Medicine and Hygiene, American Society of Nephrology, American Thoracic Society, American Urological Association, Aplastic Anemia and MDS International Foundation, Arthritis Foundation, Association of American Cancer Institutes, Association of American Medical Colleges, Association of American Universities, Association of Public and Land-grant Universities, Asbestos Disease Awareness Organization, Asthma and Allergy Foundation of America, Autism Speaks, AVAC: Global Advocacy for HIV Prevention, Bladder Cancer Advocacy Network, Cancer Support Community, Caring Together New York, Children's Heart Foundation, Children's Tumor Foundation, Citizens United for Research in Epilepsy (CURE), Coalition for National Security Research (CNSR), Cold Spring Harbor Laboratory, Colon Cancer Alliance, Crohn's and Colitis Foundation of America, CureHHT.

Debbie's Dream Foundation: Curing Stomach Cancer, Digestive Disease National Coalition, Duke University, Duke University School of Medicine, Dystonia Medical Research Foundation, Elizabeth Glaser Pediatric AIDS Foundation, Endocrine Society, Esophageal Cancer Action Network, Inc., Fight Colorectal Cancer, FORCE: Facing Our Risk of Cancer Empowered, Foundation for Women's Cancer, Foundation to Eradicate Duchenne, Georgetown University, GBS/CIDP Foundation International, Hartford HealthCare Center, Hepatitis Foundation International, HIV Medicine Association, Hydrocephalus Association, Indiana University, Infectious Diseases Society of America, International Foundation for Functional GI Disorders, International Myeloma Foundation.

Interstitial Cystitis Association, Johns Hopkins University, Kidney Cancer Association, LAM Foundation, Lineberger Clinic Cancer Center at the University of North Carolina, Littlest Tumor Foundation, Living Beyond Breast Cancer, Lung Cancer Alliance, Lupus Foundation of America, Lymphangiomatosis & Gorham's Disease Alliance, Lymphoma Research Foundation, Malecare Cancer Support, Melanoma Research Foundation, The Michael J. Fox Foundation for Parkinson's Research, Michigan State University, Minnesota Ovarian Cancer Alliance, Muscular Dystrophy Association, National Alliance for Eye and Vision Research, National Association of Nurse Practitioners In Women's Health, National Autism Association, National Breast Cancer Coalition, National Fragile X Foundation, National Gulf War Resource Center, National Kidney Foundation.

National Multiple Sclerosis Society, National Ovarian Cancer Coalition, NephCure Kidney International, Neurofibromatosis Arizona, Neurofibromatosis Central Plains, Neurofibromatosis Michigan, Neurofibromatosis (NF) Midwest, Neurofibromatosis Network, Neurofibromatosis Northeast, Nurse Practitioners in Women's Health, The Ohio State University, Oncology Nursing Society, Ovarian Cancer Research Fund Alliance, Pancreatic Cancer Action Network, Parent Project Muscular Dystrophy (PPMD), Pediatric Congenital Heart Association, Penn State University, Prostate Cancer Foundation, Prostate Health Education Network, Pulmonary Hypertension Association, Research!America.

RESULTS, Rettsyndrome.org, Rutgers, The State University of New Jersey, Sabin Vaccine Institute, Scleroderma Foundation, Sleep Research Society, Society of Gynecologic Oncology, State University of New York, Susan G. Komen, Treatment Action Group, TB Alliance, Texas Neurofibromatosis Foundation, Theresa's Research Foundation, Tuberous Sclerosis Alliance, University of Arizona Cancer Center at Dignity Health St. Joseph's Hospital and Medical Center, University of California-Irvine, University of California System, University of Central Florida, University of Kansas, University of Kansas Medical Center, University of Pittsburgh, University of Washington, University of Wisconsin-Madison, US Hereditary Angioedema Association.

Us TOO International Prostate Cancer Education and Support Network, The V Foundation for Cancer Research, Vanderbilt University, Veterans for Common Sense, Veterans Health Council, Vietnam Veterans of America, Washington Global Health Alliance, Washington State Neurofibromatosis Families, Weill Cornell Medicine, WomenHeart: The National Coalition for Women with Heart Disease, Young Survival Coalition, ZERO-The End of Prostate Cancer.

AMENDMENT NO. 4369

Mr. DURBIN. Mr. President, I call up amendment No. 4369.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4369.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that certain provisions in this Act relating to limitations, transparency, and oversight regarding medical research conducted by the Department of Defense shall have no force or effect)

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

SEC. 764. TREATMENT OF CERTAIN PROVISIONS RELATING TO LIMITATIONS, TRANSPARENCY, AND OVERSIGHT REGARDING MEDICAL RESEARCH CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.—Section 756, relating to a prohibition on funding and conduct of certain medical research and development projects by the Department of Defense, shall have no force or effect.

(b) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.—Section 898, relating to a limitation on authority of the Secretary of Defense to enter into contracts, grants, or cooperative agreements for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense, shall have no force or effect.

Mr. GRAHAM. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. The time is yielded back.

The question is on agreeing to the Durbin amendment.

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—66

Alexander	Feinstein	Mikulski
Ayotte	Franken	Moran
Baldwin	Gardner	Murkowski
Bennet	Gillibrand	Murphy
Blumenthal	Grassley	Murray
Blunt	Heinrich	Nelson
Booker	Heitkamp	Peters
Boozman	Heller	Portman
Boxer	Hirono	Reed
Brown	Hoeven	Reid
Burr	Isakson	Schatz
Cantwell	Johnson	Schumer
Capito	Kaine	Shaheen
Cardin	King	Shelby
Carper	Kirk	Stabenow
Casey	Klobuchar	Tester
Cassidy	Leahy	Thune
Cochran	Manchin	Udall
Collins	Markey	Warren
Coons	McCaskill	Whitehouse
Donnelly	Menendez	Wicker
Durbin	Merkley	Wyden

NAYS—32

Barrasso	Flake	Roberts
Coats	Graham	Rounds
Corker	Hatch	Rubio
Cornyn	Inhofe	Sasse
Cotton	Lankford	Scott
Crapo	Lee	Sessions
Cruz	McCain	Sullivan
Daines	McConnell	Tillis
Enzi	Paul	Toomey
Ernst	Perdue	Vitter
Fischer	Risch	

NOT VOTING—2

Sanders	Warner

The amendment (No. 4369) was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. WARNER. Mr. President, due to a prior commitment, I regret I was not present to vote on Senate amendment No. 4369, offered by Senator DURBIN. I am a cosponsor of this amendment, and had I been present, I would have voted in support of the amendment. The CDMRP has produced breakthroughs in treatment for a variety of diseases and medical conditions, and it deserves our continued support.●

AMENDMENT NO. 4204

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, in relation to the Inhofe amendment.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, a year ago, when we were considering this same bill, the language of the bill that was presented to us had a pilot program that would temporarily look at privatizing five commissaries. We elected not to do that.

We had an amendment at that time with 25 cosponsors, and it was not necessary to actually have a rollcall vote, and it overwhelmingly was passed that we would not do that until we had a study of DOD with an assessment by GAO on privatization. That has not happened yet. The initial report came out from GAO and it is negative on having the privatization language at this point.

I reserve the remainder of my time.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from Rhode Island.

Mr. REED. Madam President, the key aspect of this legislation that was included in the committee mark is that it is a pilot, and I believe, along with the chairman, this is the best way to evaluate the merits or demerits of privatization of commissaries.

It will allow an evaluation that is not theoretical, not a report but an actual company actively engaged in running a facility. The goal is not just to maintain the commissaries, the goal is to enhance the value of service to men and women. I think, along with the chairman, this approach is an appropriate approach and would do just that.

I urge rejection of the Inhofe amendment.

The PRESIDING OFFICER. The Senator from Oklahoma has 7 seconds.

Mr. INHOFE. Madam President, we have 40 cosponsors. I advise each Senator to look at the cosponsors before voting on this. However, I would have no objection to a voice vote.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the Inhofe amendment No. 4204.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—70

Alexander	Franken	Nelson
Ayotte	Gardner	Peters
Baldwin	Gillibrand	Reid
Barrasso	Grassley	Roberts
Bennet	Hatch	Rounds
Blumenthal	Heinrich	Rubio
Blunt	Heitkamp	Schatz
Booker	Heller	Schumer
Boozman	Hirono	Scott
Boxer	Inhofe	Sessions
Brown	Kaine	Shaheen
Burr	Kirk	Shelby
Cantwell	Klobuchar	Stabenow
Capito	Lankford	Sullivan
Cardin	Leahy	Tester
Casey	Markey	Tillis
Cochran	McCaskill	Udall
Collins	Menendez	Vitter
Coons	Merkley	Warren
Cornyn	Mikulski	Whitehouse
Donnelly	Moran	Wicker
Durbin	Murkowski	Wyden
Enzi	Murphy	
Feinstein	Murray	

NAYS—28

Carper	Flake	Paul
Cassidy	Graham	Perdue
Coats	Hoeven	Portman
Corker	Isakson	Reed
Cotton	Johnson	Risch
Crapo	King	Sasse
Cruz	Lee	Thune
Daines	Manchin	Toomey
Ernst	McCain	
Fischer	McConnell	

NOT VOTING—2

Sanders	Warner

The amendment (No. 4204) was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. WARNER. Mr. President, due to a prior commitment, I regret I was not present to vote on Senate amendment No. 4204, offered by Senator INHOFE. I am a cosponsor of this amendment, and had I been present, I would have voted in support of the amendment. It would be imprudent for Congress to authorize this privatization, possibly jeopardizing an important benefit for our military men and women, their families, as well as retired servicemembers, before receiving the thorough study on the potential impacts as requested in last year's National Defense Authorization Act.●

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, it is my understanding that we are trying to set up the amendment and second-degree amendment on the increase of an authorization of $17 billion. It is my understanding there will also be a second-degree amendment.

I just want to say a few words about the amendment which is pending. We

were trying to reach an agreement as to when we will have debate and vote on both the second degree and the amendment itself.

I would point out that the unfunded requirements of the military services total $23 billion for the next fiscal year alone. Sequestration threatens to return in 2018, taking away another $100 billion from our military. The amendment would increase defense spending by $18 billion.

I will be pleased to go through all of the programs where there is increased spending, but I would point out that those increases were in the 5-year defense plan but were cut because of the authorization of $17 billion—the President's request of $17 billion from what we had last year.

From a quick glance around the world, I think we can certainly make one understand that the world is not a safer place than it was last year. We are cutting into readiness, maintenance, and all kinds of problems are beginning to arise in the military.

My friend from Rhode Island and I will be discussing and debating both the second-degree amendment and the amendment, and hopefully we will have votes either tomorrow or on Thursday, depending on negotiations between the leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I thank and commend the chairman. As he indicated, he has proposed an amendment, and he is also allowing us to prepare a second-degree amendment, which I would like to offer as soon as it is ready and then conduct debate on a very important topic; that is, investing in our national security in the broadest sense and doing it wisely and well. Then, I would hope again—subject to the deliberations of the leaders on both sides—that we could have a vote on both the underlying amendment and the second-degree amendment tomorrow or the succeeding day.

Again, I thank the chairman for not only bringing this issue to the floor but also for giving us the opportunity to prepare an appropriate amendment.

Thank you.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I understand that the Senator from Oklahoma and the Senator from New Mexico are interested in getting noncontroversial legislation up and completed. I am more than pleased to yield time from our discussion of the Defense authorization bill for the Senator from Oklahoma.

Mr. INHOFE. If the Senator would yield, I would appreciate that very much. We are talking about the TSCA bill, and it is one that is almost a must-pass type of bill. We have support on both sides—I think almost total support. If we could have another 10 minutes to talk to a couple of people, I would like to make that motion.

If you could, go ahead and talk about the Defense bill.

Mr. MCCAIN. I thank the Senator from Oklahoma. When he gets ready, we will obviously be ready to yield to the Senator from Oklahoma for consideration of that important legislation.

In the meantime, I would like to point out that, as part of this package of $18 billion, it increases the military pay raise to 2.1 percent. The current administration's budget request sets pay raises at 1.6 percent.

It fully funds troops in Afghanistan at 9,800. The budget request of the President funds troop levels at 6,217.

It stops the cuts to end strength and capacity. It restores the end strength for Army, Navy, Marine Corps, and Air Force. For example, it cancels the planned reduction of 15,000 active Army soldiers. If the planned reduction actually was implemented, we would have one of the smallest armies in history, certainly in recent history.

It funds the recommendations of the National Commission on the Future of the Army. It includes additional funding for purchasing 36 additional UH–60 Black Hawk helicopters, 5 AH–64 Apaches, and 5 CH–47 Chinook helicopters. I would point out that all of those were in keeping with the recommendations of the National Commission on the Future of the Army.

It adds $2.2 billion to readiness to help alleviate problems each of the military services are grappling with. Of the $23 billion in unfunded requirements received by the military services, almost $7 billion of it was identified as readiness related.

It addresses the Navy's ongoing strike fighter shortfall and the U.S. Marine Corps aviation readiness crisis by increasing aircraft procurement. It addresses high priority unfunded requirements for the Navy and Marine Corps, including 14 F/A–18 Super Hornets and 11 F–35 Joint Strike Fighters.

It supports the Navy shipbuilding program, and it provides the balance of funding necessary to fully fund the additional fiscal year 2016 DDG–51 *Arleigh Burke*-class destroyer. It restores the cut of the one littoral combat ship in fiscal year 2017.

It supports the European Reassurance Initiative with the manufacturing and modernization of 14 M1 Abrams tanks and 14 M2 Bradley fighting vehicles.

There is also increased support for Israeli cooperation on air defense programs of some $200 million.

What this is is an effort to make up for the shortfall that would bring us up to last year's number—last year's. Again, I want to point out—and we will talk more about it—we have all kinds of initiatives going on. We have an increase in troops' presence in Iraq and Syria; we are having much more participation in the European reassurance program; and there is more emphasis on our rebalancing in Asia. At the same time, we are cutting defense and making it $17 billion lower than the military needed and planned for last year.

I hope that my colleagues would understand and appreciate the need, particularly when we look at the deep cuts and consequences of reductions in readiness, training, and other of the intangibles that make the American military the great organization—superior to all potential adversaries—that it is.

I hope my colleagues will look at what we are proposing for tomorrow. I know the other side will have a second-degree amendment as well. I haven't seen it, but I would be pleased to give it utmost consideration, depending on its contents.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, after Memorial Day and a day after the 72nd anniversary of D-day and at a time when we live in a more and more dangerous world with threats from North Korea, China, Russia, and ISIS, it is appropriate that we are on the floor talking about our military, talking about helping our troops, and doing so by strengthening our military.

Senator MCCAIN, who is the chairman of the committee, just talked about the fact that there is a pay raise here. There is also an assurance to our military that we are not going to have the kind of end strength that puts us in more peril.

I applaud him and I applaud Senator REED for their work on this bill. I intend to support this bill, and I hope we continue to make progress this week on it.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Madam President, I am up today to talk about something different. It is another fight that we have, and that is with this terrible epidemic of heroin and prescription drugs. We now have a situation where 129 people on average are dying every single day. We have in my home State of Ohio and around the country epidemic levels not just of heroin and prescription drugs but now fentanyl, which is a synthetic form of heroin. It is affecting every community and every State.

This is the eighth time I have come on the floor to talk about this issue since the Senate passed their legislation on March 10—every week we have been in session since then. Initially, I came to encourage the House to act and urge them to move on it. They did that a couple weeks ago. Now I am urging the House and the Senate to come together because we have some differences in our two approaches to this, but for the most part we have commonality. There is common ground on how to deal with this issue: more prevention and education, better treatment and recovery, helping our law enforcement to be able to deal with it.

My message is very simple. We know what is in the House bill. We know what is in the Senate bill. We are starting to work together to find a way to come together. That is good. We need

to do that as soon as possible. This isn't like other issues we address on the floor, with all due respect. This is an emergency back home. This is one we know the Federal Government can be a better partner with State and local governments and with nonprofits. The Presiding Officer has been very involved in this issue over time. When we go home, we hear about it. This affects every single State. That is why we had a 94-to-1 vote in this Chamber. That never happens around here. We were on the floor for 2½ weeks, and by the end of the debate practically every single Senator who voted said this is a key issue back home. I like this bill because it is comprehensive, it is common sense. We need to support it. There is a real crisis out there, and this is a genuinely comprehensive solution to the crisis. We have the common ground. We need to move forward and do so soon.

In 88 days, since the Senate passed the legislation on March 10, more than 10,000 Americans—10,000 Americans—have died of drug overdoses from opioids. That doesn't include the hundreds of thousands of others who have not died from an overdose but are casualties. They have lost a job. They have broken their relationship with their family, with loved ones. They have been driven to pay for drugs by going to crime. They have lost hope. There are now an estimated 200,000 in Ohio who are suffering from addiction to heroin and prescription drugs. That is the size of the city of Akron, OH, a major city in my State. It is urgent. People understand it. There is a new poll showing that 3 in 10 Ohioans know someone struggling with an opioid addiction. They know people—their family members, their friends, their coworkers, their fellow parishioners, their neighbors—who are experiencing the consequences we talked about a moment ago: a lost job, time in prison, broken relationships, communities being devastated. All they have to do is open the newspaper to be reminded of it. Every day the headlines tell the story of families torn apart because of addiction.

Since my last speech on the floor about 2 weeks ago, there is more bad news from my State of Ohio. Two weeks ago, a 41-year-old man and his 19-year-old daughter, both from Ohio, were arrested together buying heroin. The same day, a 26-year-old man was found dead of an overdose near a creek in Lemon Township in Butler County. Last Thursday, in Steubenville, police seized 100 grams of heroin from one man. I told the story 2 weeks ago of Annabella, a 14-month-old from Columbus who died at a drug house after ingesting her mother's fentanyl-laced heroin. Last Thursday, a 29-year-old man in Columbus was sentenced to 9 years in prison after his 11-month-old son, Dominic, ingested his father's fentanyl and died.

Ohioans know this is happening, and we are taking action back home. State troopers in Ohio will soon be carrying naloxone with them, which is a miracle drug that can actually reverse the effects of an overdose. Our legislation provides more training for naloxone, also called Narcan. It also provides more grant opportunities for law enforcement. It is one reason the Fraternal Order of Police has been very supportive of our legislation and provided us valuable input as we were crafting it. In Ohio, last year alone, first responders administered Narcan 16,000 times, saving thousands of lives.

Our Governor, John Kasich, is conducting an awareness campaign in Ohio called ''Start Talking.'' The National Guard is helping out. They are conducting 113 events across Ohio, reaching more than 30,000 high school students to talk about drugs and opioid addiction. I am told 65 National Guard members have partnered with 28 law enforcement agencies on counterdrug efforts. They have helped confiscate more than $6 million in drugs already, including 235 pounds of heroin, 20 pounds of fentanyl, and 26 pounds of opiate pills.

CARA would create a national awareness campaign—we think this is incredibly important—including making this connection between prescription drugs, narcotic pain pills, and heroin. Four out of five heroin addicts in Ohio started with prescription drugs. This is not included in the House-passed legislation, as one example of something we want to add, but I think it is critical we include it in the final bill we ultimately send to the President's desk and ultimately out to our community so this message can begin to resonate to let people know they should not be getting into this addiction—this funnel of addiction—that is so difficult.

We are taking action in Ohio, but back in Ohio they want the Federal Government to be a better partner, and we can be through this legislation. In Cleveland, the Cuyahoga county executive, Armond Budish, and the County medical examiner, Dr. Thomas Gilson, last week asked the Federal Government to be a better partner with them. I agree with them. They support our legislation. So do 160 of the national groups—everybody who has worked with us over the years to come up with this nonpartisan approach. It is based on what works. It is based on actual evidence of the treatment that works, the recovery programs that work, the prevention that works.

In Cleveland, OH, it is not hard to see why. One hundred forty people have died of fentanyl overdoses so far this year—record levels. Fentanyl is even more potent than heroin. Depending on the concentration, it can be 50 or more times more powerful than heroin. Forty-four people died of opioid overdoses in Cleveland in just the month of May—44 in 1 month, just 1 month, in one city. That includes one 6-day span when 13 people died of overdoses; 18 of those 44 lived in the city of Cleveland, 26 lived in the suburbs. This knows no ZIP Code. It is not isolated to one area. It is not isolated to rural or suburban or inner city. It is everywhere. No one is immune, and no one is unaffected by this epidemic.

People across the country are talking about it more in the last couple weeks. One reason we are talking about it is because of the premature death of Prince, a world-renowned recording artist whose 58th birthday would have been celebrated yesterday. Based on the autopsy of Prince, we now know he died of a fentanyl overdose.

Fentanyl is driving more of this epidemic every day. As I said, in 2013, there were 84 fentanyl overdose deaths in Ohio. The next year it was 503. Sadly, this year it is going to be more than that. The new information about the overdose that took Prince's life has surprised some. After all, Prince had it all: success, fame, talent, and fortune. He was an amazingly talented musician, but as Paul Wax, the executive director of the American College of Medical Toxicology, put it, ''This epidemic spares no one. It affects the wealthy, the poor, the prominent, and the not prominent.'' He is exactly right. This epidemic knows no limits.

In a way, as this becomes known, it may help get rid of the stigma attached to addiction that is keeping so many people from coming forward and getting the treatment they need as people understand it is everywhere. It affects our neighbors and friends regardless of our station in life or where we live. It happens to grandmothers. It happens to teenagers who just had their wisdom teeth taken out. It happens to the homeless, and it happens to the rich and famous.

Prince is hardly the first celebrity case of opioid addiction. Celebrities like Chevy Chase and Jamie Lee Curtis have been brave enough to open up and talk about their struggles, and I commend them for that. The former Cleveland Browns wide receiver, Josh Cribbs, recently told ESPN:

> I grew up in the football atmosphere, and to me it's just part of the game. Unfortunately, it's ingrained within the players to have to deal with this, and it's almost as if that's part of it. After the game, you are popping pills to get back to normal, to feel normal. The pills are second nature to us. They're given to us just to get through the day. . . . The pills are part of the game.

I am hopeful that if any good can come out of tragedies like Prince's premature death, it can be that we raise awareness about this epidemic and prevent new addictions from starting. Prevention is ultimately going to be the best way to turn the tide.

The House-passed legislation does not include CARA's expanded prevention grants, which address local drug crises and are focused on our young people, but I am hopeful again that ultimately that will be included in the bill we send to the President's desk and to our communities.

I know the scope of this epidemic can feel overwhelming at times, but there is hope. Prevention can work, treatment can work, and it does work.

Think about Jeff Knight from the suburbs of Cleveland. He was an entrepreneur. He started a small landscaping business when he was just 21 years old. The business grew and grew. He was successful. He had more than a dozen employees. Then, at age 27, he was prescribed Percocet. Percocet. He became addicted. His tolerance increased so he switched to OxyContin. When the pills were too expensive or he couldn't find enough pills, he switched to heroin because it was less expensive and more accessible. He started selling cocaine and Percocet to buy more heroin. The drugs became everything, which is what I hear from so many of our recovering addicts. The drugs became everything, pulling them away from their families, their job, and their God-given purpose in life.

Within 3 years, Jeff Knight lost everything. He lost his business, he lost his relationship with his family, and he was arrested, but there he got treatment, and through a drug court program he got sober. He moved into a sober-living facility where there was supervision, accountability, and support from his peers. Again, as we are looking at these programs around the country and we are holding up those best practices, we want to fund those best practices that have that kind of support, not just the treatment but the strong recovery programs.

Jeff has now been clean for 3 years. He still has that same entrepreneurial spirit, and he is using it now to help others. He actually has bought several houses in Cleveland, which he has now turned into sober housing for men who are addicted—all because he got treatment and he was in a good recovery program, which he is now permitting others to appreciate.

Nine out of ten of those who need treatment aren't getting it right now, we are told. CARA—the Senate-passed bill—and the House bills both provide more help for the type of treatment programs and recovery that work. If we can get a comprehensive bill to the President, we can help more people who are struggling to get treatment, and we can give them more hope. It is time to act, and act quickly, to find common ground and get a comprehensive bill in place now so we can begin to help the millions who are struggling.

Again, I appreciate the Presiding Officer's efforts in this regard. I ask my colleagues on both sides of the aisle to continue to promote our leadership to move forward, get this conference resolved, get it to the President's desk, and begin to help our constituents back home, all of whom deserve our attention on this critical issue and this epidemic that is affecting every community.

Madam President, I yield the floor.

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

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

FEDERAL CHEMICAL REGULATION LEGISLATION

Mr. PAUL. Madam President, Milton Friedman once said that if you give the Federal Government control of the Sahara Desert, within 5 years there will be a shortage of sand. I tend to agree, and it worries me anytime a consensus builds to federalize anything.

I have spent the last week reading this bill, this sweeping Federal takeover of chemical regulations, and I am now more worried than I was before I read the bill. Most worrisome, beyond the specifics, is the creeping infestation of the business community with the idea that the argument is no longer about minimizing regulations but about making regulations regular. Businesses seem to just want uniformity of regulation as opposed to minimization of regulation.

A good analogy is that of how businesses respond to malingerers who fake slip-and-fall injuries. Some businesses choose to limit expenses by just paying out small amounts, but some brave businesses choose to legally defend themselves against all nuisance claims. Federalizing the chemical regulations is like settling with the slip-and-fall malingerers and hoping he or she will keep their extortion at a reasonable level.

In the process, though, we have abandoned principle. We will have given up the State laboratories where economic success and regulatory restraint are aligned. It is no accident that regulatory restraint occurs in States that host chemical companies and ensures that State legislatures will be well aware that the economic impact of overbearing regulation will be felt in their State. As a consequence, there is a back-and-forth and consideration both of the environment and health of the economy.

Federalization of regulations separates the people who benefit from a successful chemical industry from the unelected bureaucrats who will write the regulations. Once you sever the ties, once there is no incentive, once nobody cares about the jobs anymore, the tendency is to regulate and to overregulate. Once that tie is severed, the joint incentive to minimize regulation is lost. In fact, this legislation explicitly bans the consideration of a regulation's economic cost when deciding whether chemicals will be put into a high-risk category. Once a chemical has been labeled ''high risk,'' the legal liability and stigma that will attach will effectively ban the substance without the effect on the economy ever being considered. Regardless of what the final regulations actually say, the subsequent public reaction and lawsuits will have the effect of driving the chemical out of the market if it is considered to be a high-risk chemical.

If we are to ignore the cost of regulations, if we are to ignore the relationship between regulations and job loss, there is basically no limit to the fervor and ferocity that will be unleashed by bureaucrats whose perpetual mandate is to regulate.

I always thought we needed more balance, not less, in deciding on new regulations. I always thought we should balance the environment and the economy. Instead of balancing the economic effects and the environmental effects, this bill explicitly says to regulators that their goal is to regulate, period. This bill explicitly states that the economic impact of regulations is only considered after the EPA has decided to regulate, after a substance has been categorized as high risk. Is this really the best we can do?

Sometimes I wonder if we deserve the government we get. When the business community gets together and seeks Federal regulations, I wonder: Have they not paid any attention to what is going on in Washington? Are they unaware of the devastating explosion of Federal regulations? Are they unaware that today's overbearing regulations were yesterday's benign advisories? Everything starts out nice and easy: We are not going to overregulate you. But it never goes down; it always ratchets up. Are they unaware that the most benign and well-intended regulations of the 1970s are now written and rewritten by a President mad with regulatory zeal?

For those who are unaware of the devastation the EPA has wreaked upon our people, I request that you come and visit us in Eastern Kentucky. Come and visit us in West Virginia. The EPA's War on Coal has spread a trail of despair amongst a proud people. Many of these counties have unemployment over twice the national average.

The regulations that are crippling and destroying our jobs in Kentucky were not passed by Congress; these job-killing regulations are monsters that emerged from the toxic swamp of Big Government bureaucrats at the EPA. The Obama-Clinton War on Coal largely came from regulations that were extensions of seemingly bland, well-intended laws in the early 1970s, laws like the Clean Water Act that were well-intended, legislating that you can't discharge pollutants into a navigable stream. I am for that, but somehow the courts and the bureaucrats came to decide that dirt was a pollutant and your backyard might have a nexus to a puddle that has a nexus to a ditch that was frequented by a migratory bird that once flew from the Great Lakes, so your backyard is the same as the Great Lakes now. It has become obscene and absurd, but it was all from well-intentioned, reasonable regulations that have gotten out of control. Now the EPA can jail you for putting dirt on your own land. Robert Lucas was given 10 years in prison for putting dirt on his own land.

Now, since that craziness has infected the EPA, we now have the Feds

asserting regulatory control over the majority of the land in the States.

Will the Federal takeover of the chemical regulations eventually morph into a war on chemical companies, similar to what happened to the coal industry? I don't know, but it concerns me enough to examine the bill closely.

Anytime we are told that everyone is for something, anytime we are told that we should stand aside and not challenge the status quo, I become suspicious that it is precisely the time someone needs to look very closely at what is happening.

I also worry about Federal laws that preempt State laws. Admittedly, sometimes States, such as California, go overboard and they regulate businesses out of existence or at least chase them to another State. However, California's excess is Texas's benefit.

I grew up along the Texas coast. Many of my family members work in the chemical industry. Texas has become a haven because of its location and its reasonable regulations.

Because Texas and Louisiana have such a mutually beneficial relationship with the chemical industry, it is hard to imagine a time when the Texas or the Louisiana Legislature would vote to overregulate or to ignore the cost of new regulations. It is not in their best interest. But it is much easier to imagine a time when 47 other States gang up on Texas, Louisiana, and Oklahoma to ratchet up a Federal regulatory regime to the point at which it chokes and suffocates businesses and their jobs. Think it can't happen? Come and visit me in Kentucky. Come and see the devastation. Come and see the unemployment that has come from EPA's overzealous regulation.

How can it be that the very businesses that face this threat support this bill, support the federalization of regulation? I am sure they are sincere. They want uniformity and predictability—admirable desires. They don't want the national standard of regulations to devolve to the worst standard of regulations. California regulators—yes, I am talking about you. Yet the bill before us grandfathers in California's overbearing regulations. It only prevents them from getting worse.

But everyone must realize that this bill also preempts friendly States, such as Texas and Louisiana, from continuing to be friendly States. As Federal regulations gradually or quickly grow, Texas and Louisiana will no longer be able to veto the excesses of Washington. Regulations that would never pass the Texas or Louisiana State Legislature will see limited opposition in Washington. Don't believe me? Come and see me in Kentucky and see the devastation the EPA has wrought in my State.

So why in the world would businesses come to Washington and want to be regulated? Nothing perplexes me more or makes me madder than when businesses come to Washington to lobby for regulations. Unfortunately, it is becoming the norm, not the exception. Lately, the call to federalize regulations has become a cottage industry for companies to come to Washington and beg for Federal regulations to supersede troublesome State regulations. It seems like every day businesses come to my office to complain about regulatory abuse, and then they come back later in the day and say: Oh, and by the way, can you vote for Federal regulations on my business because the State regulations are killing me? But then a few years later, they come back—the same businesses—and they complain that the regulatory agencies are ratcheting up the regulations.

Food distributors clamor for Federal regulations on labeling. Restaurants advocate for national menu standards. Now that we have Federal standards, lo and behold, we also have Federal menu crimes. You can be imprisoned in America for posting the wrong calorie count on your menu. I am not making this up. You can be put in prison for putting down the wrong calorie count. We have to be wary of giving more power to the Federal legislature.

With this bill, chemical companies lobby for Federal regulations to preempt State legislation. None of them seem concerned that the Federal regulations will preempt not only aggressive regulatory States, such as California, but also market-oriented States, friendly States, such as Texas and Louisiana. So the less onerous Federal regulations may initially preempt overly zealous regulatory States, but when the Federal regulations evolve into a more onerous standard, which they always have, there will no longer be any State laboratories left to exercise freedom. Texas and Louisiana will no longer be free to host chemical companies as the Federal agencies ratchet higher.

Proponents of the bill will say: Well, Texas and Louisiana can opt out; there is a waiver. Guess who has to approve the waiver. The head of the EPA. Anybody know of a recent head of the EPA friendly to business who will give them a waiver on a Federal regulation? It won't work.

The pro-regulation business community argues that they are being overwhelmed by State regulations, and I don't disagree. But what can be done short of federalizing regulations? What about charging more in the States that have the costly regulations? In Vermont, they have mandated GMO labeling, which will cost a fortune. Either quit selling to them or jack up the price to make them pay for the labeling. Do you think the Socialists in Vermont might reconsider their laws if they have to pay $2 more for a Coke or for a Pepsi to pay for the absurd labeling?

What could chemical companies do to fight overzealous regulatory States? What they already do—move to friendly States. If California inappropriately regulates your chemicals, charge them more and by all means, move. Get the heck out of California. Come to Kentucky. We would love to have your business.

What these businesses that favor federalization of regulation fail to understand is that the history of Federal regulations is a dismal one. Well-intended, limited regulations morph into ill-willed, expansive, and intrusive regulations. What these businesses fail to grasp is that while States like California and Vermont may pass burdensome, expensive regulations, other States, like Texas, Tennessee, and Kentucky, are relative havens for business. When businesses plead for Federal regulations to supersede ill-conceived regulations in California and Vermont, they fail to understand that once regulations are centralized, the history of regulations in Washington is only to grow. Just witness regulations in banking and health care. Does anyone remember ever seeing a limited, reasonable Federal standard that stayed limited and reasonable?

It is not new in Washington for businesses to lobby to be regulated. Some hospitals advocated for ObamaCare and now complain that it is bankrupting them. Some small banks advocated for Dodd-Frank regulations, and now they complain the regulators are assaulting them as well.

The bill before us gives the Administrator of the EPA the power to decide at a later date how to and to what extent he or she will regulate the chemical industry. In fact, more than 100 times this bill leaves the discretionary authority to the EPA to make decisions on creating new rules; 100 times it says the Administrator of the EPA shall at a later date decide how to regulate. That is a blank check to the EPA. It is a mistake.

Does anyone want to hazard a guess as to how many pages of regulations will come from this bill? The current Code of Federal Regulations is 237 volumes and more than 178,000 pages. If ObamaCare is any guide, it will be at least 20 pages of regulations for every page of legislation. Using the ObamaCare standard, this bill will give us nearly 2,000 pages of regulations. ObamaCare was about 1,000 pages. The regulations from ObamaCare have morphed into nearly 20,000 pages. It is not hard to see how this bill, which requires review of more than 85,000 chemicals now on the market, could quickly eclipse that lofty total.

No one disputes that this bill increases the power of the EPA. This is an important point. No one disputes that this bill increases the power of the EPA. No one disputes that this bill transfers power from the States to the Federal Government. The National Journal recognizes and describes this bill as granting extensive new authority to the EPA. If you don't think that is a problem, come to Kentucky and meet the 16,000 people in my State who have lost their jobs because of the overregulatory nature of the EPA. Ask them what they think of Hillary Clinton's plan to continue putting coal

miners out of business in my State. Ask them what they think of granting extensive new authority to the EPA. Look these coal miners in the face and tell them to trust you and that your bill will not increase EPA's power. Tell them to trust you.

Is there anything in the recent history of regulatory onslaught that indicates a reasonable Federal standard will remain reasonable? When starting out, everybody says that they are going to preempt these terrible States like California. It is going to preempt California and Vermont and all of these terrible liberal States, and it will be a low level. Business was involved so business has made it a low and easy standard for chemicals. It will be ratcheted up because regulations never get better; they always get worse.

I rise today to oppose granting new power to the EPA. I wish we were here today to do the opposite—to vote to restrain the EPA and make sure that they balance regulations and jobs. I wish we were here today to vote for the REINS Act that requires new regulations to be voted on by Congress before they become enforceable. Instead, this legislation will inevitably add hundreds of new regulations.

I rise today to oppose this bill because it preempts the Constitution's intentions for the Federal Government.

I rise today to oppose this bill because the recent history of the EPA is one that has shown no balance, no quarter, and no concern for thousands of Kentuckians they have put out of work.

I rise today to oppose this bill because I can't in good conscience, as a Kentuckian, vote to make the Federal EPA stronger.

I thank the Presiding Officer, and I yield my time.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am prepared to make a unanimous consent request. I don't have the wording yet, but I will momentarily, so I will not take the floor at this time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, if I might make an inquiry about the order. Senator WHITEHOUSE and I were about to engage in a colloquy.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. COONS. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WHITEHOUSE of Rhode Island for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLIMATE CHANGE

Mr. COONS. Mr. President, I am so pleased to join my colleague, the Senator from Rhode Island, to discuss one of the most important issues facing future generations in our world, which is climate change, an issue that also directly affects both of our coastal and low-lying States.

Many may know Delaware's status as the first State to ratify the Constitution, but I think few of my colleagues are aware that Delaware is also our country's lowest lying State. We have the lowest mean elevation. This status comes with certain challenges, especially with nearly 400 miles of exposed shoreline. That means no part of our State is more than 30 miles from the coast, so the good news is that no matter where you live in my home State, it takes less than 30 minutes to get to sun and sand. But the challenge is that we are particularly vulnerable to the increasing effects of climate change.

In recent years, we have seen how flooding can devastate homes and communities up and down our State. Low-lying neighborhoods often don't have the resources to cope with steadily increasing flooding. A community such as Southbridge in Wilmington—pictured to my right—has been disproportionately affected.

Environmental justice has long been a concern of mine and of Senator WHITEHOUSE. We had the opportunity to visit the neighborhood of Southbridge. Southbridge is significantly flooded every time it rains more than an inch or two. With subsidence, the steady sinking of the land, and with sea level rise acting in combination in my State, we will simply see more and more challenges from severe flooding due to sea level rise around the globe and in my home State.

It is not just houses and neighborhoods that are threatened by sea level rise; it also affects businesses and entire industries. There is a broad range of long-established industries and businesses in my State that are placed in coastal areas because of the history of our settlement and development. Somewhere between 15 and 25 percent of all the land used for heavy industry in my State will likely be inundated by sea level rise by the end of the century, and that doesn't even include all of the other productive land use for agriculture and tourism that contribute to jobs and revenue in my home State.

Despite our small size and our significant exposure, we also punch above our weight when it comes to tackling the challenges of climate change. In places like Southbridge, our communities have come together at the State and local level to find creative solutions to cope with the flooding that is increasingly caused by climate change. This image demonstrates a plan that has been developed for the South Wilmington wetlands project. Senator WHITEHOUSE may describe his visit to the State of Delaware in more detail, but I wanted to open simply by describing this community response to the flooding that we saw in the previous slide. We have come together as a community to plan a cleanup of a brownfield area to create a safe and attractive park for the neighborhood and to improve water quality and drainage in a way that also creates new ecosystems, new opportunities for recreation, and a new future for a community long blighted and often under water.

That is not the only example of the many actions that have been taken by my home State of Delaware. Delaware also participates in RGGI, the Regional Greenhouse Gas Initiative, a collection of nine mid-Atlantic and northeastern States, including Rhode Island, that have joined together to implement market-based policies to reduce emissions.

Since 2009, the participating States have reduced our carbon emissions by 20 percent while also experiencing stronger economic growth in the rest of the country, which I view as proof that fighting climate change and strengthening our economy are not mutually exclusive exchangeable goals.

In fact, over the past 6 years, Delaware has reduced its greenhouse gas emissions more than any State in the entire United States. We have done that by growing our solar capacity 6,000 percent through multiple utility-scale projects and distributed solar. We have also done our best to adapt to climate change through community and State-led planning. Our Governor Jack Markell and former Delaware Secretary Collin O'Mara led a fantastic bottom-up, State-wide level planning effort to address the impacts of climate change on water, agriculture, ecosystems, infrastructure, and public health. In December of 2014, they released their climate framework for Delaware—an impressive statewide effort to be prepared for what is coming before it is too late.

I believe Delaware is an example of how communities that are most vulnerable to climate change can work together across public and private sectors to meet the challenges of climate change head-on. That is why I invited my friend and colleague Senator WHITEHOUSE. He is a true leader in the work to address climate change, not only in his home State of Rhode Island but across our country, and he has paid a visit to my State.

Every week, Senator WHITEHOUSE gives a speech on a different aspect of climate change, and I was proud to participate today in his weekly speech on the topic and thrilled to welcome him to my home State in May as part of his ongoing effort.

Before I yield the floor to Senator WHITEHOUSE, I just want to talk about one other stop on our statewide tour—a stop in Prime Hook, one of Delaware's two national wildlife refuges. The beach in Prime Hook over the last 60 years has receded more than 500 feet. Over the last decade, storms have broken through the dune line several times, flooding 4,000 acres of previously freshwater marsh.

When Hurricane Sandy hit this already fragile shoreline, leaving this coastline battered, as we can see here, it broke through completely and permanently flooded and destroyed the freshwater marsh. The storm deepened

and widened the beach from 300 feet to about 1,500 feet and exacerbated routine flooding on local roads used by the community to access the beach.

For a delicate ecosystem like this wildlife refuge, this type of severe weather and flooding can be devastating. Over the last 3 years, the U.S. Fish and Wildlife Service has worked in tandem with other Federal agencies, State partners, and NGOs to restore this highly damaged fragile ecosystem and rebuild the beach's defenses.

It is a long story, but you can see the punch line here. As of 2016, construction of a newly designed, resloped, redeveloped barrier has been completed. Senator WHITEHOUSE has also had the opportunity to visit this area. The finished project will be a saltwater marsh that I am confident will contribute significantly to a durable, resilient, and long-term ecosystem.

This is just one example of the creative things we are doing in Delaware to address the impacts of climate change and sea level rise. In some ways I think the most important and exciting was the last stop in our statewide visit.

With that I will turn it over to Senator WHITEHOUSE to discuss in more detail his visit to Delaware and our last visit to the southernmost part of my home State.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am really grateful to the junior Senator from Delaware for inviting me to his home State and for joining me here today for my ''Time to Wake Up'' speech No. 139.

Senator COONS and I spent a terrific day touring the Delaware shore. You can say whatever you want about us, but on that day we were the two wettest Members of the U.S. Senate. I can assure you of that.

This is Capitol Hill Ocean Week, and Wednesday is World Oceans Day, so it is a good time to consider the effects of global climate change in our oceans. The oceans have absorbed one-third of all carbon dioxide produced since the industrial revolution and over 90 percent of the excess heat that has resulted. That means that by laws of both physics and chemistry, the oceans are warming, rising, and acidifying.

Rhode Island is the Ocean State, but give Delaware credit. From the last report in 2013, it generated around $1 billion and over 23,000 jobs from the ocean based in tourism, recreation, shipping, and fishing. Like Rhode Island, Delaware sees its sea level rise at a rate of 3⅓ millimeters per year along the Delaware shore, 13 inches up over the last 100 years. Delawareans care about this issue. Over a quarter have reported personally experiencing the effects of sea level rise, two-thirds worry about the effects of sea level rise, and over 75 percent called on the State to take immediate action to combat climate change and sea level rise.

I did enjoy our visit in South Wilmington, and I enjoyed the visit to Port Mahon, where the roads had to be built up with riffraff to protect against sea level rise. But the real prize and the prime reason I went was Port Mahon's avian connection. Among the sandpipers, ruddy turnstones, and gulls we saw on the shore was a bird called the rufa red knot. Red knots stand out from other shore birds on the beach not only for their colorful burnt orange plumage but also for the amazing story that accompanies their arrival in Delaware each spring. This is a story to love, and I guess you would have to say a bird to admire.

They have only about a 20-inch wingspan at full growth, and the body is only about the size of a teacup, but each spring these red knots undertake an epic 9,000-plus mile voyage from Tierra del Fuego on the southern tip of South America up to the Canadian Arctic. After spending the summer nesting in the Arctic, they make the return trip south to winter in the Southern Hemisphere. This little bird has one of the longest animal migrations of any species on Earth.

How does Delaware come into this? Well, the red knots fly straight from Brazil to Delaware Bay. As you can imagine, when they get there, they are hungry. They have lost as much as half their weight. We were told they start to ingest their own organs toward the end.

Delaware Bay is the largest horseshoe crab spawning area in the world. Each May, horseshoe crabs lay millions of eggs. Nearly 2 million horseshoe crabs were counted in Delaware Bay in 2015, and a female can lay up to 90,000 eggs per spawning season. Do the math. That is a lot of eggs.

The red knots come here timed just so by mother nature to bulk up on the nutritious horseshoe crab eggs to replenish their wasted bodies from the long flight to Delaware Bay and to fuel up for the 2,000 further miles of journey to the Canadian Arctic.

I wanted to see this before it ends. The U.S. Fish and Wildlife Service has listed the red knot as threatened under the Endangered Species Act because ''successful annual migration and breeding of red knots is highly dependent on the timing of departures and arrivals to coincide with favorable food and weather conditions in the spring and fall migratory stopover areas and on the Arctic breeding grounds.'' Climate change can bollix up that timing.

We are already seeing that in a different subspecies of red knots that migrate north along the West African coast. A study published in the journal Science last month found that the earlier melt of Arctic snow is accelerating the timeline for the hatching of insects in spring, leading to smaller birds. The chicks, being less strong, begin to weaken and can't feed as successfully, and it cascades through an array of further difficulties.

You actually have to love this unassuming and astounding little bird, but its survival relies on a cascade of nature's events to line up just right. Nature throws a long bomb from Tierra del Fuego, where these birds start, and off they go. Months later they arrive in Delaware Bay timed to this 450 million-year-old creature, the horseshoe crab, emerging from Delaware Bay to spawn. If one environmental event comes too early or too late or if one food source becomes too limited, the species could collapse.

We got ahead of that in the 1990s when horseshoe crabs became rare because they were overfished. As their numbers went down, the red knot fell in accord. If the changes we are so recklessly putting in motion on the planet disturb nature's fateful planning, the red knot could pay a sad price.

Some people may snicker and say: There he goes again. Now he is on the Senate floor talking about some stupid bird. But I say this: When one sees the voyage that this bird has to make, a little shore bird used to running along the shore making this epic voyage every year—one of them has been measured, because of a tag on its ankle, to have flown the distance from here to the moon and halfway back in its life—if one can't see the hand of God in that creature, I weep for their soul.

So I thank my colleague from Delaware for his staff and the experts he brought along to help us learn about this. Like Rhode Island, Delaware has been proactive in planning for the risks that we face in a warmer and wetter future.

I yield the floor to the distinguished junior Senator from Delaware.

Mr. COONS. With that, Mr. President, I want to conclude by commenting that our day together began and ended with citizen science. The very first thing we did was to visit Delaware's national park to participate in a bio blitz, where volunteers from all over the country were identifying species and categorizing the threats to them from climate change. The very last thing we did was to count horseshoe crabs along the Cape Henlopen shore. I must say that my colleague from Rhode Island, even though there was driving rain and there were difficult conditions, was passionate and determined to do everything we could to contribute to the counting effort of the horseshoe crabs that day. It was a terrific opportunity to see a State that is engaged in planning and preparation and to witness one of the most remarkable migrations across our globe.

I want to express my gratitude to Senator WHITEHOUSE for his leadership on this issue.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. COONS. The Senator will yield for a question.

Mr. WHITEHOUSE. Were we, indeed, the two wettest Senators that day?

Mr. COONS. We were, indeed, the most persistently wet Senators in the entire country by the end of a very wet

and very fulfilling day up and down the State of Delaware.

With that, I thank my colleague from Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

TSCA MODERNIZATION ACT OF 2015

Mr. INHOFE. Mr. President, I ask that the Chair lay before the Senate the message to accompany H.R. 2576.

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

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2576) entitled ''An Act to modernize the Toxic Substances Control Act, and for other purposes.'' with an amendment to the Senate amendment.

MOTION TO CONCUR

Mr. INHOFE. Mr. President, I move to concur in the House amendment to the Senate amendment.

I ask unanimous consent that there now be 45 minutes of debate on the motion, and that following the use or yielding back of time, the Senate vote on the motion to concur.

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

Mr. INHOFE. For the information of Senators, this will allow us to pass this bill tonight by voice vote.

Mr. President, I ask unanimous consent that for that 45 minutes of debate, the Senator from California, Mrs. BOXER, be recognized for 10 minutes; followed by the Senator from Louisiana, Mr. VITTER; and then go back and forth in 5-minute increments.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Reserving the right to object, Mr. President, I want to make a little clarification.

Senator UDALL has asked for 10 minutes. If we could use our time, allowing this Senator 10 minutes, and then after Senator VITTER's time, we would go to Senator UDALL for 10 minutes and then back to the other side. Then Senator MARKEY wanted 5 minutes and Senator WHITEHOUSE wanted 5 minutes as well—if it would go in that order as stated, with 10 for myself, 10 for Senator UDALL, 5 for Senator MARKEY, and 5 for Senator WHITEHOUSE.

Mr. INHOFE. I believe that adds up to our 45 minutes, and I will just not speak until after the vote.

The PRESIDING OFFICER. Is there objection to modifying the request?

Mrs. BOXER. There would be 5 minutes left, if that is all right.

Mr. INHOFE. I will amend my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to start off by thanking my dear friend, Senator INHOFE. We have had a wonderful relationship when it comes to the infrastructure issues. We have not worked terribly well together on environmental issues, but because of both of our staffs and the Members of our committee on both sides of the aisle, we were able to tough it out and come up with a bill that I absolutely believe is better than current law.

I will be entering into the RECORD additional views by four leading Democratic negotiators—myself, Senator UDALL, Senator MERKLEY, and Senator MARKEY.

I rise in support of H.R. 2576, the Frank R. Lautenberg Chemical Safety for the 21st Century Act. I spoke at length about this before, so I won't go on for a long time. But I do want to reiterate that the journey to this moment has been the most complicated journey I have ever had to take on any piece of legislation, and I have been around here for a long time.

It was a critical journey. When naming a bill after Senator Lautenberg, who fought for the environment all his life, the bill must be worthy of his name, and, finally, this bill is.

It didn't start out that way. I used every prerogative I had, every tool in my arsenal to bring it down until it got better, and it is better. It is better than current law.

Asbestos, for example, is one of the most harmful chemicals known to humankind, and it takes 15,000 lives a year. It is linked to a deadly form of lung cancer called mesothelioma. People can breathe in these fibers deep into their lungs where they cause serious damage. We have addressed asbestos in this bill. We didn't ban it on this bill, which I support—and I have standalone legislation to do that—but we have made asbestos a priority in this bill.

Flame retardants are another category of dangerous chemicals. They have been linked to a wide array of serious health problems, including cancer, reduced IQ, developmental delays, obesity, and reproductive difficulties. These harmful chemicals have been added to dozens of everyday items such as furniture and baby products. So when we are talking about TSCA reforming the toxic laws, we are not just talking about a conversation, we are not just talking about a theory, we are not talking about something you would address in a classroom. We are talking about our families.

Now, the negotiations have been challenging. Many organizations in many States stood strong despite the pressure to step back, and I am so grateful to them for their persistence. I especially want to thank the 450 organizations that were part of the Safer Chemicals, Healthy Families coalition that worked with me, as well as the Asbestos Disease Awareness Organization for their efforts. Without them, I would not have had the ability to negotiate important improvements.

Let me highlight briefly a few of the most important changes in the final bill. I can't go one more minute without thanking the two people who are sitting right behind me, Bettina Poirier, who is my chief of staff on the committee and chief counsel, and Jason Albritton, who is my senior adviser. They worked tirelessly—through the night sometimes—with Senator INHOFE's staff. Without their work, we never would have gotten to this point, and we never would have gotten to a bill worthy of Frank's name, and it means a great deal to me.

The first major area of improvement is the preemption of State restrictions on toxic chemicals. In the final bill, we were able to make important exceptions to the preemption provisions.

First, the States are free to take whatever action they want on any chemical until EPA has taken a series of steps to study a particular chemical. Second, when EPA announces the chemicals they are studying, the States still have up to a year and a half to take action on these particular chemicals to avoid preemption until the EPA takes final action.

Third, even after EPA announces its regulation, the States have the ability to get a waiver so they can still regulate the chemical, and we have made improvements to that waiver to make it easier for States to act.

For chemicals that industry has asked EPA to study, we made sure that States are not preempted until EPA issues a final restriction on the chemical, and for that I really want to thank our friends in the House. They put a lot of effort into that.

The first 10 chemicals EPA evaluates under the bill are also exempted from preemption until the final rule is issued. Also, State or local restrictions on a chemical that were in place before April 22, 2016, will not be preempted.

So I want to say, as someone who comes from the great State of California—home to almost 40 million people and which has a good strong program—we protected you. Would I rather have written this provision myself? Of course, and if I had written it myself I would have set a floor in terms of this standard and allowed the States to take whatever action they wanted to make it tougher. But this was not to be. This was not to be. So because I couldn't get that done, what we were able to get done were those four or five improvements that I cited.

The States that may be watching this debate can really gear up and move forward right now. There is time. You can continue the work on regulations you passed before April. You can also have a year and a half once EPA announces the chemical, and if they don't announce anything, you can go back to doing what you did before. An EPA that is not funded right, I say to my dearest friend on the floor today, is not going to do anything. So the States will have the ability to do it. I would hope we would fund the EPA so we have a strong Federal program and strong State programs as well. But we will have to make sure that the EPA doesn't continually get cut.

The second area of improvement concerns asbestos. I think I have talked about that before. It is covered in this bill.

The third area of improvement concerns cancer clusters. This one is so dear to my heart and to the heart of my Republican colleague, Senator CRAPO. We wrote a bill together called the Community Disease Cluster Assistance Act, or ''Trevor's Law.'' Trevor's Law provides localities that ask for it a coordinated response to cancer clusters in their communities.

What Trevor taught us from his experience with a horrible cancer is that sometimes these outbreaks occur and no one knows why. Yet it is considered a local issue. Now, if the local community requests it—if they request it—they will get help.

Fourth, we have something called persistent chemicals. Those are chemicals that build up in your body. You just don't get rid of them. They are a priority in this legislation.

Fifth, another one that is dear to my heart and dear to the heart of Senator MANCHIN and Senator CAPITO is this provision that ensures that toxic chemicals stored neared drinking water are prioritized. This provision was prompted by the serious spill that contaminated the drinking water supplies in West Virginia in 2014, causing havoc and disruption. They didn't know what the chemical was. It got into the water. They didn't know what to do. As we all remember, it was a nightmare for the people there—no more. Now we are going to make sure that the EPA knows what is stored near drinking water supplies.

The sixth is very important and is something that got negotiated in the dead of night. I want to thank Senator INHOFE's staff for working with my staff on this. The bill enables EPA to order independent testing if there are safety concerns about a chemical, and these tests will be paid for by the chemical manufacturer. I also want to thank Members of the House who really brought this to us.

Finally, even the standard for evaluating whether a chemical is dangerous is far better than in the old TSCA. The bill requires EPA to evaluate chemicals based on risks, not costs, and considers the impact on vulnerable populations. This is really critical. The old law was useless. So all of these fixes make this bill better than current Federal law.

Looking forward, I want to make a point. This new TSCA law will only be as good as the EPA is good. With a good EPA, we can deliver a much safer environment for the American people—safer products, less exposure to harmful toxics, and better health for our people. With a bad EPA that does not value these goals, not much will get done. But, again, if a bad EPA takes no action, States will be free to act.

Mr. President, I ask for 30 additional seconds, and I will wrap this up.

Mr. INHOFE. Reserving the right to object, we do have this down with five people.

Mrs. BOXER. I ask unanimous consent for 30 seconds. I am just going to end with 30 seconds, and I will add 30 seconds to your side.

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

Mrs. BOXER. I say to the States: You are free to act with a bad EPA. Compared to where we started, we have a much better balance between the States and the Federal Government. It is not perfect. The bills I worked on with Frank did not do this. They did not preempt the States. But because of this challenging journey, we respected each other on both sides, we listened to each other on both sides, and today is a day we can feel good about.

We have a decent bill, a Federal program, and the States will have a lot of latitude to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise also to laud a really significant achievement that we are going to finalize tonight with the final passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

This much needed bill will provide updates that have been due literally for decades to the Toxic Substances Control Act of 1976, known as TSCA for short, which has been outdated and overdue for updating since almost that time. Now, getting to where we are tonight, about to pass this by an overwhelming vote, following the 403-to-12 vote in the House a few weeks ago, did not happen overnight. In fact, it took about 5-plus years.

In 2011 I started discussions with a broad array of folks, certainly including Senator Lautenberg. That is when I first sat down with Frank and started this process in a meaningful way and when we agreed that we would try to bridge the significant differences between our two viewpoints and come up with a strong bipartisan bill.

That same year I also sat down with JOHN SHIMKUS of Illinois to let him know that Frank and I were going to put in a lot of effort to come up with this framework, and we wanted him to be a full and equal and contributing partner. Over the next year and a half, we slogged through that process of trying to come up with a strong bipartisan bill. It wasn't easy. Between Senator Lautenberg and myself and our staffs and other staffs, there was an often brutal stretch of difficult negotiations and challenging times, testing everybody's patience.

Several times we walked away to come back together again. Finally, it did come together. In early 2013, that really started taking shape. Toward the end of April 2013, we were far enough along to lock a small group of staff and experts in a room to finalize that first bipartisan bill. There were folks like Bryan Zumwalt, my chief counsel then; Dimitri Karakitsos, who is my counsel and is now a key staffer who continues on the EPW Committee; Senator Lautenberg's chief counsel, Ben Dunham; and his chemical adviser, Brendan Bell.

That led finally to this first bipartisan bill that we introduced on May 23, 2013. Now, that wasn't the end of our TSCA journey. Unfortunately, in many ways, the most difficult segment of that journey was soon after that introduction on May 23, because on June 3, just a few weeks later, Frank passed. The single greatest champion of reforming how chemicals are regulated died at 89 years of age.

That was heartbreaking. But it was a moment when all of us who had been involved only redoubled our commitment to following this through to the end. Soon after Frank's unfortunate passing, our colleague TOM UDALL really stepped up to the plate in a major way to take Frank's role as the Democratic lead in this effort. We had a quiet dinner one night here on Capitol Hill to talk about our commitment to carry on this fight and get it done. We formed a partnership and a friendship that was really built around this work with an absolute commitment to get that done. I will always be so thankful to TOM and his partnership and also to his great staff, including their senior policy adviser, Jonathan Black.

As with most major undertakings, we had a lot of other help all along the way. Early on, at that stage of the process, Senators CRAPO and ALEXANDER were extremely helpful. Also, a little later on, Senators BOOKER, MERKLEY, and MARKEY did a lot to advance the ball and refine the product. Of course, at every step of the way, I continued to meet and talk with Congressman JOHN SHIMKUS. He was a persistent and a reliable partner in this process, as was his senior policy adviser, Chris Sarley.

Throughout this process, staff was absolutely essential and monumental. They did yeoman's work in very, very difficult and trying circumstances. I mentioned Bryan Zumwalt, my former chief counsel. He was a driving force behind this. I deeply appreciate and acknowledge his work, as well as someone else I mentioned, Dimitri Karakitsos, who continues to work as a key staffer on the committee and who is seeing this over the goal line.

Let me also thank Ben Dunham, the former chief counsel to Senator Lautenberg. I think in the beginning, particularly, Ben, Bryan, and Dimitri gave each other plenty of help but worked through very difficult negotiations to get it done.

Also, I want to thank Jonathan Black and Drew Wallace in Senator UDALL's office and Michal Freedhoff and Adrian Deveny in Senator MARKEY's office.

On the outside, there are a lot of experts from all sorts of stakeholders across the political spectrum, certainly including industry representatives with the American Chemistry Council.

I want to thank Mike Walls, Dell Perelman, Rudy Underwood, Amy DuVall, Robert Flagg, and, of course their leader, Cal Dooley.

Finally, there is one enormous figure who is owed a great debt of gratitude and a lot of credit for seeing this over the goal line tonight; that is, Frank's better half—and I say that with deep respect and admiration to Frank, but surely his better half—Bonnie Lautenberg. She has been called the 101st Senator, particularly on this issue. She was devoted to seeing Frank's work completed. I thank her for her relentless effort reaching out to Members in the House and Senate and stakeholders to make sure this happened.

As I mentioned at the beginning, this is long overdue. All stakeholders across the political spectrum agreed for decades that this aspect of the law needed to be updated. We needed to fully protect public health and safety, which we all want to do. We also needed to ensure that American companies, which are world leaders today in science, research, and innovation remain so and do not get put behind a regulatory system which is overly burdensome and unworkable.

This TSCA reform bill, properly named after Frank Lautenberg, achieves those goals. It is a positive, workable compromise in the best sense of that term, so that we will achieve public health and safety. It ensures that our leading American companies, great scientists, great innovators, and great world leaders in this sector remain just that and that they remain the world leaders we want and need them to continue to be.

So I thank all of those who have contributed to this long but ultimately successful and worthwhile effort. With that, I look forward to our vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, let me just initially, while Senator VITTER is still on the floor here, thank him so much. He was a great partner in terms of working on this piece of legislation thoroughly through the process over 3 years. We met, I think, about 3 years ago and had a dinner and decided, after Frank Lautenberg had died—he did a lot of work on the bill—that we would pick it up and make it happen. He has been a man of his word, and it has been a real pleasure working with him.

Let me just say about Chairman INHOFE that what they say in the Senate is that if you have a strong chairman, you can get a bill done. He has been remarkable in terms of his strength and his perseverance in terms of moving this bill. So we are at a very, very historic point today. I think I would call it a historic moment. I thank the Senator. It has been a pleasure working with the Senator. I enjoined working with the Senator when I was on the committee, and I am going to enjoy working with Chairman INHOFE in the future in terms of many other issues that come before us in the Senate.

I don't have any doubt that this is a historic moment several years and Congresses in the making. For the first time in 40 years, the United States of America will have a chemical safety program that works and that protects our families from dangerous chemicals in their daily lives. This is significant. Most Americans believe that when they buy a product at the hardware store or the grocery store, that product has been tested and determined to be safe. But that is not the case.

Americans are exposed to hundreds of chemicals from household items. We carry them around with us in our bodies and even before we are born. Some are known as carcinogens, others as highly toxic. But we don't know the full extent of how they affect us because they have never been tested. When this bill becomes law, there will finally be a cop on the beat.

Today, under the old TSCA, reviewing chemicals is discretionary. When this bill is law, the EPA will be required to methodically review all existing chemicals for safety, starting with the worst offenders. Today, the old law requires that the EPA consider the costs and benefits of regulation when studying the safety of chemicals. Very soon, EPA will have to consider only the health and environmental impacts of a chemical. If they demonstrate a risk, EPA will have to regulate.

Very soon, it will be enshrined in the law that the EPA most protect the most vulnerable people—pregnant women, infants, the elderly, and chemical workers. Today, the old TSCA puts burdensome testing requirements on the EPA. To test a chemical, the EPA has to show a chemical possesses a potential risk, and then it has to go through a long rulemaking process.

Very soon, EPA will have authority to order testing without those hurdles. Today, the old TSCA allows new chemicals to go to market without any real review, an average of 750 a year. Very soon, the EPA will be required to determine that all chemicals are safe before they go to the market.

Today, the old TSCA allows companies to hide information about their products, claiming it is confidential business information, even in an emergency. Very soon, we will ensure that companies can no longer hide this vital information.

States, medical professionals and the public will have access to the information they need to keep communities safe. Businesses will have to justify when they keep information confidential. That right will expire after 10 years. Today, the old TSCA underfunds the EPA so it doesn't have the resources to do its job.

Very soon, there will be a dedicated funding stream for TSCA. It will require industry to pay its share, $25 million a year. In addition, this new law will ensure victims can get access to the courts if they are hurt. It will revolutionize unnecessary testing on animals, and it will ensure that States can continue to take strong action on dangerous chemicals.

The Senate is about to pass this legislation. It is going to the President, and he will sign it. Over the past several days, I have gotten the same question over and over: What made this legislation different? Why was the agreement possible when other bills stalled? I thought about it quite a bit. It wasn't that the bill was simple. This was one of the most complex environmental pieces of legislation around. It certainly wasn't a lack of controversy. This process almost fell apart many times. It certainly wasn't a lack of interest from stakeholders. Many groups were involved, all with strong and passionate views and some with deep distrust. We faced countless obstacles, but I think what made this possible was the commitment and the willpower by everyone involved to see good legislation through and endure the slings and the arrows. I say a heartfelt thank-you to everyone involved.

I remember having dinner with Senator VITTER one evening early on when I was trying to decide whether I would take up Frank Lautenberg's work on this bill. There was already plenty of controversy and concern about the bill. Senator VITTER and I were not used to working with each other. In fact, we have almost always been on opposite sides. But I left that dinner with the feeling that Senator VITTER was committed, that he wanted to see this process through and was willing to do what it would take. For 3 years, I never doubted that. Both of us took more than a little heat. We both had to push hard and get important groups to the table and make sure they stayed at the table. I thank Senator VITTER. He has been a true partner in this process.

There are many others to thank, and I will, but before I do that, I want to say a few words about this bill's namesake. Frank Lautenberg was a champion for public health and a dogged, determined leader for TSCA reform. He cared so much for his children and grandchildren that he wanted to leave a better, healthier, safer environment for them. He always said that TSCA reform would save more lives than anything he ever worked on.

This is a bittersweet moment for all of us because Frank isn't here to see this happen, but I have faith that he is watching us and he is cheering us on. His wife Bonnie has been here working as the 101st Senator. She has been a force and inspiration, keeping us going, pushing us when we needed it. She helped us fulfill Frank's vision.

In the beginning, we thought the bill might not ever get introduced in the Senate. We entered this Congress after the Republicans took the majority. Many felt that strong environmental legislation was impossible. They urged us to wait. But many of us felt that 40 years was already too long to wait. We knew we could do it, make it better, and get it passed.

Senator CARPER was one of those key members on the Environment Committee. He gave us legs to get out of the gate. He and Senators MANCHIN and COONS were among our original cosponsors. They recognized that we had a great opportunity before us, and I thank them all.

They say that in order to get things done in Washington, you need a good, strong chairman, and Chairman INHOFE fits that description. I thank Chairman INHOFE and especially his staff, Ryan Jackson and Dimitri Karakitsos. Chairman INHOFE's team was instrumental in moving things forward and working with me to ensure that we built the broadest possible support. They knew that with broad support, we could do better than get it out of committee, we could get it across the finish line.

There are days when we all feel discouraged by gridlock here in Washington, but Chairman INHOFE and Senator VITTER rose above that. They saw the value of working together across party and across House and Senate.

Senators BOOKER, MERKLEY, and WHITEHOUSE all understood that we could work together. I thank them, too, for sticking with this bill and working through differences. As a result of their efforts, the bill gives States stronger protections, it helps reduce unnecessary testing on animals, and it includes a number of other improvements. Their staff—Adam Zipkin, Adrian Deveny, and Emily Enderle, among others—were key.

A strong bipartisan vote of 15 to 5 out of the committee set us up for action on floor. As many of you know, floor time is valuable and hard to come by and subject to nonpertinent issues. We needed to work to ensure the broadest possible support. We did that with Senators DURBIN and MARKEY, our 59th and 60th cosponsors of our legislation. I thank them and their staff members, Jasmine Hunt and Michal Freedhoff, for their important work to improve key aspects of the Federal program, such as fees and implementation dates, and to ensure that we could pass this bill through the Senate.

The PRESIDING OFFICER (Mr. ROUNDS). The time of the Senator has expired.

Mr. UDALL. Mr. President, has my time expired?

The PRESIDING OFFICER. Yes, it has.

Mr. UDALL. Thank you very much.

Let me just say that I am going to stay over. I thank the two Senators. I am going to stay with Senator INHOFE and thank additional people because I think it is that important, but we have this time agreement, and we need to move on.

I yield to Senator MARKEY for 5 minutes, and then we are going to Senator WHITEHOUSE for 5 minutes unless there is a Republican to intervene. Chairman INHOFE, is that correct?

Mr. INHOFE. That is right.

I would also say that I will forgo my remarks in order to give them more time until after the vote.

The PRESIDING OFFICER. Who yields time?

Mr. UDALL. I yield time to—the agreement, as I understand it, is that Senator MARKEY will speak for 5 minutes and Senator WHITEHOUSE for 5 minutes and then back to the Chair.

Mr. INHOFE. Yes, that is already a unanimous consent.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, today Congress stands ready to reform the last of the core four environmental statutes. It may do so with a stronger bipartisan vote than any other major environmental statute in recent American history.

For a generation, the American people have been guinea pigs in a terrible chemical experiment. Told that all the advances in our chemistry labs would make us healthier, happier, and safer, American families have had to suffer with decades of a law that did nothing to ensure that was true. That is because when the industry successfully overturned the EPA's proposed ban on asbestos, it also rendered the Toxic Substance Control Act all but unusable. Children shouldn't be unwitting scientific subjects. Today we have a chance to protect them by reforming this failed law.

As ranking Democrat on the Senate subcommittee of jurisdiction, I was one of a handful of Members who participated in an informal conference with the House. With Senators UDALL, BOXER, and MERKLEY, I have prepared a document that is intended to memorialize certain agreements made in the bicameral negotiations that would typically have been included in a conference report.

In our work with the House, we truly did take the best of both bills when it came to enhancing EPA's authority to regulate chemicals.

The degree to which States will be preempted as the Federal Government regulates chemicals has been a source of considerable debate since this bill was first introduced. I have always been a very strong supporter of States' rights to take actions needed to protect their own residents. For many of us, accepting preemption of our States was a difficult decision that we only made as we also secured increases to the robustness of the EPA chemical safety program.

I am particularly pleased that efforts I helped lead resulted in the assurance that Massachusetts' pending flame retardant law will not be subjected to pause preemption and that there is a mechanism in the bill to ensure that States' ongoing work on all chemicals can continue while EPA is studying those chemicals.

The fact that the bill is supported by the EPA, the chemical industry, the chamber of commerce, and the trial lawyers tells you something. The fact that a staggering 403 Members of the House of Representatives voted for this TSCA bill—more than the number who agreed to support the Clean Air Act, the Clean Water Act, or the Safe Drinking Water Act amendments when those laws were reauthorized—tells you something. What it tells you is that we worked together on a bipartisan and bicameral basis to compromise in the way Americans expect us to.

Although there are many people who helped to create this moment, I wish to thank some whose work over the past few months I especially want to recognize.

I thank Bonnie Lautenberg. On behalf of her husband Frank, she was relentless.

Senator INHOFE and his staffers, Ryan Jackson and Dimitri Karakitsos, remained as committed to agreements they made about Senate Democratic priorities as they were to their own commitment priorities throughout this process. I couldn't have imagined a stronger or more constructive partnership.

I would like to thank Senator UDALL and his staffers, Drew Wallace and Jonathan Black, whose leadership—especially during these challenging moments—was very important.

I also thank Senator MERKLEY and his staff, Adrian Deveny, whose creativity often led us to legislative breakthroughs, especially when it came to crafting certain preemption compromises.

My own staff, Michal Freedhoff, has done little but this for 1 consecutive year. This is her 20th year on my staff. With her Ph.D. in biochemistry—it was invaluable in negotiating with the American Chemistry Council and all other interests.

I want to thank many other Members: Senator BOXER; Senator WHITEHOUSE and his staff, Bettina, along with BARBARA BOXER; Senator MCCONNELL; Senator REID; Senator DURBIN—all central players in making sure this legislation was here today.

I thank the spectacular and hardworking EPA team, all of whom provided us with technical assistance and other help, often late at night and before the dawn.

I thank Gina McCarthy, Jim Jones, Wendy Cleland-Hamnet, Ryan Wallace, Priscilla Flattery, Kevin McLean, Brian Grant, David Berol, Laura Vaught, Nicole Distefano, Sven-Erik Kaiser, and Tristan Brown.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MARKEY. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MARKEY. I also thank Ryan Schmit, Don Sadowsky, and Scott Sherlock.

I want to thank Stephenne Harding and Andrew McConville at CEQ, whose day-to-day engagement helped us, especially in these last few weeks.

There are some outside stakeholders who worked particularly closely with

my staff and with me, including Andrew Rogers, Andrew Goldberg, Richard Denison, Joanna Slaney, Mike Walls, Rich Gold, and Scott Faber.

I have enjoyed meeting, working with, and partnering with each one of these outstanding people over the last year.

This is a huge bill. It is a historic moment. It is going to make a difference in the lives of millions of Americans. It is the most significant environmental law passed in this generation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MARKEY. The old law did not work. This one is going to protect the American people.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, as the song said, it has been a long, strange trip getting here, and it has had its share of near-death experiences, as Senator UDALL is intimately aware of. I was involved with Senator MERKLEY and Senator BOOKER in one of those near-death experiences. If this was a rocket with stages, one of the major stages was the Merkley-Booker-Whitehouse effort in the committee. I just wanted to say it was the first time the three of us worked together as a triumvirate. They were wonderful to work with. They were truly a pleasure. We had a lot on our plates. We made about a dozen major changes in the bill.

I want to take just a moment to thank Emily Enderle on my staff, who was terrific through all of the negotiations and renegotiations and counternegotiations in that stage. But this was obviously a rocket that had many more stages than that one.

I thank Chairman INHOFE and his staff for their persistence through all of this.

Ranking Member BOXER was relentless in trying to make this bill as strong as she could make it through every single stage, and it is marked by that persistence.

Senator VITTER and Senator UDALL forged the original notion that this compromise could be made to happen, and they have seen it through, so I congratulate them.

The House had a rather different view of how this bill should look. Between Senator INHOFE, Senator UDALL, Representative PALLONE, and Representative UPTON, they were able to work out a bicameral as well as a bipartisan compromise that we all could agree to.

There are a lot of thanks involved, but I close by offering a particular thank-you to my friend Senator UDALL. In Greek mythology there is a Titan, Prometheus, who brought fire to humankind. His penalty for bringing fire to humankind was to be strapped to the rock by chains and have Zeus send an eagle to eat his liver every single day. It is an image of persisting through pain. I do have to say Senator VITTER may have had his issues on his side—I do not know how that looked—but I can promise on our side TOM UDALL persisted through months and months of pain, always with the view that this bill could come to the place where this day could happen.

There are times when legislation is legislation, and there are times when legislation has a human story behind it. This is a human story of courage, foresight, persistence, patience, and willingness to absorb a considerable number of slings and arrows on the way to a day when slings and arrows are finally put down and everybody can shake hands and agree we have, I think, a terrific victory. While there is much credit in many places, my heart in this is with Senator TOM UDALL of New Mexico.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, today, while the Nation has been focused on the final six primaries across the Nation, the final six State primaries across the Nation, something extraordinary is unfolding here on the floor of the Senate. The Senate is taking the final congressional act to send the Frank R. Lautenberg Chemical Safety for the 21st Century Act to the President's desk.

This is landmark legislation that honors the legacy of our dear colleague Frank Lautenberg. This is landmark legislation that will make a real difference for the health and safety of every American. This is the first significant environmental legislation to be enacted by this Chamber in 25 years.

This bill—this extraordinary bill—brought Democrats and Republicans together to take action to protect public health. I have been honored to be a part of this coalition as we have worked toward a final bill for over a year. It hasn't been easy, but things worth doing are rarely easy.

A huge thank-you to Senators UDALL and VITTER, who cosponsored this bill, lead the way; Senators BOXER and INHOFE, the chair and ranking member of the Environment Committee; and Senators MARKEY, WHITEHOUSE, and BOOKER for their leadership and contributions throughout this entire process.

Also, a special thank-you to the staff who worked day and night. I know I received calls from my staff member Adrian Deveny at a variety of hours on a variety of weekends as he worked with other staff members to work out, iron out the challenges that remained, so a special thank-you to Adrian Deveny.

Just a short time ago, I had the chance to speak to Bonnie Lautenberg, Frank Lautenberg's wife. She would have loved to have been here when we took this vote, but she is going to be down in the Capitol next week with children and grandchildren. I hope to get a chance to really thank her in person for her husband's leadership but also for her leadership, her advocacy that we reached this final moment. She said to me: It appears it takes a village to pass a bill. Well, it does. This village was a bipartisan village. This was a bicameral village. It has reached a successful conclusion.

In the most powerful Nation on Earth, we should not be powerless to protect our citizens from toxic chemicals in everyday products. Today marks a sea shift in which we finally begin to change that. For too long, we have been unable to protect our citizens from toxic chemicals that hurt pregnant women and young children, chemicals that hurt our children's development, chemicals that cause cancer.

The Frank R. Lautenberg Chemical Safety for the 21st Century Act will tremendously improve how we regulate toxic chemicals in the United States—those that are already in products and should no longer be used and those new chemicals that are invented that should be thoroughly examined before they end up in products—and make sure that toxic chemicals don't find their way into our classrooms, into our bedrooms, into our homes, into our workplaces. Now the Environmental Protection Agency will have the tools and resources needed to evaluate the dangerous chemicals and to eliminate any unsafe uses.

My introduction to this issue began with a bill in the Oregon State Legislature about the cancer-causing flame retardants that are in our carpets and our couches and the foam in our furniture that should not be there. This bill gives us the ability to review that and to get rid of those toxic chemicals.

It was enormously disturbing to me to find out that our little babies crawling on the carpet, their noses 1 inch off the ground, were breathing in dust from the carpet that included these cancer-causing flame retardants. It should never have happened, but we did not have the type of review process that protects Americans. Now we will.

So, together, a bipartisan team has run a marathon, and today we cross the finish line. In short order, this bill will be sitting in the Oval Office, on the President's desk, and he will be putting ink to paper and creating this new and powerful tool for protecting the health of American citizens. That is an enormous accomplishment.

Mr. President, on behalf of Senator BOXER, the printing cost of the statement of additional views with respect to H.R. 2576, TSCA, will exceed the two-page rule and cost $2,111.20.

I ask unanimous consent that the Boxer statement of additional views be printed in the RECORD.

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

DETAILED ANALYSIS AND ADDITIONAL VIEWS OF DEMOCRATIC MEMBERS ON THE MOTION TO CONCUR IN THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO THE BILL H.R. 2576 ENTITLED ''AN ACT TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT, AND FOR OTHER PURPOSES'' JUNE 7, 2016

As the lead Senate Democratic negotiators on H.R. 2576, (hereinafter referred to as the Frank R. Lautenberg Chemical Safety for the 21st Century Act), we submit the following additional views that describe the intent of the negotiators on elements of the final bill text.

1. ''WILL PRESENT''

Existing TSCA as in effect before the date of enactment of Frank R Lautenberg Chemical Safety for the 21st Century Act includes the authority, contained in several sections (see, for example, section 6(a)), for EPA to take regulatory actions related to chemical substances or mixtures if it determines that the chemical substance or mixture ''presents or will present'' an unreasonable risk to health or the environment.

The Frank R. Lautenberg Chemical Safety for the 21st Century Act includes language that removes all instances of ''will present'' from existing TSCA and the amendments thereto. This does not reflect an intent on the part of Congressional negotiators to remove EPA's authority to consider future or reasonably anticipated risks in evaluating whether a chemical substance or mixture presents an unreasonable risk to health or the environment. In fact, a new definition added to TSCA explicitly provides such authority and a mandate for EPA to consider conditions of use that are not currently known or intended but can be anticipated to occur:

'(4) The term 'conditions of use' means the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of'';

2. MIXTURES

In section 6(b) of TSCA, as amended by the Frank R Lautenberg Chemical Safety for the 21st Century Act, EPA is directed to undertake risk evaluations on chemical substances in order to determine whether they pose an unreasonable risk to health or the environment. Some have questioned whether the failure to explicitly authorize risk evaluations on mixtures calls into question EPA's authority to evaluate the risks from chemical substances in mixtures.

The definition of 'conditions of use' described above plainly covers all uses of a chemical substance, including its incorporation in a mixture, and thus would clearly enable and require, where relevant, EPA to evaluate the risks of the chemical substance as a component of a mixture.

3. NEW CHEMICALS

While existing TSCA does not preclude EPA from reviewing new chemicals and significant new uses following notification by the manufacturer or processor, it does not require EPA to do so or to reach conclusions on the potential risks of all such chemicals before they enter the marketplace. EPA has authority to issue orders blocking or limiting production or other activities if it finds that available information is inadequate and the chemical may present an unreasonable risk, but the burden is on EPA to invoke this authority; if it fails to do so within the 90–180 day review period, manufacture of the new chemical can automatically commence. This bill makes significant changes to this passive approach under current law: For the first time, EPA will be required to review all new chemicals and significant new uses and make an affirmative finding regarding the chemical's or significant new use's potential risks as a condition for commencement of manufacture for commercial purposes and, in the absence of a finding that the chemical or significant new use is not likely to present an unreasonable risk, manufacture will not be allowed to occur. If EPA finds that it lacks sufficient information to evaluate the chemical's or significant new use's risks or that the chemical or significant new use does or may present an unreasonable risk, it is obligated to issue an order or rule that precludes market entry or imposes conditions sufficient to prevent an unreasonable risk. EPA can also require additional testing. Only chemicals and significant new uses that EPA finds are not likely to present an unreasonable risk can enter production without restriction. This affirmative approach to better ensuring the safety of new chemicals entering the market is essential to restoring the public's confidence in our chemical safety system.

4. UNREASONABLE RISK

TSCA as in effect before the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act authorized EPA to regulate chemical substances if it determined that the chemical substance ''presents or will present an unreasonable risk of injury to health or the environment.'' In its decision in Corrosion Proof Fittings vs EPA, the U.S. Court of Appeals, 5th Circuit overturned EPA's proposed ban on asbestos, in part because it believed that

''In evaluating what is ''unreasonable,'' the EPA is required to consider the costs of any proposed actions and to ''carry out this chapter in a reasonable and prudent manner [after considering] the environmental, economic, and social impact of any action.'' 15 U.S.C. §2601(c).

As the District of Columbia Circuit stated when evaluating similar language governing the Federal Hazardous Substances Act, ''[t]he requirement that the risk be 'unreasonable' necessarily involves a balancing test like that familiar in tort law: The regulation may issue if the severity of the injury that may result from the product, factored by the likelihood of the injury, offsets the harm the regulation itself imposes upon manufacturers and consumers.'' Forester v. CPSC, 559 F.2d 774 789 (D.C.Cir.1977). We have quoted this language approvingly when evaluating other statutes using similar language. See, e.g., Aqua Slide, 569 F.2d at 839.''

The Frank R Lautenberg Chemical Safety for the 21st Century Act clearly rejects that approach to determining what ''unreasonable risk of injury to health or the environment'' means, by adding text that directs EPA to determine whether such risks exist ''without consideration of costs or other nonrisk factors'' and, if they do, to promulgate a rule that ensures ''that the chemical substance no longer presents such risk.'' In this manner, Congress has ensured that when EPA evaluates a chemical to determine whether it poses an unreasonable risk to health or the environment and regulates the chemical if it does, the Agency may not apply the sort of ''balancing test'' described above.

5. PRIORITIZATION

Section 6(b) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, defines high-priority chemical substances and low-priority chemical substances as follows:

''(i) HIGH–PRIORITY SUBSTANCES.—The Administrator shall designate as a high-priority substance a chemical substance that the Administrator concludes, without consideration of costs or other nonrisk factors, may present an unreasonable risk of injury to health or environment because of a potential hazard and a potential route of exposure under the conditions of use, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator.

''(ii) LOW–PRIORITY SUBSTANCES.—The Administrator shall designate a chemical substance as a low-priority substance if the Administrator concludes, based on information sufficient to establish, without consideration of costs or other nonrisk factors, that such substance does not meet the standard identified in clause (i) for designating a chemical substance a high-priority substance.''

The direction to EPA for the designation of low-priority substances is of note in that it requires such designations to be made only when there is ''information sufficient to establish'' that the standard for designating a substance as a high-priority substance is not met. Clear authority is provided under section 4(a)(2)(B), as created in the Frank R Lautenberg Chemical Safety for the 21st Century Act, to enable EPA to obtain the information needed to prioritize chemicals for which information is initially insufficient. The bill text also goes on to state that if ''the information available to the Administrator at the end of such an extension [for testing of a chemical substance in order to determine its priority designation] remains insufficient to enable the designation of the chemical substance as a low-priority substance, the Administrator shall designate the chemical substance as a high-priority substance.''

These provisions are intended to ensure that the only chemicals to be designated low-priority are those for which EPA both has sufficient information and, based on that information, affirmatively concludes that the substance does not warrant a finding that it may present an unreasonable risk.

6. INDUSTRY REQUESTED CHEMICALS

Sec. 6(b)(4)(E) sets the percentage of risk evaluations that the Administrator shall conduct at industry's request at between 25 percent (if enough requests are submitted) and 50 percent. The Administrator should set up a system to ensure that those percentages are met and not exceeded in each fiscal year. An informal effort that simply takes requests as they come in and hopes that the percentages will work out does not meet the requirement that the Administrator ''ensure'' that the percentages be met. Also, clause (E)(ii) makes clear that industry requests for risk evaluations ''shall be'' subject to fees. Therefore, if at any point the fees imposed by the Frank Lautenberg Act (which are subject to a termination in section 26(b)(6)) are allowed to lapse, industry's opportunity to seek risk evaluations will also lapse and the minimum 25 percent requirement will not apply.

7. PACE OF AND LONG-TERM GOAL FOR EPA SAFETY REVIEWS OF EXISTING CHEMICALS

Existing TSCA grandfathered in tens of thousands of chemicals to the inventory without requiring any review of their safety. The Frank R. Lautenberg Chemical Safety for the 21st Century Act sets in motion a process under which EPA will for the first time systematically review the safety of chemicals in active commerce. While this will take many years, the goal of the legislation is to ensure that all chemicals on the market get such a review. The initial targets for numbers of reviews are relatively low, reflecting current EPA capacity and resources. These targets represent floors, not ceilings, and Senate Democratic negotiators expect that as EPA begins to collect fees, gets procedures established and gains experience, these targets can be exceeded in furtherance of the legislation's goals.

8. ''MAXIMUM'' EXTENT PRACTICABLE

Several sections of the Frank R. Lautenberg Chemical Safety for the 21st Century Act include direction to EPA to take certain actions to ''the extent practicable'', in contrast to language in S 697 as reported by the Senate that actions be taken to ''the maximum extent practicable.'' During House-Senate negotiations on the bill, Senate negotiators were informed that House Legislative Counsel believed the terms ''extent practicable'' and ''maximum extent practicable'' are synonymous, and ultimately Congress agreed to include ''extent practicable'' in the Frank R. Lautenberg Chemical Safety for the 21st Century Act with the expectation that no change in meaning from S 697 as reported by the Senate be inferred from that agreement.

9. COST CONSIDERATIONS IN RULEMAKING

Section 6(c)(2) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act lists what is required in analysis intended to support an EPA rule for a chemical substance or mixture:

''(2) REQUIREMENTS FOR RULE.—''(A) STATEMENT OF EFFECTS.—In proposing and promulgating a rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall consider and publish a statement based on reasonably available information with respect to—

''(i) the effects of the chemical substance or mixture on health and the magnitude of the exposure of human beings to the chemical substance or mixture;

''(ii) the effects of the chemical substance or mixture on the environment and the magnitude of the exposure of the environment to such substance or mixture;

''(iii) the benefits of the chemical substance or mixture for various uses; and

''(iv) the reasonably ascertainable economic consequences of the rule, including consideration of—

''(I) the likely effect of the rule on the national economy, small business, technological innovation, the environment, and public health;

''(II) the costs and benefits of the proposed and final regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator; and

''(III) the cost effectiveness of the proposed regulatory action and of the 1 or more primary alternative regulatory actions considered by the Administrator.

The language above specifies the information on effects, exposures and costs that EPA is to consider in determining how to regulate a chemical substance that presents an unreasonable risk as determined in EPA's risk evaluation.

Senate Democratic negotiators clarify that sections 6(c)(2)(A)(i) and (ii) do not require EPA to conduct a second risk evaluation-like analysis to identify the specified information, but rather, can satisfy these requirements on the basis of the conclusions regarding the chemical's health and environmental effects and exposures in the risk evaluation itself.

The scope of the statement EPA is required to prepare under clauses (i)–(iv) is bounded in two important respects. First, it is to be based on information reasonably available to EPA, and hence does not require new information collection or development. Second, EPA's consideration of costs and benefits and cost-effectiveness is limited to the requirements of the rule itself and the 1 or more ''primary'' alternatives it considered, not every possible alternative. The role of the statement required under subparagraph (c)(2)(A) in selecting the restrictions to include in its rule is delineated in subparagraph (c)(2)(B). Under this provision, EPA must ''factor in'' the considerations described in the statement ''to the extent practicable'' and ''in accordance with subsection (a).'' As revised, subsection (a) deletes the paralyzing ''least burdensome'' requirement in the existing law and instructs that EPA's rule must ensure that the chemical substance or mixture ''no longer presents''' the unreasonable risk identified in the risk evaluation. Thus, it is clear that the considerations in the statement required under subparagraph (c)(2)(A) do not require EPA to demonstrate benefits outweigh costs, to definitively determine or select the least-cost alternative, or to select an option that is demonstrably cost-effective or is the least burdensome adequately protective option. Rather, it requires only that EPA take into account the specified considerations in deciding among restrictions to impose, which must be sufficient to ensure that the subject chemical substance no longer presents the unreasonable risk EPA has identified. The Frank R. Lautenberg Chemical Safety for the 21st Century Act clearly rejects the regulatory approach and framework that led to the failed asbestos ban and phase-out rule of 1989 in Corrosion Proof Fittings v. EPA 947 F.2d 1201 (5th Cir. 1991).

10. ''MINIMUM'' LABELING REQUIREMENTS

Section 6(a) of TSCA, as amended by the Frank R Lautenberg Chemical Safety for the 21st Century Act, ensures that the requirements EPA can impose to address an unreasonable risk to health or the environment include requiring ''clear and adequate minimum'' warnings. The addition of the word ''minimum'' was intended to avoid the sort of litigation that was undertaken in Wyeth v. Levine, 555 U.S. 555 (2009), when a plaintiff won a Supreme Court decision after alleging that the harm she suffered from a drug that had been labeled in accordance with FDA requirements had nevertheless been inadequately labeled under Vermont law. This ensures that manufacturers or processors of chemical substances and mixtures can always take additional measures, if in the interest of protecting health and the environment, it would be reasonable to do so.

11. CRITICAL USE EXEMPTIONS

Section 6(g) of TSCA, as amended by the Frank R Lautenberg Chemical Safety for the 21st Century Act, authorizes EPA to exempt specific conditions of use from otherwise applicable section 6(a) rule requirements, if EPA makes specified findings. Section 6(g)(4) in turn requires EPA to include in such an exemption conditions that are ''necessary to protect health and the environment while achieving the purposes of the exemption.'' It is Congress' intent that the conditions EPA imposes will protect health and the environment to the extent feasible, recognizing that, by its nature, an exemption will allow for activities that present some degree of unreasonable risk.

12. REGULATORY COMPLIANCE

Several sections of the Frank R. Lautenberg Chemical Safety for the 21st Century Act clarify the Congressional intent that compliance with federal EPA standards, rules or other requirements shall not preclude liability in circumstances where a reasonable manufacturer or processor or distributor of a chemical substance or mixture could or should have taken additional measures or precautions in the interest of protecting public health and the environment.

13. TSCA AS THE PRIMARY STATUTE FOR THE REGULATION OF TOXIC SUBSTANCES

EPA's authorities and duties under section 6 of TSCA have been significantly expanded under the Frank R. Lautenberg Chemical Safety for the 21st Century Act, now including comprehensive deadlines and throughput expectations for chemical prioritization, risk evaluation, and risk management. The interagency referral process and the intra-agency consideration process established under Section 9 of existing TSCA must now be regarded in a different light since TSCA can no longer be construed as a ''gap-filler'' statutory authority of last resort. The changes in section 9 are consistent with this recognition and do not conflict with the fundamental expectation that, where EPA concludes that a chemical presents an unreasonable risk, the Agency should act in a timely manner to ensure that the chemical substance no longer presents such risk. Thus, once EPA has reached this conclusion, Section 9(a) is not intended to supersede or modify the Agency's obligations under Sections 6(a) or 7 to address risks from activities involving the chemical substance, except as expressly identified in a section 9(a) referral for regulation by another agency which EPA believes has sufficient authority to eliminate the risk and where the agency acts in a timely and effective manner to do so.

Regarding EPA's consideration of whether to use non-TSCA EPA authorities in order to address unreasonable chemical risks identified under TSCA, the new section 9(b)(2) merely consolidates existing language which was previously split between section 6(c) and section 9(b). It only applies where the Administrator has already determined that a risk to health or the environment associated with a chemical substance or mixture could be eliminated or reduced to a sufficient extent by additional actions taken under other EPA authorities. It allows the Administrator substantial discretion to use TSCA nonetheless, and it certainly does not reflect that TSCA is an authority of last resort in such cases. Importantly, the provision adds a new qualification, not in original TSCA, that the required considerations are to be ''based on information reasonably available to the Administrator'' to ensure that such considerations do not require additional information to be collected or developed. Furthermore, none of these revisions were intended to alter the clear intent of Congress, reflected in the original legislative history of TSCA, that these decisions would be completely discretionary with the Administrator and not subject to judicial review in any manner.

14. DISCLOSURE OF CONFIDENTIAL BUSINESS INFORMATION

S. 697 as passed by the Senate included several requirements as amendments to sections 8 and 14 of existing TSCA that direct EPA to ''promptly'' make confidential business information public when it determines that protections against disclosure of such information should no longer apply. The Frank R. Lautenberg Chemical Safety for the 21st Century Act instead directs EPA to remove the protections against disclosure when it determines that they should no longer apply. Because EPA informed Senate negotiators that its practice is to promptly make public information that is no longer protected against disclosure, we see no difference or distinction in meaning between the language in S. 697 as passed and the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and expect EPA to continue its current practice of affirmatively making public information that is not or no longer protected from disclosure as expeditiously as possible.

Subsection 14(d)(9) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, further clarifies the Congressional intent that any information required pursuant to discovery, subpoena, court order, or any other judicial process is always allowable and discoverable under State and Federal law, and not protected from disclosure.

15. CHEMICAL IDENTITY

Section 14(b)(2) of the bill retains TSCA's provision making clear that information from health and safety studies is not protected from disclosure. It also retains TSCA's two existing exceptions from disclosure of information from health and safety studies: for information where disclosure would disclose either how a chemical is manufactured or processed or the portion a chemical comprises in a mixture. A clarification has been added to the provision to note explicitly that the specific identity of a chemical is among the types of information that need not be disclosed, when disclosing health and safety information, if doing so would also disclose how a chemical is made or the portion a chemical comprises in a mixture. This clarification does not signal any Congressional intent to alter the meaning of the provision, only to clarify its intent.

16. ''REQUIREMENTS'''

Subsection 5(i)(2) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act clarifies the Congressional intent to ensure that state requirements, including legal causes of action arising under statutory or common law, are not preempted or limited in any way by EPA action or inaction on a chemical substance.

Subsection 6(j) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, clarifies the Congressional intent to ensure that state requirements, including legal causes of action arising under statutory or common law, are not preempted or limited in any way by EPA action or inaction on a chemical substance.

17. STATE-FEDERAL RELATIONSHIP

Sections 18(a)(1)(B) and 18(b)(1) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, refer to circumstances under which a state may not establish or continue to enforce a ''statute, criminal penalty, or administrative action'' on a chemical substance. Section 18(b)(2) states that ''this subsection does not restrict the authority of a State or political subdivision of a State to continue to enforce any statute enacted, criminal penalty assessed, or administrative action taken''. In an email transmitted by Senate Republican negotiators at 11:45 AM on May 23, 2016, the Senate requested that House Legislative Counsel delete the word ''assessed,'' but this change was not made in advance of the 12 PM deadline to file the bill text with the House Rules Committee. The Senate's clear intent was not to change or in any way limit the meaning of the phrase ''criminal penalty'' in section 18(b)(2).

Section 18(d)(I) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, references ''risk evaluations''' on chemical substances that may be conducted by states or political subdivisions of states with the clear intent to describe the circumstances in which such efforts would not be preempted by federal action. The term ''Risk Evaluation'' may not be universally utilized in every state or political subdivision of a state, but researching each analogous term used in each state or political subdivision of a state in order to explicitly list it was neither realistic nor possible. The use of this term is not intended to be in any way limiting.

Section 18(d)(1)(A)(ii) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, fully preserves the authority of states or political subdivisions of states to impose ''information obligation'' requirements on manufacturers or processors with respect to chemicals they produce or use. The provision cites examples of such obligations: reporting and monitoring or ''other information obligations.'' These may include, but are not limited to, state requirements related to information, such as companies' obligations to disclose use information, to provide warnings or to label products or chemicals with certain information regarding risks and recommended actions to reduce exposure or environmental release.

Section 18(d)(2) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, specifies that nothing in this section shall modify the preemptive effect of any prior rule or order by the Administrator prior to the effective date, responding to concerns that prior EPA action on substances such as polychlorinated biphenyls would be potentially immunized from liability for injury or harm.

Section 18(e) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, grandfathers existing and enacted state laws and regulatory actions, and requirements imposed now or in the future under the authority of state laws that were in effect on August 31, 2003.

Section 18(f) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, provides discretionary and mandatory waivers which exempt regulatory action by states and their political subdivisions from any federal preemptive effect. In particular, Subsection 18(f)(2)(B) specifies that, where requested, EPA shall grant a waiver from preemption under subsection (b) upon the enactment of any statute, or the proposal or completion of a preliminary administrative action, with the intent of prohibiting or otherwise restricting a chemical substance or mixture, provided these actions occur during the 18-month period after EPA initiates the prioritization process and before EPA publishes the scope of the risk evaluation for the chemical substance (which cannot be less than 12 months after EPA initiates the prioritization process).

Section 18(g) of TSCA, as amended by the Frank R Lautenberg Chemical Safety for the 21st Century Act, specifies that no preemption of any common law or statutory causes of action for civil relief or criminal conduct shall occur, and that nothing in this Act shall be interpreted as dispositive or otherwise limiting any civil action or other claim for relief. This section also clarifies the Congressional intent to ensure that state requirements, including legal causes of action arising under statutory or common law, are not preempted or limited in any way by EPA action or inaction on a chemical substance. This section further clarifies Congress' intent that no express, implied, or actual conflict exists between any federal regulatory action and any state, federal, or maritime tort action, responding to the perceived conflict contemplated in Geier v. American Honda Motor Co., 529 U.S. 861 (2000) and its progeny.

18. FEES

Fees under section 26(b), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, are authorized to be collected so that 25% of EPA's overall costs to carry out section 4, 5, and 6, and to collect, process, review, provide access to and protect from disclosure information, are defrayed, subject to a $25,000,000 cap (that itself can be adjusted for inflation or if it no longer provides 25% of EPA's costs listed above). While the collection of fees is tied to the submission of particular information under sections 4 and 5 or the manufacturing or processing of a particular chemical substance undergoing a risk evaluation under section 6, in general the use of these fees is not limited to defraying the cost of the action that was the basis for payment of the fee. The exception to this general principle is for fees to defray the cost of conducting manufacturer requested risk evaluations, which are independent of the $25 million cap or 25% limit. These must be spent on the particular risk evaluation that was the basis for payment of the fee. This limitation applies only to the fee collected for the purpose of conducting the risk evaluation and does not prevent EPA from collecting further fees from such persons for other purposes for which payment of fees are authorized under the section. For example, if a manufacturer-requested risk evaluation later leads to risk management action, EPA may assign further fees to manufacturers and processors of that substance, subject to the $25,000,000 cap and the requirement to not exceed 25% of overall program costs for carrying out sections 4, 5, and 6, and to collect, process, review, provide access to and protect from disclosure information.

We also note that some have raised the possibility that section 26(b)(4)(B)(i)(I), as amended by the Frank R Lautenberg Chemical Safety for the 21st Century Act, could be read to exclude the cost of risk evaluations, other than industry-requested risk evaluations, from the costs that can be covered by fees. This was not the intent and is not consistent with the statutory language. As clearly indicated in section 26(b)(1), the amended law provides that manufacturers and processors of chemicals subject to risk evaluations be subject to fees, and that fees be collected to defray the cost of administering sections 4, 5, and 6, and of collecting, processing, reviewing and providing access to and protecting from disclosure information. Risk evaluations are a central element of section 6. And as demonstrated by section 6(b)(4)(F)(i), the intent of the bill is that the EPA-initiated risk evaluations be defrayed at the 25% level (subject to the $25,000,000 cap), in contrast to the industry-initiated evaluations, which are funded at the 50% or 100% level. The final citation in section 26(b)(4)(B)(i) should be read as section 6(b)(4)(C)(ii), as it is in section 6(b)(4)(F)(i), not to section 6(b) generally.

19. SCIENTIFIC STANDARDS

The term ''weight of evidence'' refers to a systematic review method that uses a pre-established protocol to comprehensively, objectively, transparently, and consistently, identify and evaluate each stream of evidence, including strengths, limitations, and relevance of each study and to integrate evidence as necessary and appropriate based upon strengths, limitations, and relevance.

This requirement is not intended to prevent the Agency from considering academic studies, or any other category of study. We expect that when EPA makes a weight of the evidence decision it will fully describe its use and methods.

20. PARTIAL RISK EVALUATIONS

Section 26(1)(4) of TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, states

''(4) CHEMICAL SUBSTANCES WITH COMPLETED RISK ASSESSMENTS.—With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which the Administrator has published a completed risk assessment prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator may publish proposed and final rules under section 6(a) that are consistent with the scope of the completed risk assessment for the chemical substance and consistent with other applicable requirements of section 6.''

EPA has completed risk assessments on TCE, NMP, and MC, but has not yet proposed

or finalized section 6(a) rules to address the risks that were identified. The risk assessments for these chemicals were not conducted across all conditions of use. During the bi-cameral negotiations, EPA expressed the view that, rather than reexamine and perhaps broaden the scope of these assessments, it is better to proceed with proposed and final rules on the covered chemicals to avoid any delay in the imposition of important public health protections that are known to be needed. Congress shared these concerns. The language House-Senate negotiators included above is intended to allow EPA to proceed with the regulation of these substances if the scope of the proposed and final rules is consistent with the scope of the risk assessments conducted on these substances.

21. SNURS FOR ARTICLES

Section 5(a)(5) addresses the application of significant new use rules (SNURs) to articles or categories of articles containing substances of concern. It provides that in promulgating such SNURs, EPA must make ''an affirmative finding . . . . that the reasonable potential for exposure to the chemical substance through the article or category of articles subject to the rule justifies notification.'' This language clarifies that potential exposure is a relevant factor in applying SNURs to articles. Exposure is a relevant factor in identifying other significant new uses of a chemical substance as well. It is not intended to require EPA to conduct an exposure assessment or provide evidence that exposure to the substance through the article or category of articles will in fact occur. Rather, since the goal of SNURs is to bring to EPA's attention and enable it to evaluate uses of chemicals that could present unreasonable risks, a reasonable expectation of possible exposure based on the nature of the substance or the potential uses of the article or category of articles will be sufficient to ''warrant notification.'' EPA has successfully used the SNUR authority in the existing law to provide for scrutiny of imported articles (many of which are widely used consumer products) that contain unsafe chemicals that have been restricted or discontinued in the U.S. and it's critical that SNURs continue to perform this important public health function under the amended law.

22. COMPLIANCE DEADLINES

The amended law expands on existing section 6(d) by providing that rules under section 6 must include ''mandatory compliance dates.'' These dates can vary somewhat with the type of restriction being imposed but, in general, call for compliance deadlines that ''shall be as soon as practicable, but not later than 5 years after the promulgation of the rule.'' While EPA could in unusual circumstances delay compliance for as long as five years, this should be the exception and not the norm. To realize the risk reduction benefits of the rule, it is expected that compliance deadlines will be as soon as practicable after the rule's effective date as directed in new paragraph 6(d)(1).

Senator Barbara Boxer, Ranking Member, Environment and Public Works Committee.

Senator Edward J. Markey, Ranking Member, Subcommittee on Superfund, Waste Management and Regulatory Oversight, Environment and Public Works Committee, and cosponsor, Frank R. Lautenberg Chemical Safety for the 21st Century Act.

Senator Tom Udall, lead Democratic author and sponsor, Frank R. Lautenberg Chemical Safety for the 21st Century Act.

Senator Jeffrey A. Merkley, cosponsor, Frank R. Lautenberg Chemical Safety for the 21st Century Act.

Mr. MERKLEY. I yield the floor.

Mrs. GILLIBRAND. Mr. President, I know that everyone here shares a desire to fix our chemical safety law, the Toxic Substances Control Act, and I appreciate the years of hard work that my colleagues, starting with the late Senator from New Jersey, Frank Lautenberg, put in to try to make this bill the best bipartisan compromise it could be.

So many parts of this bill strengthen the standards and review process for chemicals, and I am pleased that we will finally be able to effectively regulate chemicals on a Federal level.

However, there is one part of the bill that still concerns me: the preemption of State laws.

Right now, a number of States, including New York, have taken the lead in chemical safety and have set standards for their own citizens that are higher than the standards set by the EPA.

These State actions have brought the chemical companies to the table to finally create a strong federal system for reviewing chemicals for safety.

But this bill would significantly limit the rights of individual States to set their own chemical safety standards from this day forward.

It would prevent a State from regulating or enforcing regulations on a chemical if the EPA is studying but has not yet ruled on the safety of that chemical.

But the EPA's review process can take far longer than a State's review process.

As a result, if a Governor or a State legislature wanted to develop their own rules to protect their citizens from a particular chemical that they knew was toxic and posing an imminent threat, their hands would be tied because of this law, and it would be left to the EPA to determine whether the State's science is valid.

Why would we take away this right from our States?

The only recourse for States is a burdensome waiver process that does not guarantee that a State will prevail in obtaining a waiver to continue to protect the health of its families. That is not enough.

When it comes to protecting public health, I firmly believe that Federal laws should set a floor, not a ceiling, and States should continue to have the right to protect their citizens from toxic chemicals—especially while they wait for the EPA to complete their own lengthy studies.

No State should be prevented from acting to protect the health and safety of its people when the Federal Government fails to act.

No State should be prevented from banning a dangerous chemical, simply because the EPA is taking time to review the substance.

So despite all the hard work of my colleagues and the progress that has been made, I cannot vote to undermine my State's ability to protect our constituents, and I will vote no on this bill.

Thank you.

CONGRESSIONAL INTENT BEHIND SPECIFIC PROVISIONS OF THE BILL

Mr. INHOFE. Senator VITTER and I rise today to discuss a few provisions in the bill with the desire of clarifying what the Congressional intent was behind specific provisions of the legislation. Senator VITTER, I would like to start with a question to you on the purpose of the term ''conditions of use'' and how that term is supposed to be applied by EPA in risk evaluations?

Mr. VITTER. Thank you Senator INHOFE. There are many important provisions of this law and I think clarifying what Congress intended is very important to ensure the legislative intent is understood and followed. To specifically address your first question, the term ''conditions of use'' is specifically defined as 'the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.' The conditions of use of a chemical substance drive the potential for exposure to a chemical. Exposure potential, when integrated with the hazard potential of a chemical, determines a chemical's potential for risk. So EPA's understanding of a chemical's conditions of use—and importantly it is the circumstances 'the Administrator' determines—will be critical to EPA's final determination of whether a chemical is safe or presents an unreasonable risk that must be controlled. Finally, to address your question of how this is supposed to be applied by EPA in risk evaluations, it is important to note that many TSCA chemicals have multiple uses—industrial, commercial and consumer uses. EPA has identified subcategories of chemical uses for regular chemical reporting requirements, so the Agency is well aware that some categories of uses pose greater potential for exposure than others and that the risks from many categories of uses are deemed negligible or already well controlled. The language of the compromise makes clear that EPA has to make a determination on all conditions of use considered in the scope but the Agency is given the discretion to determine the conditions of use that the Agency will address in its evaluation of the priority chemical. This assures that the Agency's focus on priority chemicals is on conditions of use that raise the greatest potential for risk. This also assures that the Agency can effectively assess and control priority chemicals and meet the new law's strict deadlines. Without this discretion to focus chemical risk assessments on certain conditions of use, the Agency's job would be more difficult.

Mr. INHOFE. Thank you, Senator VITTER. That response raised an interesting follow up question I would like

to ask. If EPA's final Section 6(a) risk management rule includes a restriction or prohibition on some of the conditions of use identified in EPA's scope of the risk evaluation, but not all of them, is it final agency action as to those other conditions of use?

Mr. VITTER. That is a very important question and the clear intent of Congress is the answer is yes. This is because, to be legally sufficient according to EPA's own technical assistance, EPA's Section 6(a) rule must ensure that the chemical substance or mixture no longer presents an unreasonable risk. A Section 6(i) order, determining that a chemical substance does not present an unreasonable risk under conditions of use, is similarly final Agency action applicable to all those conditions of use that were identified in the scope of EPA's risk evaluation on the chemical substance. To be clear, every condition of use identified by the Administrator in the scope of the risk evaluation must, and will be either found to present or not present an unreasonable risk.

Mr. INHOFE, this brings me to a question on the testing EPA has the authority require manufacturers to conduct under this compromise. One of the major flaws in TSCA is the so-called 'catch 22' under which EPA cannot require testing of chemicals without first making a finding that the chemical may present an unreasonable risk. In TSCA's history, EPA has been able to make that finding only for about 200 chemicals. Does the compromise remedy that provision of TSCA?

Mr. INHOFE. It is clear that the compromise directs EPA to systematically evaluate more chemicals than ever before. To help the Agency meet that objective, the compromise does two things. First, EPA can issue a test rule or order if it finds that a chemical substance may present an unreasonable risk to human health or the environment. In this case, an EPA order would be a final agency action subject to judicial review. EPA would be well-advised to consider the practice of issuing a 'statement of need' similar to that required under section 4(a)(3) when using this authority.

The section also provides EPA discretionary authority to require testing—by rule, order or consent agreement—when EPA determines that new information is necessary to review a premanufacture notice under section 5, to conduct a risk evaluation under section 6, or to implement rules or orders under those sections. The compromise also recognizes that EPA may need new information to prioritize a chemical substance for review, to assess certain exports, and at the request of another federal agency. To use this discretionary order authority, EPA must issue a 'statement of need' that explains the need for new testing/exposure information. It must describe how available information has informed the decision to require new information, whether vertebrate animal testing is needed, and why an order is preferred to a rule.

Section 4 of the compromise also requires EPA to use 'tiered' screening and testing processes. This means EPA must require less expensive, less complex screening tests to determine whether higher level testing is required. This is an efficient approach to testing chemicals that is based on EPA experience in other testing programs Tiered testing will also help assure that EPA is meeting the objective to minimize animal testing that is set out in the compromise.

Finally, section 4 prohibits the creation of a 'minimum information requirement' for the prioritization of chemicals. That is a very important provision that should be applied to any and all testing by the Agency regardless of which authority it uses.

Senator VITTER, in addition to new testing authorities the bill also makes changes to TSCA in the new chemicals program under section 5 which has been largely viewed as one of the major strengths of existing law. It has been credited with spurring innovation in chemistry used for new products and technologies throughout the value chain. The industry we're regulating in TSCA is highly innovative: 17 percent of all US patents are chemistry or chemistry related. Clearly Congress has an interest in preserving the economic engine that is the business of U.S. chemistry, while ensuring that EPA appropriately reviews new chemical substances and significant new uses. How does the compromise balance these interests?

Mr. VITTER. Protecting innovation and not materially altering the new chemicals process was a critical part of the final compromise. Every effort was made to ensure EPA has the right tools to review new chemical substances but the amendments to this section were intended to conform closely with EPA's current practice and maintain the Agency's timely reviews that allow substances to market within the statutory deadlines. First, the compromise retains the 90-day review period for EPA to make a risk-based decision on a new chemical, without consideration of costs or other non-risk factors. Second, when EPA does not have the information sufficient for the evaluation of a new chemical, or when EPA determines that a new chemical may present an unreasonable risk, the compromise requires EPA regulate the new chemical to the extent necessary to protect against unreasonable risk. Once sufficient information is available, of course, EPA must make a decision. These requirements largely reflect EPA's practice today, under which EPA can allow the new chemical on the market but with limits. Finally, if EPA determines that a new chemical is not likely to present an unreasonable risk, EPA must make a statement to that effect before the end of the 90 day period. This provision ensures that chemicals considered not likely to pose an unreasonable risk are not delayed in getting to market.

Importantly, EPA would not stop reviewing new chemical notices while it develops any policies, procedures and guidance needed to implement these new provisions in Section 5. The compromise is very clear: EPA should not stop or slow its review of new chemicals while it develops any needed new policies procedures or guidance for Section 5. Also by amending Section 5 to require EPA make an affirmative finding before manufacturing or processing of a substance may commence, Congress did not intend to trigger the requirements of any other environmental laws. This again maintains the consistency with how EPA currently administers the new chemicals program under existing law.

Senator INHOFE, this leads me to another question on a provision that is rather technical and has been misunderstood by many and that is nomenclature. After the TSCA Inventory was established in 1979, questions arose about the appropriate chemical 'nomenclature' to be used to list these chemical substances. EPA addressed many of these questions in a series of guidance documents. The compromise includes a provision on nomenclature. What is this provision intended to do?

Mr. INHOFE. Thank you, Senator VITTER. These provision are very important to many major domestic producers including manufacturers of products like glass, steel, cement, along with domestic energy producers across the country. The chemical nomenclature provision in section 8 of the compromise addresses several issues critical to the efficient functioning of the new chemical regulatory framework.

For the purposes of the TSCA Inventory, a single, defined molecule is simple to name. For example, ethanol is a Class 1 chemical on the TSCA Inventory. Its identity does not depend on how it is made. Since one ethanol is chemically the same as another ethanol, a new producer of ethanol can use the existing ethanol chemical listed on the TSCA Inventory. For other substances known as Class 2 chemicals, nomenclature is more complex. For those substances, the name of the substance typically includes either—or both—The source material and the process used to make it. The compromise requires EPA to maintain the Class 2 nomenclature system, as well as certain nomenclature conventions in widespread use since the early days of TSCA.

The compromise also directs EPA to continue to recognize the individual members of categories of chemical substances as being on the TSCA inventory. The individual members of these categories are defined in inventory descriptions developed by EPA. In addition, the compromise permits manufacturers or processors to request that EPA recognize a chemical substance

currently identified on the TSCA Inventory under multiple nomenclatures as 'equivalents.'

Importantly, the equivalency provision relates only to chemical substances that are already on the TSCA Inventory. Although the equivalency provision specifically references substances that have Chemical Abstract Service (CAS) numbers, EPA could usefully apply an equivalency approach to substances on the Inventory that do not have CAS numbers as well, such as for naturally-occurring substances.

Now, Senator VITTER, once a chemical is on the inventory, information about the substance that is provided to EPA often contains sensitive proprietary elements that need protecting. There has been a significant debate in recent years regarding the protection from public disclosure of a confidential chemical identity provided in a health and safety study under TSCA section 14(b). Although new section 14(b) is substantially similar to the existing statute, what is the intent behind the additional language related to formulas?

Mr. VITTER. It was the Congressional intent of the legation to balance the need to ensure public access to health and safety studies with the need to protect from public disclosure valuable confidential business information (CBI) and trade secrets that are already exempt from mandatory disclosure under the Freedom of Information Act. Striking the appropriate balance between public disclosure on the one hand, and the protection of a company's valuable intellectual property rights embodied in CBI and trade secrets on the other hand, is essential to better informing the public regarding decisions by regulatory authorities with respect to chemical, while encouraging innovation and economic competitiveness.

The compromise retains the language of existing section 14(b) to make clear that the Administrator is not prohibited from disclosing health and safety studies, but that certain types of CBI and trade secrets disclosed within health and safety studies must always be protected from disclosure. The new, additional language in this section is intended to clarify that confidential chemical identities—which includes chemical names, formulas and structures—may themselves reveal CBI or trade secret process information. In such cases, the confidential chemical identity must always be protected from disclosure. The new language is not limiting; it makes clear that any other information that would reveal proprietary or trade secret processes is similarly protected. In other cases involving confidential chemical identities, EPA should continue to strike an appropriate balance between protection of proprietary CBI or trade secrets, and ensuring public access to health and safety information.

In addition to the protection of confidential information, another critically important provision in the deal was preemption. Senator Inhofe could you describe how the compromise address the relationship between State governments and the Federal government?

Mr. INHOFE. As we all recognize, the preemption section of this bill was the most contentious issue of the negotiations as well as the most important linchpin in the final deal. The compromise includes several notable provisions. First, it is clear that when a chemical has undergone a risk evaluation and determined to pose no unreasonable risk, any state chemical management action to restrict or regulate the substance is preempted. This outcome furthers Congress's legislative objective of achieving uniform, risk-based chemical management nationally in a manner that supports robust national commerce. Federal determinations reached after the risk evaluation process that a chemical presents no significant risk in a particular use should be viewed as determinative and not subject to different interpretations on a state-by-state or locality-by-locality basis. Further, under the new legislation, EPA will make decisions based on conditions of use, and must consider various conditions of use, so there could be circumstances where EPA determines that a chemical does not present an unreasonable risk in certain uses, but does in others. Preemption for no significant risk determinations would apply as these determinations are made on a use-by-use basis.

Second, to promote the engagement of all stakeholders in the risk evaluation process—including State governments—thee compromise creates a temporary preemption period for identified high priority chemicals moving through EPA's risk evaluation process. The period only runs from the time EPA defines the scope of the evaluation to the time that EPA finishes the evaluation, or the agency deadline runs out. It does not apply to the first 10 TSCA Work Plan chemicals the EPA reviews, and it does not apply to manufacturer-requested risk evaluations. It does apply to any and all other chemical substances EPA choses to review through a risk evaluation. States with compelling circumstances can request and be granted a vysaiver by EPA. These waiver and scope limitations ensure that the piause has its intended effect—to ensure that there is one, comprehensive, nationally-led risk evaluation occurring at a time, allowing EPA and affected manufacturers to focus on and complete the work on a timely basis, and to ensure a uniform and consistent federal approach to risk evaluation and risk management.

Senator VITTER, despite the fact that this law regulates products in commerce and Congress has the authority and Constitutional duty to protect interstate commerce, efforts were made to give States a role in this process, and even to get waivers from preemption where State actions are adequately justified. It should be noted that nothing precludes State action on chemical substances that are not the subject of an EPA risk evaluation or decision. There is also nothing in the compromise that precludes states from offering opinions, advice, or comment during the risk evaluation process. The risk evaluation process anticipates numerous opportunities for public comment. It is our hope that States with an interest in a particular chemical substance will in fact bring forward relevant scientific information on chemical hazards, uses and exposures to inform an effective federal decision. This will ensure that EPA is making the most informed decisions for the citizens of the United States as a whole, rather than one State affording protection to only a fraction of the country.

Senator VITTER, before we conclude our discussion on preemption, I would to ask you to help clarify the intent of the preemption provision as it relates to actions taken prior to enactment of the Frank Lautenberg bill.

Mr. VITTER. Thank you, Senator INHOFE, for those important clarifications to preemption and for another question that is very important to clarify in order to capture the full conngressional intent of the bills preemption section. This Act is intended to change the preemption provisions of TSCA only with respect to regulations promulgated and actions taken under this Act after its effective date. This Act is not intended to alter any preemptive effect on common law or state positive law of regulations promulgated or administrative actions taken under preexisting authorities, and is not intended to make any statement regarding legal rights under preexisting authorities, including TSCA sections 6 and 17 in effect prior to the effective date of this Act.

Mr. INHOFE. I appreciate your clarification on the intent of an important aspect of preemption under this act and also wanted to follow up with a question on judicial review. Specifically, what changes to TSCA's judicial review provisions have been made in the compromise?

Mr. VITTER. When TSCA was first enacted in 1976, the Act created a higher level of judicial review for certain rulemakings that would restrict chemicals in commerce. Congress took this approach because it wanted to ensure that rulemakings that would directly affect commerce by imposing restrictions on chemicals would be well supported with substantial evidence. The substantial evidence standard requires an agency rule to be supported by substantial evidence in the rulemaking record taken as a whole. The compromise legislation makes no changes to the process for judicial review of rulemakings or the standard of review.

The compromise now provides EPA with expanded authority to pursue certain administrative actions by order in

addition to by rule. This new order authority is intended to allow EPA greater flexibility to move quickly to collect certain information and take certain actions. It is intended that an agency order constitute final agency action on issuance and be subject to judicial review. Orders under Sections 4, 5, and 6 of TSCA constitute final agency action on issuance, and continue to be reviewed under the standards established by the Administrative Procedures Act. The intention is that regulatory actions that result in total or partial bans of chemicals, regardless of whether such action is by rule or order authority, be supported by substantial evidence in the rulemaking record taken as a whole.

Senator INHOFE, before we are done I think there are a few other sections of the bill that have been less discussed that it would be important to touch on. The first is Section 9 of TSCA which discusses the relationship between this and other laws. Could you please speak to what the intent of this bill with regards to Section 9 is?

Mr. INHOFE. The Senate Report language states that section 9 of TSCA provides EPA with discretionary authority to address unreasonable risks of chemical substances and mixtures under other environmental laws. ''For example, if the Administrator finds that disposal of a chemical substance may pose risks that could be prevented or reduced under the Solid Waste Disposal Act, the Administrator should ensure that the relevant office of the EPA receives that information.''

Likewise, the House Report on section 9 of TSCA states: ''For example, if the Administrator determines that a risk to health or the environment associated with disposal of a chemical substance could be eliminated or reduced to a sufficient extent under the Solid Waste Disposal Act, the Administrator should use those authorities to protect against the risk.''

This act states in new section 9(a)(5) of TSCA that the Administrator shall not be relieved of any obligation to take appropriate action to address risks from a chemical substance under sections 6(a) and 7, including risks posed by disposal of the chemical substance or mixture. Consistent with the Senate and House reports, this provision means that the Administrator should use authorities under the other laws such as the Solid Waste Disposal Act to prevent or reduce the risks associated with disposal of a chemical substance or mixture.

Senator VITTER, I know another section that is very important to you is the language around sound science and we all know you have worked to ensure that this bill fixes the scientific concerns of the National Academy of Science and other scientific bodies who have raised concerns with the way EPA has reviewed chemicals in the past. Could you please discuss the Congressional intent of the bills science provisions?

Mr. VITTER. Thank you Senator INHOFE, the sound science provisions were a critical part of TSCA reform in my opinion and I hope this bill serves as a model for how to responsibly reform other laws administered by EPA and other Federal Agencies that are tasked to make decisions based on science. For far too long Federal agencies have manipulated science to fit predetermined political outcomes, hiding information and underlying data, rather than using open and transparent science to justify fair and objective decision making. This Act seeks to change all of that and ensure that EPA uses the best available science, bases scientific decisions on the weight of the scientific evidence rather than one or two individual cherry-picked studies, and forces a much greater level of transparency that forces EPA to show their work to Congress and the American public.

Congress recognized the need to use available studies, reports and recommendations for purposes of chemical assessments rather than creating them from whole cloth. We do believe, however, that the recommendations in reports of the National Academy of Sciences should not be the sole basis of the chemical assessments completed by EPA. Rather, the EPA must conduct chemical assessments consistent with all applicable statutory provisions and agency guidelines, policies and procedures. Further, in instances where there were other studies and reports unavailable at the time of the NAS recommendations, EPA should take advantage of those studies and reports in order to ensure that the science used for chemical assessments is the best available and most current science.

Mr. INHOFE. Thank you for clarifying the Congressional intent of the important science provisions in this bill. I wanted to ask you one final question that is another key element to reforming this outdated law. It should be clear to all that H.R. 2576 attempts to ensure that the Environmental Protection Agency takes the possible exposures to sensitive subpopulations into account when prioritizing, assessing and regulating high priority chemical substances. The goal, of course, is to ensure that factors that may influence exposures or risk are considered as the Agency assesses and determines the safety of chemical substances.

A concern, however, could be that the language regarding sensitive subpopulations may be read by some to promote the concept of ''low dose linearity'' or ''no threshold'' for many chemicals, including substances that are not carcinogens. This concept has not been firmly established in the scientific community. Does H.R. 2576 address this concern?

Mr. VITTER. That is an important question Senator INHOFE and I appreciate the opportunity to clarify. The Lautenberg bill tries to address the concern about forcing paralysis by analysis in several ways. First, the bill establishes that 'unreasonable risk under the conditions of use' as the safety standard to be applied by EPA. ''Unreasonable risk'' does not mean no risk; it means that EPA must determine, on a case-by-case basis, whether the risks posed by a specific high priority substance are reasonable in the circumstances of exposure and use. Second, the bill requires EPA to specifically identify the sensitive subpopulations that are relevant to and within the scope of the safety assessment and determination on the substance in question. At the same time, EPA should identify the scientific basis for the susceptibility, to ensure transparency for all stakeholders. In this way, the legislation affords EPA the discretion to identify relevant subpopulations but does not require—or expect—that all hypothetical subpopulations be addressed.

While a principle element of this compromise is including protections for potentially susceptible subpopulations to better protect pregnant women and children, a core of the bill since it was first introduced by Senator Lautenberg and I was never to require the national standard to be protective of every identified subpopulation in every instance. If a chemical substance is being regulated in a condition of use that we know has no exposure to a subpopulation, EPA should apply the ''unreasonable risk'' standard appropriately. In addition, it is clear that the concept of low dose linearity is not firmly established by the science, and the concept is not appropriate to apply as a default in risk evaluations.

Mr. INHOFE. Thank you very much for that explanation, Senator VITTER.

MERCURY-SPECIFIC PROVISIONS IN THE BILL

Mr. WHITEHOUSE. Mr. President, we rise to highlight two mercury-specific provisions—the creation of a mercury inventory and expansion of the export ban to certain mercury compounds—in the Frank R. Lautenberg Chemical Safety for the 21st Century Act that the Senate will approve tonight. These provisions are sections of the Mercury Use Reduction Act that we introduced in the 112th Congress with the late Senator Frank Lautenberg, after whom this legislation is named, and with then-Senator John Kerry. Senator LEAHY and Senator MERKLEY have been longtime partners in these efforts. Senator LEAHY was a leader in the Senate's consideration of a resolution of disapproval concerning the Bush administration's mercury rule. I yield to Senator LEAHY.

Mr. LEAHY. Mr. President, I thank Senator WHITEHOUSE. His leadership in this area has been paramount.

Under the mercury inventory provision, the EPA will be required to prepare an inventory of mercury supply, use, and trade in the United States every 3 years. Despite an EPA commitment in 2006 to collect this data, there is not yet any good data on mercury

supply and uses in the United States. This lack of data has impacted our ability to reduce health risks from mercury exposure and would compromise our ability to comply with the Minamata Convention of Mercury, which will come into force next year and to which the U.S. Government has agreed to become a party. When preparing the inventory, EPA shall identify the remaining manufacturing and product uses in the United States and recommend revisions to federal laws or regulations for addressing the remaining uses. The term ''revisions'' in this provision includes both new laws or regulations or modifications to existing law.

To provide the data needed to compile the inventory, companies producing or importing mercury or mercury compounds or using mercury or mercury compounds will be required to report on this activity under a rule to be issued by the Administrator. To minimize any reporting burden, EPA must coordinate its reporting with State mercury product reporting requirements through the Interstate Mercury Education and Reduction Clearinghouse, IMERC. In addition, the provision excludes waste management activities already reported under the Resource Conservation and Recovery Act, RCRA, from this reporting, unless the waste management activity produces mercury via retorts or other treatment operations. A company engaged in both waste generation or management and mercury manufacture or use must report on the mercury manufacture and use activity, since that data would not be provided under the RCRA reporting. I yield to Senator MERKLEY.

Mr. MERKLEY. Mr. President, I thank Senator LEAHY.

The second mercury provision builds upon the Mercury Export Ban Act of 2008, expanding the export ban currently in effect for elemental mercury to certain mercury compounds previously identified by EPA or other regulatory bodies as capable of being traded to produce elemental mercury in commercial quantities and thereby undermine the existing export ban. The mercury compound export ban would go into effect in 2020, providing EPA and companies ample preparation time. An exemption is provided to allow the landfilling of these compounds in Canada, a member country to the Organization for Economic Co-operation and Development, OECD, with which we have a bilateral arrangement to allow these cross-border transfers. The export is only authorized for landfilling; no form of mercury or mercury compound recovery, reuse, or direct use is permitted. EPA must evaluate whether such exports should continue within 5 years, in part based upon available domestic disposal options, and report to Congress on this evaluation so we may revise the law as needed. I have been happy to partner with Senator WHITEHOUSE and Senator LEAHY on these issues.

Mr. WHITEHOUSE. Mr. President, I thank Senator MERKLEY. We are pleased these provisions were included in a bill and believe it is fitting they are included in a package designed to protect the public from toxic chemicals, like mercury, and named after the late Frank Lautenberg, one of the original cosponsors of the Mercury Use Reduction Act.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, may I inquire as to how much time is remaining?

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. WHITEHOUSE. I will yield the time.

The PRESIDING OFFICER. That is all the time remaining.

Mr. INHOFE. That is all the time remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. I will not use 7½ minutes, but I will be using that after the vote. I do want to include one more person who has not been thanked, and that is Senator MCCAIN.

Right now we are in the middle of the must-pass bill every year, the Defense authorization bill. He was kind enough to allow us to work this in during his very busy schedule on this bill, which we are trying to get through this week. So I do thank him very much.

It is important, even though we thank the same people over and over again. When it gets to Dimitri, I am going to pronounce his name right, and I will be thanking him and several others. With that, I yield our time back.

I see the Senator from Massachusetts.

Mr. MARKEY. Will the Senator yield?

Mr. INHOFE. Of course.

Mr. MARKEY. I just want to once again compliment Senator INHOFE and Senator VITTER. It didn't have to wind up this way. It wound up this way because you reached across the aisle, because you ensured that all sides were given a fair hearing, and that at the end of the day there would be this result.

I have been doing this for 40 years. I have been on the Environment Committee for 40 years. This is not easy. From my perspective, it is historic and it is unprecedented in terms of ultimately how easy the Senator made this process. I was there at the table of Superfund, Clean Air Act, all the way down the line. You—you, my friend, have distinguished yourself, and along with Senator VITTER you have made it possible for all of us to hold hands here as this historic bill tonight will pass on the Senate floor.

I just wanted to compliment the Senator.

Mr. INHOFE. I appreciate the remarks of the Senator from Massachusetts very much.

Mr. President, I yield back our time and ask for the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me go through the list. As I made the statement, it is important that people recognize how long staff works around here. Quite frankly, I have often said, when they come around for a report from our committee—the Environment and Public Works Committee, the committee that has the largest jurisdiction in the entire U.S. Senate—we are the committee that gets things done.

If we look at the variety of philosophies that are present praising this work that is being done, we had the very most conservative to the very most progressive of Members, and it is not just this bill. We did the highway reauthorization bill, something that had to wait for about 8 years to get done, the largest one since 1998. We had the WRDA bill, which we anticipate is going to be a reality. It has come out of our committee. This committee also has jurisdiction over the Nuclear Regulatory Commission and then all of the public works. As my ranking member, Senator BOXER, has said several times during this process, we get things done.

Now, we do disagree on a lot of the issues on the environment. As I say to my good friends on the other side of the aisle, you have every right to be wrong, but we get things done, and I appreciate that very much.

Senator MCCAIN, I already thanked you for yielding to us to allow us to pass one of the most significant bills which we just passed by voice vote.

Mr. MCCAIN. I would be glad to be thanked again.

Mr. UDALL. I am ready to do that also, if the Senator will yield.

Mr. INHOFE. I yield the floor.

Mr. UDALL. Mr. President, I will just also—has the Senator finished?

I just wanted to say a few closing words and thank a few more people staying to the end, but of course the chairman needs to finish his remarks.

Mr. INHOFE. Let me just quickly say—because I do want to make sure we get on the record on this, Senators Vitter and Udall, certainly the Senator from New Mexico. The way we have worked together is remarkable. The Senator has brought in Bonnie to do the work she has done. I know she wanted to be here as we are voting on this bill, but it got down to do we want to get it done tonight or do we want to take a chance for later.

Dimitri Karakitsos, all these were working. Jonathan Black with Senator UDALL's office has been great, and Andrew Wallace so ably represented Senator UDALL in those negotiations. I thank Michal Freedhoff in Senator MARKEY's office for the hours of work he poured into this bill. I also thank Adrian Deveny with Senator MERKLEY for his work in these negotiations and Adam Zipkin representing Senator

BOOKER. A special thanks goes to Bill Ghent and Emily Spain with Senator CARPER. Senator CARPER has not been mentioned much tonight, but he has been very active in getting this done. Emily Enderle with Senator WHITEHOUSE. Senators Carper, Whitehouse, Merkley, and Booker have been partners in getting this completed. Finally, I appreciate, as I have said many times before, Senator BOXER and her team, Bettina Poirier and Jason Albritton, for working with us in support of this bill. We have done not just this bill but a lot of bills in the committee, and these same characters keep coming up. So it is the staff who has driven this thing. I have to say, my chief of staff, the one most prominent on the committee, obviously did so much of the work on this. So, Ryan Jackson, you did a great job.

With that, I yield the floor.

Mr. UDALL. I thank the chairman. I just want to say to Chairman INHOFE, the bipartisanship he showed is incredible, and it showed what a significant accomplishment we could have.

I also want to thank so much Senator MCCAIN for allowing us to fit a little slice here in the middle of this very important bill, the NDAA, which I know he works on all year long. He does a terrific job. He allowed us to come in.

He knew my uncle, Mo Udall. They served together in the House. I said: I hope you will do this for Mo. He just got a very big smile on his face because he spent so much time with him.

Mr. INHOFE. Will the Senator yield?

Mr. UDALL. I will yield.

Mr. INHOFE. I save one of the best for last, and that is Alex Herrgott. I neglected to mention him.

Mr. UDALL. Of course, Alex, thank you.

Mr. President, I ask unanimous consent to use enough time here to just get through my thank-yous.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. UDALL. The House and the Senate passed bills. We didn't actually go through conference committee, but we worked hard on those differences from late December through just a few weeks ago. We faced challenges working out a final agreement with the House. We had two very different bills. Both had broad bipartisan support, but they took very different paths to fix our broken chemical safety program, but we worked through those issues too. Although this was not a formal conference, it was a true bicameral process with a lot of give-and-take. To that end, I want to ensure the record reflects a number of views that I and some of my colleagues have about the final product.

We are not filing a traditional conference report, but Senators BOXER, MARKEY, MERKLEY, and I have prepared a document to enshrine the views we have on the compromised language. That will be added to the RECORD for posterity on our final product.

I thank all of our Senate and House colleagues who were instrumental in pulling this together. Again, Chairman INHOFE was a driving force, and Senators VITTER, CRAPO, CAPITO, and Senators MERKLEY, MARKEY, and BOXER. Throughout this entire process, Ranking Member BOXER and I didn't always agree. We are of the same party, but we also have different opinions about the most important aspects of this legislation. I want to say I sincerely appreciate her work and advocacy, especially on State preemption. She is a force. All of my colleagues know that. She worked hard to improve this bill. The legislative process is an important one, and I believe it played out to a good resolution.

I also thank her and her staff, Bettina Poirier and Jason Albritton, for their dedication and work. Then, my staff members who have been mentioned here several times were crucial: Jonathan Black, Andrew Wallace, Mike Collins, Bianca Ortiz Wertheim, and all my staff who over these 3 years kicked in and helped out when the heavy burden was on the folks I have mentioned.

On the House side, I thank Chairman FRED UPTON, Subcommittee Chairman JOHN SHIMKUS, of course Leader PELOSI, Democrat Whip HOYER, Ranking Member PALLONE, and Representatives DEGETTE and GREEN. They all worked tirelessly to advocate for reform.

I would like to mention their staff members as well: Republican staff, Dave McCarthy, Jerry Couri, Tina Richardson, Chris Sarley, and the Democratic staff, Rick Kessler, Jackie Cohen, Tuley Wright, Jean Frucci, and especially Mary Frances Repko with Representative HOYER's office, and Eleanor Bastion and Sergio Espinosa with Representatives DEGETTE's and GREEN's offices. All these staff and so many more worked tirelessly to advocate for their members and shape and move this complex and important legislation, and of course my own staff and many more whom I did not mention, many Senate and House staff who have come and gone over the long process but played very important roles. There are too many to try and list, but let me say thanks to the good folks at the House and Senate legislative counsel offices. Throughout this process, we used both offices a tremendous amount and appreciated their patience and good work, especially Michelle Johnson-Weider, Maureen Contreni, and Deanna Edwards at the Senate legislative counsel.

A law like this takes so much work from all these offices and staff. I know my own staff could not have possibly done it without the expertise and advice of the experts at the Environmental Protection Agency. Of course, Administrator Gina McCarthy and her top assistant, Administrator Jim Jones, deserve a great deal of gratitude for all they did to help support our efforts and ensure we got it right, and many congressional liaisons, program officers, and lawyers from the general counsel's office. My staff and others spent many evenings and weekends with EPA experts on calls to make sure we were getting the text right. Here are just a few: Wendy Cleland-Hamnet, Ryan Wallace, Priscilla Flattery, Kevin McLean, Brian Grant, David Berol, Laura Vaught, Nichole Distefano, Sven-Erik Kaiser, Tristan Brown, Ryan Schmit, Don Sadowsky, and Scott Sherlock. I thank them all and put them on alert: The real job for the EPA is only beginning.

I am about finished, Senator MARKEY.

Mr. MARKEY. One second. I just wanted to reinforce what the Senator just said. On the House side, FRED UPTON, FRANK PALLONE, NANCY PELOSI, and STENY HOYER, that incredible staff, Mary Frances Repko, over there, just indispensable. That is why it happened. It is bipartisan, bicameral.

I thank the Senator for yielding.

Mr. UDALL. I thank the Senator. He knows, because he has served so many years, how important it is to have good staff. I want to make sure we get them thanked here. I appreciate that.

Implementation of this law is going to be extremely important. As the ranking member on the Appropriations Committee with jurisdiction over EPA, I will remain very involved in ensuring that this law gets implemented well.

Finally, I also recognize all the great advocates for reform who pushed Congress to act and kept pushing until we did act. Of course, I need to start by thanking the Environmental Defense Fund. In particular, Fred Krupp and his staff, Richard Denison, Joanna Slaney, and Jack Pratt. Let me also thank Dr. Lynn Goldman, the dean of Public Health at George Washington University, and the good advocates at Moms Clean Air Force, the Humane Society, the National Wildlife Federation, the March of Dimes, the Physicians Committee for Responsible Medicine, the Building Trades, the American Association of Justice, and so many others. They reminded us that we are working for reform that would improve the lives of countless mothers, fathers, and children. From New Mexico to Michigan, from California to Maine, they reminded us that the American people need a working chemical safety program.

I know there are many other groups in the environmental and public health community that took a different approach to our bill. I understand and appreciate where they were coming from—groups like Safer Chemicals, Healthy Families, and the Natural Resources Defense Council. They brought passion and conviction to the debate and stood firm on principles. They played a great and important role, and I want to thank them for that.

Good legislation takes work. It takes give-and-take from everyone, including industry groups, the American Chemistry Council, the American Cleaning Institute, and over 100 other members of the American Alliance for Innovation. Thank you for engaging in the

process to get this done. Many thousands of Americans have worked for chemical safety reform over the last four decades. I am thanking you for not giving up.

My dad always said—and Senator MCCAIN knew my father Stewart Udall—''Get it done, but get it done right.'' And today I can say that not only did we get it done, but we got it done right. Let's not forget, this is just one step in the process. We must find a way to work collaboratively as we turn to the next step—implementation. Implementation needs to be done and needs to be done right.

I look forward to working with all of these members and groups to ensure we have a strong, workable chemical safety program.

Thank you, Senator MCCAIN. I am sorry if this went longer than you expected. I know my Uncle Mo is looking down and saying thank you to you and my father Stewart and the long relationship you have had with the Udall family and the chapters in your books about Mo Udall and that relationship. So thank you so much, and I thank also Ranking Member JACK REED for his patience. I know the hour is getting late. Thank you so much.

I yield the floor.

Mr. MCCAIN. Will the Senator yield?

I just wonder if there is anyone left in America whom he has not thanked.

Mr. UDALL. I did my best.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 4549 TO AMENDMENT NO. 4229

Mr. REED. Mr. President, I call up amendment No. 4549 to McCain amendment No. 4229, and I ask unanimous consent that it be reported by number.

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

The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 4549 to amendment No. 4229.

The amendment is as follows:

(Purpose: To authorize parity for defense and nondefense spending pursuant to the Bipartisan Budget Act of 2015)

At the end, add the following:

SEC. 1513. OTHER OVERSEAS CONTINGENCY OPERATIONS MATTERS.

(a) ADJUSTMENTS.—Section 101(d) of the Bipartisan Budget Act of 2015 (Public Law 114–74; 129 Stat. 587) is amended—

(1) by striking paragraph (2)(B) and inserting the following:

''(B) for fiscal year 2017, $76,798,000,000.''; and

(2) by inserting after paragraph (2) the following:

''(3) For purposes authorized by section 1513(b) of the National Defense Authorization Act of 2017, $18,000,000,000.''.

(b) ADDITIONAL PURPOSES.—In addition to amounts already authorized to be appropriated or made available under an appropriation Act making appropriations for fiscal year 2017, there are authorized to be appropriated for fiscal year 2017—

(1) $2,000,000,000 to address cybersecurity vulnerabilities, which shall be allocated by the Director of the Office of Management and Budget among nondefense agencies;

(2) $1,100,000,000 to address the heroin and opioid crisis, including funding for law enforcement, treatment, and prevention;

(3) $1,900,000,000 for budget function 150 to implement the integrated campaign plan to counter the Islamic State of Iraq and the Levant, for assistance under the Food for Peace Act (7 U.S.C. 1721 et seq.), for assistance for Israel, Jordan, and Lebanon, and for embassy security;

(4) $1,400,000,000 for security and law enforcement needs, including funding for—

(A) the Department of Homeland Security—

(i) for the Transportation Security Administration to reduce wait times and improve security;

(ii) to hire 2,000 new Customs and Border Protection Officers; and

(iii) for the Coast Guard;

(B) law enforcement at the Department of Justice, such as the Federal Bureau of Investigation and hiring under the Community Oriented Policing Services program; and

(C) the Federal Emergency Management Agency for grants to State and local first responders;

(5) $3,200,000,000 to meet the infrastructure needs of the United States, including—

(A) funding for the transportation investment generating economic recovery grant program carried out by the Secretary of Transportation (commonly known as ''TIGER grants''); and

(B) funding to address maintenance, construction, and security-related backlogs for—

(i) medical facilities and minor construction projects of the Department of Veterans Affairs;

(ii) the Federal Aviation Administration;

(iii) rail and transit systems;

(iv) the National Park System; and

(v) the HOME Investment Partnerships Program authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(6) $1,900,000,000 for water infrastructure, including grants and loans for rural water systems, State revolving funds, and funds to mitigate lead contamination, including a grant to Flint, Michigan;

(7) $3,498,000,000 for science and technology, including—

(A) $2,000,000,000 for the National Institutes of Health; and

(B) $1,498,000,000 for the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy research, including ARPA-E, and Department of Agriculture research;

(8) $1,900,000,000 for Zika prevention and treatment;

(9) $202,000,000 for wildland fire suppression; and

(10) $900,000,000 to fully implement the FDA Food Safety Modernization Act (Public Law 111–353; 124 Stat. 3885) and protect food safety, the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), the Individuals with Disabilities Education Act (20 U.S.C. 1400), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), and for college affordability.

Mr. REED. Mr. President, I look forward to a very thoughtful debate tomorrow. Senator MCCAIN has introduced an amendment that would increase spending with respect to the Department of Defense and related functions. In this amendment, we are proposing an additional increase in nondefense programs. I look forward to tomorrow.

I thank the chairman for his consideration through the process of this floor debate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from Rhode Island and look forward to vigorous debate on both the initial amendment and the second-degree amendment proposed by my friend from Rhode Island. I would like to engage in very vigorous debate on both, and hopefully, for the benefit of my colleagues, cloture on both will be filed by the majority leader and hopefully we can finish debate on it either late morning tomorrow or early afternoon, if necessary, so we can move on to other amendments.

Let's have no doubt about how important this debate and discussion on this amendment will be tomorrow. We are talking about $18 billion. In the case of the Senator from Rhode Island, I am sure there are numerous billions more as well. I think it deserves every Members' attention and debate.

I say to my friend from Rhode Island, I certainly understand the point of view and the position they have taken, and from a glance at this, it looks like there are some areas of funding that are related to national security that I think are supportable. There are others that are not, but we look forward to the debate tomorrow, and hopefully any Member who wants to be involved will come down and engage in this debate. We would like to wrap it up tomorrow because there are a number of other amendments pending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it was extraordinary to watch this bipartisan effort on TSCA.

An hour ago, Senator PETERS and I thought we were going to have floor time for some brief remarks. I would like to ask unanimous consent that Senator PETERS have the chance to address the issues he thought he was going to address, and he is going to be brief. I will go next. I will be brief. I ask unanimous consent that following Senator PETERS' remarks, I be allowed to address the Senate briefly.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 4138

Mr. PETERS. Mr. President, I rise to thank Chairman MCCAIN and Ranking Member REED for their support and for their help in passing the Peters amendment No. 4138 to the National Defense Authorization Act. I also would like to thank my colleagues Senators DAINES, TILLIS, and GILLIBRAND for joining me in this important bipartisan amendment. I would also like to thank all the

Members who cosponsored the amendment, including Senators TESTER, STABENOW, KIRK, SANDERS, STABENOW, BLUMENTHAL, BOXER, and Chairman MCCAIN.

We have far too many servicemembers who are suffering from trauma-related conditions such as post-traumatic stress disorder or traumatic brain injury. Unfortunately, many of these servicemembers have received a less-than-honorable discharge, also known as a bad paper discharge. These former servicemembers can receive bad paper discharges for misconduct that is often linked to behavior seen from those suffering from PTSD, TBI, or other trauma-related conditions. The effects of traumatic brain injury can include cognitive problems, including headaches, memory issues, and attention deficits. In addition to combat-sustained injuries, PTSD and TBI can also be the result of military sexual trauma.

Bad paper discharges make former servicemembers who are suffering from service-connected conditions ineligible for a number of the benefits they have earned and have become ineligible when they need them the most. These discharges put servicemembers at risk of losing access to VA health care and veterans homelessness prevention programs. This is completely unacceptable.

I would like to share a story of a former servicemember who shared his experience with my office in Michigan. This individual was deployed in Afghanistan in 2008 as a machine gunner. For his performance overseas, he received a number of awards, including the Combat Action Ribbon, Global War on Terrorism Service Medal, Navy Meritorious Unit Commendation, Afghanistan Campaign Medal, Sea Service Deployment Ribbon, and the National Defense Service Medal. When he returned home, he began suffering from agitation, inability to sleep, blackouts, and difficulties with comprehension.

He was scheduled to be evaluated for TBI. However, that evaluation never occurred. He began drinking to help himself sleep and received an other-than-honorable discharge after failing a drug test. Following his discharge, the VA diagnosed him with TBI, and he began treatment.

The VA later determined he was ineligible for treatment due to the character of his discharge, and his treatment ceased immediately. He was later evaluated by a psychologist specializing in trauma management who determined that the behavior that led to his discharge was the result of his TBI and PTSD.

He petitioned the Discharge Review Board for a discharge upgrade and presented the medical evidence of both TBI and PTSD. However, the Discharge Review Board considered his medical evidence to be irrelevant and his petition was denied.

This Michigander has since experienced periods of homelessness and has had difficulty maintaining a job. This is an example of someone who is suffering as a result of service to his country, and yet the VA denied his request for benefits on the basis of this discharge. The Discharge Review Board also denied his request to upgrade his discharge, despite his presenting clear evidence of his condition.

We must stop denying care to servicemembers with stories like this and start providing them with the benefits they deserve and earned through their service. We have a responsibility to treat those who defend our freedom with dignity, respect, and compassion.

Last year I introduced the Fairness for Veterans Act, and the Peters-Daines-Tillis-Gillibrand amendment that was unanimously accepted by this body is a modified version of that bill. The Peters amendment would ensure liberal consideration will be given to petitions for changes in characterizations of service related to PTSD or TBI before Discharge Review Boards.

The Peters amendment also clarifies that PTSD and TBI claims that are related to military sexual trauma should also receive liberal considerations. I would like to thank the many veterans service organizations that advocated tirelessly on behalf of this amendment and legislation.

I would like to recognize the Iraq and Afghanistan Veterans of America, Disabled Veterans of America, Military Officers Association of America, the American Legion, Paralyzed Veterans of America, Vietnam Veterans of America, Veterans of Foreign Wars, United Soldiers and Sailors of America, and Swords to Plowshares.

In addition to seeing strong support from these veteran services organizations, this has also been a bicameral effort. I would also like to thank Representative MIKE COFFMAN of Colorado and TIM WALZ of Minnesota, who introduced the companion bill in the House and are supportive of this amendment.

Servicemembers who are coping with the invisible wounds inflicted during their service and were subject to a bad paper discharge should not lose access to the benefits they have rightfully earned. That is why we must ensure that all veterans get the fair process they deserve when petitioning for a change in characterization of their discharge. The Peters amendment No. 4138 will do just that.

I am proud that today this body unanimously approved this important amendment that I authored with Senators DAINES, TILLIS, and GILLIBRAND. I look forward to working with my House colleagues to ensure this provision remains in the conference bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, as the Senate works on the Defense bill, it is important to note the shameful squandering of taxpayer money by a defense contractor accused of willfully exposing U.S. soldiers to toxic chemicals while they served in Iraq.

In 2003, courageous American soldiers, including members of Oregon's National Guard, were given the task of protecting workers of Kellogg Brown & Root, KBR, at the Qarmat Ali water treatment plant in southern Iraq. Some of these soldiers are suing KBR on the grounds that the contractor knowingly exposed them to dangerous carcinogenic substances such as sodium dichromate and hexavalent chromium. Many of these soldiers have reported serious illnesses, and at least one has already passed away at a surprisingly young age. KBR has fought this case, as is their right, and normally this would not be an issue for the Congress, but this is not a normal case because KBR isn't paying for the case. The American taxpayer is picking up the bill. KBR's contract with the Pentagon includes an indemnification clause. This, of course, is legalese that means that the U.S. taxpayer is on the hook not only for any damages incurred as a result of the contractor's actions but also for legal bills and administrative costs incurred during legal battles. It makes no difference if the contractor is at fault or not.

In this case KBR has run up exorbitant and wasteful legal bills in the course of its lengthy legal defenses against the soldiers' claims. The Pentagon, in essence, gave these contractors a blank check. Predictably, KBR has run very high legal fees, paying first-class airfare for lawyers, witnesses, and executives, secure in the knowledge that the taxpayer was picking up the tab.

Along with attorneys billing at $750 an hour, taxpayers are on the hook to pay at least one expert more than $600,000 for testimony and consultation and apparently time spent napping. Of course, there is no incentive for KBR to bring the legal cases to a conclusion. The lawyers can run fees until the cows come home because they know they will not have to pay a dime no matter how the case turns out.

Fortunately, in this indemnity case, and in others, there is a solution provided in the same contract. The contract empowers the Department of Defense to take over the litigation and look out for the interest of the American taxpayer who is footing the bill. For reasons that are hard to calculate, the Pentagon has refused to do this in the KBR case, despite my having urged several Secretaries of Defense to exercise this authority, and so the litigation continues with no end in sight. That is why I have filed amendment No. 4510 to the 2017 National Defense Authorization Act. The amendment directs the Department of Defense to exercise its contractual right to take over litigation for indemnified contractors in cases where the legal process runs more than 2 years. In doing so, it will bring the seemingly never-ending litigation to a timely resolution and save taxpayers from throwing good money after bad as the process drags on and on year after year.

The amendment isn't an attempt to relitigate the decision to indemnify contractors in the first place. What this commonsense amendment seeks to do is to make sure that the blank checks being picked up by taxpayers stop. This is critical because the government has an obligation to ensure that these legal bills don't cost the taxpayers any more than necessary, and certainly the American taxpayer does not need to be padding the pockets of the lawyers of the contractors.

I want to be clear: The amendment does not prejudice the outcome of the legal case in any way. It simply ensures that when the taxpayers pay the bill, the government that represents the American taxpayer is in control instead of a contractor's lawyer. It seems to me that the Senate owes that to the American taxpayer.

I urge my colleagues to support this amendment when it is considered later in the course of the day.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, when I was growing up in the Eastern Plains of Colorado, one of the things I was hoping to do after graduating from college and entering the workforce was to work in the space program. I desperately wanted to be an engineer—an astronaut. I wanted to live that dream that was played on the television when I was growing up and when there were movies such as ''The Right Stuff.'' When I was growing up in the mid-1980s, the movies they showed idealized the world of space exploration. I grew up idolizing the astronauts.

I can remember as a child writing a letter to the National Aeronautics and Space Administration, or NASA, and basically telling them that I was really interested in becoming an astronaut and how I could someday do that. Little did I know that my mom, all these years later, kept the response from NASA, and the letter had the old ''worm'' NASA logo on top. The response came with a picture of the most recent space shuttle mission, which included Sally Ride. Of course we know Sally Ride, the first female in the space shuttle program. I remember how excited I was to get that letter back.

Years later, I looked at the actual content of the letter and noted that they weren't necessarily quite as kind in confirming my aspirations when they laid out how difficult it would be to become a rocket scientist—to become an aerospace engineer and to go on and pursue that dream. Lo and behold, they were right. I ended up pursuing a different direction in college and beyond, but I always had great admiration and respect for the men and women of our space program.

Growing up on the Eastern Plains of Colorado was a fascinating experience. I learned how people ran their businesses and how today many of our tractors and combines rely on the very space programs that I was admiring. The roots of the space program that we saw in the 1970s and 1980s are being utilized today to steer tractors, satellite-guided equipment, to locate the best yield in a field through combines that use global positioning systems and precision farming data to better their operations. Of course, we have these debates today that remind me about those conversations. We have debates today over policy about how we are going to see the future of space, how we are going to see the future of security, how we are going to see the future of rocket launches in this country. It reminds me of the conversations that I had with those farmers in the Eastern Plains.

My family sells farm equipment today in a little, tiny town out by Kansas. Oftentimes farmers would come in and talk about how they would be more productive this year and what kind of equipment they needed to be tailor-made for their operation, how they could create a farming program with the farm equipment they would buy in order to have the right type of tractor, the right type of combine, or the right type of tillage equipment to meet the needs of their operation.

When they would come in and talk to us about what kind of farm equipment best fit their needs, they would look at what price range they had to deal with—what was more affordable or less affordable. They would look at the utility of a single piece of equipment. Could this tractor or combine meet all of their needs? Could it harvest corn and sunflowers? Could it harvest soybeans? Could it pick sunflower seeds? Could it pick up dried beans? Those are the conversations we would have.

What they didn't do was come in and say: Hey, I want to buy a piece of equipment that costs 35 percent more than any other piece of equipment and doesn't fit the needs of our operation. We sold red farm equipment. There may have been equipment that somebody would want to do that with, but the fact is this: When they came into our store, they wanted farm equipment that would fit their needs at the right price and was able to meet the demands of all of their operations so they wouldn't have to use a tractor for this field and a different tractor for that field or pay for a tractor that costs 35 percent more over here and a tractor that didn't fulfill all of their needs over there.

When I look at the debates today over the National Defense Authorization Act and how we are handling our Nation's rocket program, the EELV programs—the debate that has occupied this Congress for a number of years—I think back to the common sense of those farmers on the High Plains of Colorado because what is common sense on the High Plains is just plain sense in Washington, DC, and that is what we are facing during this debate over what rockets we are going to allow this country to use in the future. That is the argument that we are making today. It is an argument about competition, it is an argument about costs, and it is an argument about what is actually going to fulfill all of our needs in space and not leave us without the capability to meet our national security space missions. That is the critical part of what we are talking about today. Just as those farmers on the Eastern Plains did—they talked about the best fit for their mission to make sure they could plant their crops, to make sure they could get the crops out of the field and do it in an affordable manner so they would still be in operation the next year despite the fact that they had historically low commodity prices, just as we are facing a historically tight budget in the U.S. Congress.

What we are talking about is our national security. It is not about tractors in a field, and it is not about whether we are going to have the right combine. This debate is about national security space missions. This debate is about having the right kind of rocket to launch a critical mission that might include a satellite on top that is for missile launch detection, or perhaps it is a rocket that is going to put into orbit a device that will listen and provide opportunities for us to know what is happening across the world or across the United States. Maybe it is something that is related to that organization that I was so desperate to join, the National Aeronautics and Space Administration, NASA. Maybe it is the Dream Chaser from Sierra Nevada Corporation, which is attempting to build a vehicle that will be placed on top of one of the rockets that might be no longer available, should the current language of the National Defense Authorization Act move forward.

We have the same kinds of debates every day in our business, whether you are a farmer or a car dealer, but this is about our security, this is about our defense, and this is about our ability to provide competition in space, to provide rockets that compete for business, to provide rockets that are cost effective for their mission, to provide rockets for this country to meet those critical missions that we talked about that are reliable and have a proven record. That is what we are doing today, and that is why Senator BILL NELSON of Florida and I have together worked on amendment No. 4509 to make sure when it comes to our ability to reach space, to reach the orbits that we need to, we can do it in a cost environment that reflects the reality of budgets today and do it in a way that we know can be reliable. This amendment will address those concerns by peeling out the language of the National Defense Authorization Act to ensure competition, to ensure reliability, to ensure affordability, and to assure that those agencies such as NASA or perhaps USGS and other agencies that are relying on space more and more have the ability and capacity to reach the orbits they are trying to reach.

The Nelson-Gardner amendment assures competition. That is something we have all agreed is critically important as we look to the future of our space and launch programs. This addresses the certification of the Evolved Expendable Launch Vehicle, the EELV program that I mentioned before, to make sure that a provider can be awarded a national security launch for one of these critical missions by using any launch vehicle in its inventory.

Why is that important? Because we need to make sure that the U.S. Government has the ability to receive the best value. It is the same conversation those farmers were having about what farm equipment they were going to use back home, except this is a critical national security space mission.

If we prevent this language from being removed or if we don't allow the Nelson-Gardner amendment to move forward, then it is going to be very difficult for us to have that competition. For instance, you are looking at the possibility that a rocket we are using right now known as the Atlas V rocket, which has never failed, would be forced to bid for future rocket missions; that is, United Launch Alliance, which makes the Atlas V rocket right now, would be forced to bid using more expensive Delta forerunners. To be expensive is one thing, but to cost 35 percent more than what we already have today is missing that common sense that I talked about on the High Plains of Colorado.

This amendment will make sure that we abide by the request of the U.S. Air Force, which is concerned that if we allow the provision of the National Defense Authorization Act to move forward today, that would bar our ability to use certain rocket engines; that if the Atlas V, which relies on this rocket engine, is banned prematurely from DOD's use, that alternative—which means they would have to use that Delta IV rocket—would cost an additional $1.5 to $5 billion more versus simply relying on the proven and effective rocket that we have today.

I think everybody in this Chamber agrees that we can move to a different rocket than the Atlas V, which relies on the engine prohibited under the act. Everybody agrees with that, but what they don't agree with is the fact that we would spend $1.5 billion more to achieve this goal.

We are going to be debating very soon an amendment that will add $18 billion and put that money into our defense because people are concerned that we have a dwindling capacity in our military to meet the needs around the globe for U.S. national security needs; that our men and women in uniform don't have the dollars they need to fix the equipment they are relying upon.

This Chamber is going to be voting on putting more money into national defense. Allowing the language that is currently in the bill would bar our ability to use this engine in an existing rocket, and it would cost $1.5 billion more. The fiscally responsible thing to do is to allow for competition, to allow this rocket to continue to be used, to allow this engine to continue to be used as we transition out of this engine and in a few years to have a different type of engine and different type of rocket that they are working on right now. And in a few years we will have it. To say that we are going to change and eliminate competition today, we are going to drive up costs by 35 percent, and we are going to turn to a rocket that can't meet all the orbits, can't meet all our needs, and doesn't have the track record of the Atlas V—that is the definition of irresponsibility.

Adding $1.5 billion to $5 billion of cost and also eliminating competition is not what I think this place should stand for. The Senate should stand for competition. We should achieve what remarkable changes we have seen in the space program, as more people are entering into the rocket market. We have seen new entrants into rocket launchers—and that is what we are talking about today—to continue the competition, not lessen the competition by eliminating it, taking offline models of rockets and then spending $5 billion more.

We have already talked about the farmer sitting in the field. If he has a combine that could cost 35 percent more but does the same job as the one that cost 35 percent less, which one is he going to choose? Which one would his banker want him to choose? The American people would want us to go with what is proven and what is reliable. Let's transition off of it—you bet—but not at an increased cost to our defense of $1.5 billion to $5 billion more.

To support this amendment and the rocket competition that this Nation deserves is what is fiscally conservative. The pro-competition position ensures that the U.S. Air Force and National Aeronautics and Space Administration will have access to space. It is about meeting the needs of those in our Air Force, NASA, and others who have said that we need this critical mission.

As General Hyten testified before this Congress, the Department of Defense will incur additional costs to reconfigure missions to fly on a different rocket—the Delta IV we have been talking about and the Delta IV Heavy—because the competitor to the Atlas V doesn't have a rocket as capable as the Atlas V and can fly to only half of the necessary orbits.

In 2015 and 2016, the Air Force and the Defense Department leadership testified to the need for additional RD–180 engines—that is the engine that we have been talking about that is stripped out of the Atlas V, ending the Atlas V program—to compete for launches and to assure that the United States doesn't lose assured access to space, making sure we can get to where we need to go to place a satellite in the orbit it needs to be in to provide security for this country. We can do it with a reliable system at an affordable cost.

We talked about competition. The Nelson-Gardner amendment promotes competition by allowing the Defense Department to contract for launch services with any certified launch vehicle until December 2022, allowing competition to 2022 and transitioning out of the RD–180 so that we can have more competition in the future.

The language we have been discussing—I believe it is section 1036 or 1037 of the National Defense Authorization Act—eliminates this competition. It puts an end to it by ending the use of these engines and basically taking out the Atlas V rocket. The Atlas V, again, is the United States' most cost effective and capable launch vehicle.

According to the Congressional Research Service, the Atlas V rocket, which is powered by the RD–180 engine, has had 68 successful Atlas V launches since 2000. The Atlas V has never experienced a failure. When talking about competition, cost, reliability, and putting a satellite on top of a rocket—where many times that satellite costs more than the rocket itself—we can't afford a failure from a fiscal standpoint, and we certainly can't afford a failure from a security standpoint. That is why we need reliability and a proven track record.

This debate is complicated. People for years have talked about the Atlas V, the Delta IV, and the Falcon 9. People ask: What does it all mean, which engine do we use, how do we transition, and why did we end up in this position in the first place?

There are a lot of people who have come to the floor on different issues, saying it is not rocket science, but, indeed, today we are talking about rocket science and the need to have an Atlas V rocket that provides competition, reliability, and the opportunity for the United States to meet our national security needs.

Without the Nelson-Gardner amendment, the underlying language of the National Defense Authorization Act legislates a monopoly. It creates a monopoly with the Evolved Expendable Launch Vehicle Program, or EELV, because only one company would be allowed to fairly compete. While we have all committed to competition and we all have said we are going to transition away from this rocket engine, we actually would be passing legislation that would create a legislative monopoly. That is not plain common sense; that is nonsense.

It is important to note that the Department of Defense isn't the one that is buying these rocket engines in the first place. The Department of Defense buys the launch services. The Nelson-Gardner amendment would allow United Launch Alliance and others to compete for missions with the Atlas V. The ULA is competing with the Atlas V. Others could be competing as well. If the ULA does not win the competition, the Department of Defense will

not be using the RD–180 engine. It makes sense to me.

Promoting this open and fair competition to get the best deal for the taxpayers of this country—to get the best deal for national security needs in this country—is the fiscally responsible path forward and allows the DOD to achieve those priorities. It allows the Air Force to reach the space that they need to. It is not just the Air Force; it is the Secretary of Defense, the Director of National Intelligence, the Secretary of the Air Force, Commander of the U.S. Space Command, the Air Force teaching staff, and many others who have testified before this Congress in support of continued use of the RD–180 rocket engine until a new domestic engine is certified for national security space engines. Compared to the Delta IV, the Atlas V can reach every national security space mission that we need with certified, 100-percent reliability from the Atlas V. We don't have that anywhere else.

It has been made clear by the Secretary of Defense, the Director of National Intelligence, the Secretary of the Air Force, and the Commander of Space Command that ensuring America's access to space is an issue of national security, as well as protecting the taxpayers' dollars that are already so scarce in the defense budget. Why would we add an additional $1 billion in cost by eliminating competition when we ought to be doing the exact opposite?

The Nelson-Gardner amendment promotes national security by assuring reliable access to space that we talked about, to make sure that we have a certified launch service available with a proven track record. The Atlas V rocket is one of the most successful rockets in American history. Since 2000, we have had 68 consecutive successful launches with zero failures, according to the Congressional Research Service. That is a 16-year track record.

According to the Department of Defense—and this is important—if Atlas V restrictions are imposed, certain missions would sustain up to 2½ years of delay.

We have threats emerging around the globe. This past week I had the opportunity to visit South Korea. We met with General Brooks, and we talked about the need this country has in assuring a denuclearized Korean peninsula to make sure that North Korea doesn't possess the capability to launch a nuclear weapon that could hit the mainland of the United States. That is not something that can wait year after year because we made a decision that costs the taxpayer more and lessens our capacity and capability of going into space.

In fact, what I heard from General Brooks and from others in South Korea is that our intelligence needs and requirements in North Korea are only increasing. So why would we decrease competition? Why would we decrease access to space? Why would we increase costs when our security needs are growing?

The Nelson-Gardner amendment assures that we have this access because we know if there is a 2½-year delay, not only does that prevent us from putting important assets into space, it will also drive up costs. The space-based infrared system, SBIRS, warning satellites designed for ballistic missile detection from anywhere in the world, particularly countries such as North Korea, would be delayed. The Mobile User Objective System and Advanced Extremely High Frequency satellite systems that are designed to deliver vital communications capabilities to our armed services around the world would both be delayed.

According to a letter dated the 23rd of May from the Deputy Secretary of Defense, ''losing/delaying the capability to place position and navigation, communication, missile warning, nuclear detection, intelligence, surveillance, and reconnaissance satellites in orbit would be significant.''

Challenges to our freedom around the globe in the Middle East, North Korea, along with what is happening in Southeast Asia and the radicalization occurring in certain countries mean we can't afford delay. We can't afford cost increases. It is not just the defense bill. It is not just the Secretary of the Air Force. It is these agencies that we have also talked about tonight, like NASA.

The Nelson-Gardner amendment supports our civil space missions by ensuring access and allowing Federal Government agencies to contract any certified launch service provider because many of those missions that are critical to NASA's success outside of the DOD are designed to fly atop an Atlas V rocket. According to the Wall Street Journal, while the underlying NDAA language only directly impacts the Department of Defense, the result ''is likely to raise the price of remaining NASA missions because massive overhead costs would have to be spread across fewer launches.''

That goes back to the conversation about buying one piece of equipment, not a separate combine to harvest corn, a separate combine to harvest wheat, a separate combine to pick up beans. Buy one combine with different attachments, and you can do it all. That is what we are trying to do to make sure that we have the capability in the equipment because if there is a NASA mission and they are placing a Dream Chaser on top of it, or if you are placing something to do with the Orion mission, which is designed to be on top of the Atlas V, you are going to drive up the costs. You have the costs being driven up by the rocket because there are higher costs being spread across fewer agencies. You have a higher cost because you have to redesign the Orion and the Dream Chaser to fit the new rocket. You are going to be delayed, possibly, because of those changes, and it is going to result in higher costs.

So we have a responsibility to the American people in how we transition away from the RD–180 engine while ensuring reliability, access, and maintaining competition. It is by keeping the Atlas V.

At a Senate Appropriations Committee hearing on March 10, NASA Administrator Bolden highlighted the need for the Atlas V by stating, ''We are counting on ULA being able to get the number of engines that will satisfy requirements for NASA to fly.'' That is not a congressional staffer making it up in the back room of the mail office; that is the Administrator of NASA. He went on to talk about the mission's impact. He talked about the Dream Chaser, which was recently awarded a cargo resupply services contract. This isn't pie-in-the-sky kind of stuff; this is a company that has already been awarded a cargo resupply service contract to supply the International Space Station.

The Dream Chaser was designed to fly atop the Atlas V rocket. The language in the NDAA would strip this ability to use that rocket. Our amendment, the Nelson-Gardner amendment, would allow us to use the commonsense approach, to use that plain sense that I talked about.

Michael Griffen, former NASA Administrator, weighed in on the issue, stating:

> A carefully chosen committee led by Howard Mitchell, United States Air Force, Retired, made two key recommendations in the present matter: 1. Proceed with all deliberate speed to develop an American replacement for the Russian RD–180 engine [and we agree], and while that development is being carried out, buy all the RD–180s we can to ensure that there is no gap in U.S. access to space for national security payloads. I see no reason to alter those recommendations.

We are talking about a hard stop of 2022 so that we can replace the rocket with our own. But in the meantime, let's use some common sense. Let's make sure we are saving the taxpayer dollars. Let's make sure we are not putting an additional cost—pulling $1.5 billion out of our defense budget to cover something that we can already do, when their resources are already far too scare. Let's make sure we have a reliable platform to reach all of the orbits we need to, a platform that has had 68 consecutive launches to achieve the mission needs. This is high-risk stuff. I mentioned as a kid growing up in the Eastern Plains of Colorado how fascinated I was with this rocket science.

I believe this body has a responsibility to adopt the Nelson-Gardner amendment to assure that we can protect our people fiscally and from a defense standpoint. So later this week, as we debate and offer amendment 4509, I hope and encourage everyone to do what is fiscally responsible, to promote competition, to promote access and reliability from the DOD to NASA by adopting the Nelson-Gardner amendment.

I yield the floor.

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

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

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise today to speak about amendment No. 4083, submitted by a dear friend and respected colleague of mine from New Hampshire whom I must in good faith disagree with. This amendment increases already existing mandatory minimum sentences on offenses related to fentanyl and would not make our communities safer. It would redirect funds away from the kinds of investments we need to truly end the opioid abuse and heroin use epidemic.

Today we face a deadly reality, a community-shattering reality—an opioid epidemic in America. I know what this epidemic is doing to our communities.

In my home State of New Jersey, the heroin death rate is more than three times the national average. The heroin overdose rate in New Jersey now eclipses that of homicides, suicides, car accidents, and AIDS as a leading cause of death. Over the past 10 years, we have lost over 1,500 people under the age of 30 to heroin overdoses in New Jersey alone.

I know that nationally death rates from prescription opioid overdoses have tripled in the last 20 years. I know that the opioid epidemic knows no bounds. It crosses geographic lines, economic lines, and racial lines. This is an epidemic that is tearing apart families, individuals, and communities.

This is an American epidemic, but this amendment is not part of the solution.

First of all, mandatory minimums themselves have proven to be ineffective in making us a safer Nation and stopping the drug war.

Secondly, this amendment and ones like it will divert critical resources that could be, that should be, that must be invested in real solutions, in supporting preventive and education efforts, in supporting law enforcement, in supporting treatment programs.

We have seen a rush like this toward mandatory minimums before. In the 1980s and 1990s, we piled on mandatory minimum sentences and ''three strikes and you're out'' laws in response to the growing drug problem in the United States, but these laws did not prevent this epidemic. It didn't work then, and there is no reason to expect it to work now.

What did the war on drugs do? Well, it increased our Federal prison population by 800 percent since 1980 alone.

The laws ended up increasing the costs in our Federal prison system from $970 million annually in 1980 to $6.7 billion in 2013, a close to 600-percent increase in the use of taxpayer dollars.

According to Pew, the Federal prison system uses $1 in $4 spent by the Department of Justice. This is unacceptable.

In fact, in my first meeting with then-Attorney General Eric Holder in his office after I was elected Senator, he shared with me how the Bureau of Prisons budget had become so bloated that he had limited resources to put toward other Department of Justice programs—initiatives such as hiring FBI officers and support for programs that we actually know will make our communities safer.

What is more, these laws did not work. They didn't target those whom they were supposed to target. Mandatory minimum sentences weren't responsible for reducing crime. The work of law enforcement and the utilization of data-driven policies are what have done that. A report from the Brennan Center found that ''increased incarceration has been declining in its effectiveness as a crime control tactic for 30 years. Its effect on crime rates since 1990 has been limited, and has been non-existent since 2000.''

Experts have found that mandatory minimum sentences have no demonstrable marginal effect on deterring crime, and it is also the reason why police leadership across the country are speaking out against increasing these mandatory minimums. Former New York Police Commissioner Bernie Kerik spoke out earlier this year to say: ''The reality is that the federal mandatory minimum sentences established in the early 1980's has had little, if anything, to do with the various state and city violent crime and murder statistics in America.''

I know this. I ran a police department as a mayor and oversaw the functioning of an incredible group of professionals. Had we had more resources from the Federal Government—instead of going to mandatory minimums—to actually hire more police officers, to put more of them in the streets, had we had more resources for drug treatment, had we had more resources for doing things such as reentry programs, we could have better fought crime, rather than wasting more money on ineffective mandatory minimum sentences.

Since 1990, as the onslaught of these mandatory minimums have come, illegal drug use in the U.S. has actually increased.

To pay for the overincarceration explosion, Congress has increased spending on Federal prisons by 45 percent since 1998. But over that same period, Congress has cut spending on State and local law enforcement by 76 percent. In fiscal year 2015, the Federal Government spent over $2.3 billion warehousing people who received lengthened mandatory minimums, and that is money that could be invested elsewhere.

Mandatory minimums, if we remember our history, were created to go after drug kingpins. However, the U.S. Sentencing Commission has found that they too often apply to every function within a drug organization, from mules and couriers to low-level street offenders. By the way, when low-level offenders are arrested and given these mandatory minimum sentences, they are simply replaced by other low-level dealers. The strategy does not work in making us safer, but it is costing us so much money.

This is contrary to the original vision of mandatory minimums. They were created to go after serious drug traffickers and kingpins. The U.S. Sentencing Commission found that mandatory minimums are often applied too broadly, set too high, and—what is worse—that they are unevenly applied. In other words, people who can afford lawyers, people who have resources and means, can fight against those laws, and people who cannot afford the best defense often are the ones who get mandatory minimums.

Who is going to get mandatory minimums? People on college campuses, such as the one I attended, or people in the city I now call home.

Understand this: The amendment that is being proposed reflects the old strategies that haven't won the war on drugs but, in many cases, have actually made things worse, especially by diverting so much money into our prison system and away from strategies in our communities, such as treatment and law enforcement, which we know work.

What have these laws done? They have caused an 800-percent increase in our Federal prison population over the last 30 years. What have these laws done? They have imprisoned too many nonviolent Americans for decades for nonviolent, low-level drug crimes.

What have these laws done? They have imprisoned people such as Sherman Chester, who with two prior nonviolent drug arrests was convicted and sentenced to life in prison for a third nonviolent drug crime. At his sentencing, Mr. Chester's judge said: ''This man doesn't deserve a life sentence, and there is no way that I can legally keep from giving it to him.''

What have these laws done? They have imprisoned mothers such as Alice Johnson, who, after losing her job and filing for bankruptcy, began to associate with people involved in drug dealing. She was arrested for her participation in transporting drugs as a go-between. When 10 of her coconspirators testified against her for reduced charges, she was sentenced to life in prison without parole for 25 years for that nonviolent drug crime.

What have these laws done? They have imprisoned people like Dicky Jackson, a father who was so desperate to save his 2-year-old child who needed a bone marrow transplant that, after exhausting his options—including community fundraisers—he began transporting meth in his truck. A year into his work, he was arrested for selling a half pound of meth to an undercover officer. He was found guilty of possession

with intent to distribute and was given three life sentences without parole.

The Federal prosecutor assigned to Mr. Jackson's case remarked: ''I saw no indication that Mr. Jackson was violent, that he was any sort of large-scale narcotics trafficker, or that he committed his crimes for any reason other than to get money to care for his gravely ill child.''

What these laws have done is make sure that these nonviolent offenders and too many more like them will die in prison for their crimes—taking money from our communities and imprisoning people into their fifties, sixties, and seventies for nonviolent crimes. They are redirecting taxpayer dollars from strategies in our neighborhoods, in our cities, and in communities that we know work and will actually get to the problem of drug abuse. Our system hasn't empowered people. It hasn't empowered them to deal with addictions. It hasn't empowered them to deal with mental health challenges. Our system, as it stands, hasn't empowered us to do the things we know make us safer.

This has been punishment without proportionality, retribution without reason, and a gross taxpayer expense that takes away money that could be invested in public safety and our community well-being.

If the failed war on drugs, the Anti-Drug Abuse Act of 1986, and the Violent Crime Control and Law Enforcement Act of 1984 have taught us anything, it is that locking more people up for longer and longer sentences for low-level drug crimes at the expense of billions and billions of taxpayer dollars does not curb drug use and abuse. These laws didn't work then. Why are we proposing new ones now?

There is a different way. More mandatory minimum sentences won't impact the fentanyl opioid problem. The mandatory minimums being proposed for low-level drug offense are not going to accomplish what the amendment supporters hope it will. It is a facade that makes people feel like they are doing something about the problem, but they are not making a difference.

What they will do is throw more taxpayer dollars at our Bureau of Prisons, expanding that bureaucracy and draining money—taxpayers' money—from solutions that we know will work.

What is stunning to me, what is actually deeply frustrating to me is that we have two pieces of bipartisan legislation, one that has passed without enough funding and one that has yet to be brought up for a vote that would address this epidemic and the broken criminal justice system.

Instead of turning to bipartisan legislation that is going through regular order and investing in strategies that this body, in a bipartisan fashion, has agreed with near unanimity would work, we are now considering an amendment that would spend more money on imprisoning low-level offenders for longer and longer sentences.

Earlier this year, the Senate passed the Comprehensive Addiction and Recovery Act of 2015, also known as CARA. It is a bipartisan bill that would allow the Attorney General to award grants to address the opioid epidemic and expand prevention and education efforts.

I was pleased to cosponsor that bill, but unfortunately the amendment that would have provided funding for the programs and grants in this bill failed to pass. The bill that went forward had the right intentions, but an unwillingness in this body to provide robust funding means that it simply won't address the epidemic adequately. That is what is frustrating to me. The Members of this body who refused to increase funding for preventive and treatment measures through CARA now want to divert taxpayer resources towards putting people in jail for longer and longer sentences for low-level, nonviolent crimes. That makes no sense—to spend millions of more dollars to lock up low-level offenders and starve the programs that local leaders all over this country are asking for, such as treatment, education, and local law enforcement.

If properly funded, CARA would expand prevention initiatives, would expand education efforts, and would curb abuse and addiction, hitting our Nation's problem at its heart—at its demand—and helping addicts with what they need—treatment, not more jail. It would expand the availability of naloxone to law enforcement. It would increase resources to identify and treat incarcerated Americans suffering from drug addiction. It would increase disposal sites for unwanted prescription medications and would promote best practices for evidence-based opioid and heroin treatment and prevention all over our country.

This bipartisan bill had wisdom in it. It was sensible, commonsense, and based on evidence-based strategies.

But now, here we are, not talking about investing in what we know will work but suggesting that we do things that have proven over the last two decades not only not to work but to drain taxpayer dollars and to do more harm. We are considering an amendment that would use taxpayer resources not to do the things I just listed that are underfunded right now but would spend money on incarcerating low-level drug offenders because of unwise increases of mandatory minimum sentences.

The fact is the opioid epidemic is not a problem we can jail our way out of. We already have mandatory minimum sentences in place for heroin and fentanyl offenses, and they haven't done what they were created to do—to prevent an epidemic such as this from occurring. What this amendment does is to double down on that failing strategy.

In fact, for over a year, Senate Judiciary Committee members on both sides of the aisle have worked on crafting a bill, the Sentencing Reform and Corrections Act, which would take meaningful steps toward undoing so much of the damage these failed policies have caused over the past decades. That bipartisan criminal justice reform legislation, which worked through regular order and would reduce mandatory minimum penalties and give judges more discretion at sentencing, has been pending on the Senate floor for over 7 months now without Senate action.

The bill followed regular order. It moved through a hearing and a markup. It took in testimony from dozens of experts and organizations. It was adjusted and amended with input from law enforcement officers, attorneys general, prosecutors, civil rights leaders, and local elected leaders. It passed out of the committee. It was then, because of input from other Republican Senators, changed again and modified. Now, this baked bill is fully ready for a vote on the floor. If given that vote, it would most likely get a super majority in this body.

But today, instead of moving forward on that bipartisan, compromise piece of legislation—which would start to fix the failed drug policies of the 1980s and 1990s, which would save us money, which would help us right past wrongs, which would create resources through its savings that could be used for the Comprehensive Addiction and Recovery Act—we are now considering an amendment that would actually build on the mistakes of the past and divert money from the solutions we know work today.

So again I say that I am frustrated, I am angry, and I am beginning to grow disheartened by the current state of affairs. The amendment being proposed and its potential consequences are what a growing consensus in the Senate from both sides of the aisle and especially thoughtful leaders around the country from all sides of the political spectrum—this is exactly what we have been fighting against. My frustration is that instead of looking to take a step forward with the current bipartisan legislation, we are looking to take a step back into the mistakes of the 1980s and 1990s. Instead of learning from the mistakes of the past, we are damning ourselves to make them again.

Since arriving in the Senate 2½ years ago, I have been encouraged by the momentum building around this comprehensive criminal justice reform legislation. I felt encouraged that hope has been dawning. It has been one of my more affirming experiences as a public leader. During the 2½ years I have been in the Senate, many of my colleagues on both sides of the aisle have been negotiating over this issue in good faith, and actually for a time even before I was here they were working hard on criminal justice reform.

This comprehensive criminal justice reform bill would address so many of the issues that have been agreed to on both sides of the aisle. It would address a system that does not make our communities safer but instead wastes the

potential of millions of Americans and drains billions, trillions of taxpayer resources over time.

What we have in the Senate is amazing. It has been incredible to see. We have Senators as different from each other on the political pole as Senator LEAHY and Senator GRASSLEY, with other Democrats and Republicans, from the most liberal to the most conservative in this body, coming together to craft a measured bill that would begin to fix our deeply broken criminal justice system. This result, the Sentencing Reform and Corrections Act, would enable prosecutors and judges to maintain critical tools for prosecuting violent offenders and high-level drug traffickers while reducing mandatory minimums and life-without-parole sentences for nonviolent drug offenders.

In addition, the bill actually includes a provision related to fentanyl—not one that I necessarily believe in or believe is most effective, but it was included in the bill as a compromise measure.

This critical piece of legislation has the support of dozens of civil rights groups and faith groups, Christian evangelicals and law enforcement and prosecutor groups, including well-respected organizations such as the Major County Sheriffs' Association, the International Association of Chiefs of Police, and the National District Attorneys Association. From law enforcement to faith-based leaders, civil rights activists, and fiscal conservative organizations, so many have come together and are being led in many cases by law enforcement officials because they know this bill is actually smart public safety policy. This bill has the support of law enforcement leaders, including former President George Bush's U.S. Attorney General, Michael Mukasey; former FBI Director Louie Freeh; and the U.S. Department of Justice.

In a letter to Senate leadership, former U.S. Attorney Michael Mukasey, with former Director Bill Sessions and dozens of former Federal judges and U.S. attorneys, shared what they believe the Sentencing Reform and Corrections Act can do. They said it ''is good for Federal law enforcement and public safety. It will more effectively ensure that justice shall be done.''

Groups like Law Enforcement Leaders to Reduce Crime and Incarceration, which represent more than 160 current and former police chiefs, U.S. attorneys, and district attorneys, have spoken out in support of this bill, arguing:

> This is a unique moment of rare bipartisan consensus on the urgent need for criminal justice reform. As law enforcement leaders, we want to make it clear where we stand: Not only is passing Federal mandatory minimum reform necessary to reduce incarceration, it is also necessary to help law enforcement continue to keep crime at historic lows across the country. We urge Congress to pass the Sentencing Reform and Corrections Act.

Contrary to what the few opponents argue, this act would preserve certain mandatory minimum sentences for drug offenders. It would also more effectively target these mandatory minimums toward high-level drug traffickers and violent criminals. Federal drug laws were meant to go after these kingpins, and this legislation leaves important tools in place that allow prosecutors to go after them.

Also, contrary to what the few opponents of this bill argue, the bill would not open the floodgates and permit violent offenders to be let out of prison early; rather, each case must go in front of a Federal judge, where the prosecutor will be present, for that independent judicial review.

Experts from the National Academy of Sciences to the National Research Council have found that lengthy prison sentences have a minimal impact on crime prevention.

The profound thing about this bill is that it is not breaking new ground. This is now becoming common knowledge around the States. In fact, it is being followed and led by many red States in our Nation. In fact, States have shown that we can reduce the prison population, save taxpayers millions and billions of dollars, and also reduce crime. Texas, for instance, between 2007 and 2012, reduced its incarceration rate by 9 percent and saw its total crime drop by 16 percent. If Texas—a State known for law and order and being tough on crime—can enact sweeping measures to reform its criminal justice system, so can we at the Federal level. That is why I am proud that one of the sponsors of the bill is the Republican Whip from Texas, Senator CORNYN.

But there are other States—California, Connecticut, Delaware, Georgia, Maryland, Michigan, Nevada, Massachusetts, North Carolina, South Carolina, Utah, and New Jersey. All these States have lowered their prison populations through commonsense reforms and—surprise, surprise—have seen crime drop. These States have enacted reforms because it is good for public safety and it saves needed taxpayer dollars that can be reinvested in public safety strategies that actually make us safer. Remember, these are Republican-led States and Democratic-led States, Governors from the right and the left.

There is a great conservative organization called Right on Crime. This is what they had to say about public safety and criminal justice reform:

> Taxpayers know that public safety is the core function of government, and they are willing to pay what it takes to keep communities safe. In return for their tax dollars, citizens are entitled to a system that works. When governments spend money inefficiently and do not obtain crime reductions commensurate with the amount of money being spent, they do taxpayers a grave disservice.

It is worth repeating that line: ''Citizens are entitled to a system that works.''

You see, this is not a partisan issue; it is an American issue. There is a chorus calling for reform across the political spectrum. Everyone from Republican candidates for President to conservative groups, such as Koch Industries and Americans for Tax Reform, have come out in support of criminal justice reform and this bill. That is why some Republicans like Grover Norquist and George Martin have written:

> Some Republicans who have not focused on our successes in the states think we are still living back in the 1980s and also believe that ''lock them up'' is a smart political war cry. . . . Wasting money is not a way to demonstrate how much you care about an issue.

That is why people like Marc Levin, the founder of Right on Crime, have shared that ''the recent successes of many states in reducing crime, imprisonment, and costs through reforms grounded in research and conservative principles provide a blueprint for reform—at the Federal level.''

Former Governor Mike Huckabee said:

> I believe in law and order. I also believe in using facts, rather than fear, when creating policy. And, I believe in fiscal responsibility. Right now, our criminal justice system is failing us in all three camps.

Republicans and Democrats from across the political spectrum have come together because they realize our failures to fix this system have simply cost us too much already. Everyone knows that the first rule of holes is that when you find yourself in one, stop digging. That is why this amendment is so frustrating—because it seeks to dig us deeper into a hole. Look at the financial costs we are already paying. In 2012, the average American taxpayer was contributing hundreds of dollars a year to corrections expenditures, including the incarceration and monitoring and rehabilitation of prisoners.

A report from the Center of Economic Policy Research concluded that in 2008 alone, formerly incarcerated people's employment losses—keeping people in for decades and decades—cost our economy the equivalent of 1.5 to 1.7 million workers or $57 billion to $65 billion annually. And it is estimated that the U.S. poverty rate between 1980 and 2004 would have been 20 percent lower if it had not been for all this mass incarceration. This is a lot of money we are spending keeping people behind bars—nonviolent offenders—and it is taking a significant financial toll in our country. We could be investing this money better.

By passing this bipartisan Sentencing Reform and Corrections Act, the CBO told us that this one bill alone that takes modest steps toward criminal justice reform will save an estimated $318 million in reduced prison costs over the next 5 years and $722 million over the next 10 years. Doing the right thing creates savings that we can then invest in strategies to make ourselves safer or give back to the taxpayers.

Please understand that we have paid dearly for our mistakes. For example, from 1990 to 2005, a new prison opened every 10 days in the United States, making us the global leader in this infrastructure investment. A new prison opened every 10 days in the United States to keep up with the massive explosion in incarcerations. Imagine the roads and bridges and railways we could have been investing in during that time. As our infrastructure has been crumbling over the last three decades, the one area of infrastructure that has been ballooning was gleaming new prisons to actually incarcerate overwhelmingly nonviolent offenders. Imagine the investments we could have made in lifesaving research, innovative technologies, science and math funding. Instead, we extended mandatory minimums again and again and again for low-level drug offenders.

The United States must be the leader around the globe for liberty and justice. Unfortunately, the United States now leads the world in a vastly more dubious distinction: the number of people we incarcerate. We only have 5 percent of the world population—only 5 percent—but one out of four imprisoned people on planet Earth is here in the United States. Again, the majority of those people are nonviolent offenders. The U.S. incarceration rate is 5 to 10 times that of many of our peer countries.

The financial cost, the dollars wasted, are only part of the story, though. We are actually paying for our system's failures in innumerable ways. The hidden financial costs of our broken prison system mirror the hidden social costs that befall families of those incarcerated, with 1 in 28 American children—or 3.6 percent of American kids—growing up with a parent behind bars. Just 25 years ago, it was 1 in 125 American children. I recently saw that ''Sesame Street'' has started programming specifically aimed at helping kids with parents in prison because there are now so many of them. Over half of imprisoned parents were the primary earners for their children prior to their incarceration. What is more, a child with an incarcerated father is more likely to be suspended from school than a peer without an incarcerated father—23 percent compared to 4 percent.

Our rush to incarcerate as a response to many of our societal problems has now created a stunning distinction. According to a new report from the Center for American Progress, close to half of all children in America are growing up with a parent with a criminal record.

Our system often entraps the most vulnerable Americans. We are entrapping people who often are in need of incarceration but treatment and medical help, putting those vulnerable populations in jail for longer and longer periods. In fact, now many of our prisons serve as warehouses for the mentally ill. Serious mental illness affects an estimated 14.5 percent of men and 31 percent of all the women in our jails. Between 25 and 40 percent of all mentally ill Americans will be jailed or incarcerated at some point in their lives, and 65 percent of all American inmates meet the medical criteria for the disease of addiction, many of them not getting the treatment they need but just getting more incarceration.

Today we live in a country where in many ways the words of Bryan Stevenson are also true. This idea of equal justice under the law is challenged by the facts of our criminal justice system. As Bryan Stevenson said, we live in a nation where you get treated better if you are rich and guilty than if you are poor and innocent. Over 80 percent of Americans who are charged with felonies are poor and deemed indigent by our court system.

Our criminal justice system doesn't disproportionately affect just the mentally ill, the addicted, and the poor; it also disproportionately impacts people of color. We know that there is no deeper proclivity to commit drug crimes among people of color, but there is a much deeper reality that the drug laws affect people of color in a different way. For example, Blacks and Whites have no difference in using or selling drugs. There is no statistical difference. In fact, right now in America, some studies are showing that young White men have a slightly higher rate of dealing drugs than young Black men. But Blacks are 3.6 times more likely to get arrested for selling drugs. Latinos are 28 percent more likely than Whites to receive a mandatory minimum penalty for Federal offenses punished by such penalties. A 2011 report found that more than any other group, Latinos in America were convicted at a higher rate of offenses that carried a mandatory minimum sentence. And Blacks are also 21 percent more likely to receive a mandatory minimum sentence than Whites facing similar charges. Black men are given sentences about 20 percent longer than White men for similar crimes. And Native Americans are grossly overrepresented in our criminal justice system, with an incarceration rate 38 percent higher than the national average.

Because minorities are more likely to be arrested for drug crimes even though the rates are not different in usage of drugs or selling of drugs, they are more—disproportionately—likely, therefore, to lose their voting rights, thus resulting in stunning statistics. Today, 1 in 13 Black Americans is prevented from voting because of felony disenfranchisement. Black citizens are four times more likely to have their voting rights revoked than someone who is White.

Those are statistics befitting a different era in American history, but unfortunately they reflect our current circumstances.

So here we find ourselves. I have been talking about this issue for my entire time in the Senate. Many of my colleagues have been working on this issue longer. I have been so encouraged that literally my first policy conversation on the Senate floor right after being sworn in right there by the Vice President of the United States—I walked back toward the back of the room and was met by colleagues who talked to me about this issue. I am so glad there is this growing consensus, but I am frustrated that an amendment is potentially coming to the floor that takes us backward while so much work has gone on to move this body ahead.

I have come to believe in this body. I worked hard to become a Member of the Senate because I believe in the Senate and the power of this institution to do great things. In fact, it is the result of the great good of this body and the labor and struggles of so many Americans that I am even here in the first place, so many Americans fighting for issues that this body helped to change. From equal housing rights, to voting rights, to civil rights, this body has made us a fairer and more just Nation. This body has made our country the shining light on planet Earth for liberty and justice. This body, with so many committed Americans through so many generations, has so much to be proud of.

I am so encouraged by colleagues on both sides of the aisle, that despite the partisanship and cynicism this body often generates, we have found common ground to advance the common good around our criminal justice system. We have a crisis in that system, but I am proud there is movement to address that.

I urge my colleagues to consider the profound potential we have to advance our Nation, to deal with the opioid crisis, the drug crisis, and the crime crisis with smart and effective policies that have proven to work already at the State level.

I urge my colleagues to resist the seductive temptation to claim to be tough on crime when in reality we are just wasting taxpayer dollars on a failed fiction that obscures the true urgency of the day.

Finally, I urge the leadership of this body to not let this amendment reflecting failed policy of the past to the floor and instead move to bring forward a bipartisan, widely supported bill that will address the current crisis. We can no longer hesitate or equivocate, and we can definitely not afford to retreat. Wasting more time is not the answer. The time is now, and, I confess, I am losing patience.

While I am encouraged by leaders like the chairman of the Judiciary Committee and the ranking member of that committee, while I am encouraged by the fact that the majority whip and the Democratic Whip are on this bill, while I am encouraged by the fact that likely a supermajority of support exists for this bill, I am growing impatient that it has not come to a vote yet. There is nothing as painful as a

blockage at the heart of justice, blocking the flow of reason, of commonsense, fairness, and urgently needed progress.

But the pain and frustration I might feel is minimal compared to those who are suffering under the brunt of a broken system. We cannot be deaf to the cries for justice of families and children, those suffering addictions, those suffering from mental illness, and those whose families have been torn apart by such misfortunes. We cannot be mute or silent in the face of injustice, those of us who are elected to serve all Americans.

At the beginning of each day, we swear an oath in this body. We pledge allegiance to those ideals of liberty and justice. Let us now act so we do not betray the moral standing of our Nation.

I urge the Senate leadership to bring the Sentencing Reform and Corrections Act for a vote. The time is right now to do what is right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Reed amendment No. 4549.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the Reed amendment No. 4549 to the McCain amendment No. 4229 to S. 2943, the National Defense Authorization Act.

Harry Reid, Jack Reed, Richard J. Durbin, Michael F. Bennet, Charles E. Schumer, Patty Murray, Richard Blumenthal, Jeff Merkley, Jeanne Shaheen, Al Franken, Gary C. Peters, Bill Nelson, Barbara Boxer, Robert Menendez, Sheldon Whitehouse, Amy Klobuchar, Barbara A. Mikulski.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the McCain amendment No. 4229.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the McCain amendment No. 4229 to S. 2943, an act to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

John McCain, John Cornyn, Marco Rubio, Roger F. Wicker, Richard Burr, James M. Inhofe, Pat Roberts, Tom Cotton, Thom Tillis, Roy Blunt, Shelley Moore Capito, Dan Sullivan, Lindsey Graham, Lisa Murkowski, David Vitter, Mitch McConnell.

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.

MORNING BUSINESS

Mr. MCCONNELL. 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.

100TH ANNIVERSARY OF THE RESERVE OFFICERS' TRAINING CORPS

Mr. MCCONNELL. Mr. President, I wish to commemorate the 100th anniversary of the Reserve Officers' Training Corps, or ROTC, the Nation's training program for commissioned officers of the U.S. Armed Forces. Founded in 1916, ROTC prepares young adults to be leaders in our Nation's Army, Navy, Air Force, and Marines. ROTC cadets commit to serving their country in uniform after college graduation in exchange for ROTC assisting with costs associated with their college education.

Although military training took place at civilian colleges and universities in the 19th century, it was not until the National Defense Act of 1916, signed by President Woodrow Wilson, that this training was consolidated under a single entity: the Reserve Officers' Training Corps. ROTC is the largest officer-producing organization within the U.S. military.

In 100 years of history, ROTC has commissioned more than 1 million military officers. The U.S. Army ROTC program started in 1916 with just 46 initial programs, and today it has commissioned more than 600,000 officers at almost 1,000 schools across the Nation, with a presence in every State, as well as Guam and Puerto Rico.

In 2016, Army ROTC has an enrollment of more than 30,000 and produces over 70 percent of the second lieutenants who join the Army, Army National Guard, and U.S. Army Reserve.

Army ROTC is one of the most demanding and strenuous leadership training programs a young person can choose today. ROTC training molded and shaped six Chiefs of Staff of the Army, two Chairmen of the Joint Chiefs of Staff, a current Supreme Court Justice, the current Governor of Kentucky, as well as countless other leaders in government, business, science, sports, and the arts.

For decades, Army ROTC has conducted summer training for many cadets at Fort Knox, KY. In 2013, I was pleased to help Army ROTC get an ROTC training program called the Cadet Leader Course relocated to Fort Knox as well. More than 6,000 cadets attend that particular leadership course at Fort Knox every year since the installation began hosting the program in 2014. In all, over 10,000 cadets attend various summer training courses each year at Fort Knox.

ROTC serves as a vital introduction to life and a career in the military for America's young men and women. Supporting our Armed Forces means supporting ROTC programs at institutions across the country. ROTC creates America's next generation of leaders, in the Armed Forces, and in American life.

I know my colleagues join me in commemorating the 100th anniversary of the creation of our military's ROTC and in thanking the hundreds of thousands of brave cadets who have successfully completed the challenges of the program and gone on to become officers. We are certainly grateful for their service and their sacrifice. Without ROTC, our Nation's military would not be the superior fighting force that is today. I am proud that Kentucky plays a significant role in the training of ROTC cadets.

FRANK R. LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

Mr. LEAHY. Mr. President, the Senate's final passage today of the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act, after 3 years of difficult negotiations, reflects the true nature of compromise. I am glad that we have finally come to an agreement to update our country's ineffective and outdated chemical regulatory program. While this is not a perfect bill, I believe that it goes a long way towards protecting American families from dangerous chemicals and serves as a fitting tribute to Senator Lautenberg, who was a tireless public health advocate.

This legislation overhauls the 40-year-old, outdated Toxic Substances Control Act and will bring more than 64,000 chemicals under the review of the U.S. Environmental Protection Agency, EPA. Under the old law, the EPA was required to approve chemicals using a burdensome and ineffective economic cost-benefit analysis, but this reform bill will require the EPA to make a decision based solely? on health and safety concerns. Additionally, the Lautenberg act gives the EPA enhanced authority to require testing of both new and existing chemicals, requiring safety reviews for all chemicals in active commerce and a safety finding for new chemicals before they are allowed on the market.

The House bill originally included a provision preempting State authority to regulate specific chemicals. State preemption is a significant concern for Vermont, especially with the discovery of perfluorooctanoic acid, PFOA, contaminated water in the communities of North Bennington and Pownal. Unfortunately, due to shortcomings in the 1976 Toxic Substances Control Act, PFOA was one of many chemicals that had been presumed safe without any requirement for testing or review. While

the inclusion of even minimal State preemption action in the final bill is unfortunate, the final compromise largely retains the Senate bill's provisions and allows States 12 to 18 months to enact tougher regulations through a waiver process after the EPA formally announces that it has started the review process for a chemical. There have been assurances to the Vermont congressional delegation from the EPA that Vermont will be able to retain its more stringent regulation of PFOA. I will continue to work with both the State and with the EPA to address PFOA contamination in Vermont.

I am pleased that the final bill includes two mercury-specific provisions: The creation of a mercury inventory and the expansion of the export ban to certain mercury compounds. These provisions are sections of the Mercury Use Reduction Act that I was proud to cosponsor in the 112th Congress. Under the mercury inventory provision, the EPA will be required to prepare an inventory of mercury supply, use, and trade in the United States every 3 years. This data will enhance our ability to reduce the health risks from mercury exposure. The second mercury provision builds upon the Mercury Export Ban Act of 2008, expanding the export ban currently in effect for elemental mercury to include certain mercury compounds that could be traded to produce elemental mercury in commercial quantities, thus undermining the existing export ban.

This reform bill also includes new unprecedented transparency measures thanks to new limits imposed on what can qualify as ''confidential business information.'' The transparency provisions also ensure that State officials, medical professionals, and the public have access to health and safety information. In addition, the bill places time limits and requires justification for any ''confidential business information'' claims that must also be fully justified when made and will expire after 10 years if they are not re-substantiated.

Like many Vermonters, I have been concerned for years about the need to improve chemical safety standards in the United States. While I had hope for more reforms in the bill, overall, the bill is a significant improvement over current law. It is a true testament to the groundwork laid by Senator Lautenberg that we have finally heeded the calls from the American people to reform this outdated law and better protect our families from dangerous chemicals.

TRIBUTE TO DR. FREDERICK BURKLE

Mr. LEAHY. Mr. President, one of the formative parts of my life was being a student at Saint Michael's College in Vermont. It was especially so because of the people I met there. One of my most memorable classmates is Dr. Frederick Burkle.

Skip Burkle was one who cared greatly about what he was learning and showed moral leadership even then. As students, we both lived in dorms that resembled World War II-era barracks. Fortunately, the living conditions for students at Saint Michael's have improved since then.

Last month, now-Dr. Burkle, spoke at Saint Michael's College giving the commencement address. Everyone who was there actually listened to a man who spoke of his own background. He spoke also to the moral compass he has developed both in school and since in the military and in his scientific work.

So much could be said about his career. I agree when he said, ''My humanitarian work was the most meaningful I've ever done.'' That makes so much sense because few people I have ever known have begun to approach his life as a humanitarian.

Mr. President, I ask unanimous consent that his speech to the graduating class be printed in the RECORD because I want those beyond Saint Michael's College to read what an outstanding person has said.

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

SAINT MICHAEL'S COLLEGE COMMENCEMENT ADDRESS

COLCHESTER, VERMONT: MAY 15, 2016

FREDERICK M. BURKLE, JR., MD, MPH

PHYSICIAN, SCHOLAR, HUMANITARIAN

Greetings to you all!

There are many reasons to celebrate this day. This graduation is a milestone for you and your entire family.

Saint Michael's also needs to be celebrated and commended. As an academic, I do not know of any other college or university this year, or in recent memory, that has shown both the insight and courage to declare ''Service to Others'' as the theme of graduation. Only at Saint Mikes! . . . I'm not surprised!

The implications of this decision are many and must be applauded . . . Most importantly it brings great hope and wisdom for the future of this generation and those that follow . . . .

I have been asked to speak to you on what in my life and college experiences influenced my humanitarian career. My first concern when asked was: How does someone who graduated in 1961, 55 years ago, tell his story to the class of 2016? . . . .

Let's give it a try

In truth, if you knew me in high school you would have voted me the ''least likely graduate to ever give a commencement address.'' . . .

I attended an all male Catholic High School in Southern Connecticut. I was painfully shy, occasionally stuttered, was easily embarrassed, struggled to be an average student, and was hopelessly burdened by what is known today as severe dyslexia. I only began to read in the 5th grade.

My Father, emphatically and loudly said ''No'' to the idea of college. He had labeled me a ''lazy dreamer'' . . . so to him college was a waste of good money. You would agree . . . I was certainly not a prize academic prospect!

So here I am . . . and now I've got to explain to you how I got onto this stage as a Commencement speaker.

I would not be here today without the help of some very unselfish people . . . I call them my own personal humanitarians . . . we all have them.

Not going to college was a serious blow I could not live with. For years I had held on to an otherwise quite impossible and secret dream of being a physician. A dream which simply arose many years before from viewing very early Life Magazine photos of doctors treating starving children in an African jungle hospital.

Having been born 2 years before WWII, all my life was one war after another with equally dire photos of both World War II and Korean War casualties. And soon after, during high school, emerged my generation's war . . . in a strange and unheard of country named Viet Nam . . . a war which actually began to build up as early as 1954.

My story, in great part, is a love story. I met an equally shy girl when she was 13 and I was the older man of 14. We went steady during high school and secretly dreamed of our future together. With College off the table the military draft seemed inevitable. She urged me to plead my case to the High School Academic Dean, a stern gray haired Brother of Holy Cross, to both loan me the application fee and forward a decent recommendation. I was shaking in my boots. He silently pondered the circumstances yet nodded his head and agreed to accept the personal risk despite the potential anger of my Father . . .

The very next day there was a check waiting for me!

There were others . . . while working as an orderly in a local hospital I met two very caring physicians. They embodied everything I wanted to be. They introduced me to a small French Catholic Liberal Arts College named St. Michaels in rural Vermont that I never heard of. Both were WWII veterans who attended St. Mike's and then medical school on the GI Bill. Despite their busy schedules they took time to counsel and encourage, spoke highly of the quality of the education but also cautioned that the academic experience would demand much more.

St. Mike's was the only place I applied. With luck, I was accepted. My girl friend's parents, not my own, took me to campus . . . There was no turning back!

Falling in love with St. Mike's was a little slower and not nearly as romantic! Matriculation at St. Mike's was a shock . . . and at first a disappointment. Maybe my Father was right . . . Will I fail and embarrass myself once again?

From the outset, the St. Mike's academic faculty made it clear that everyone on campus was required to take 4 years of liberal arts. This included a long list of the world's literature, history, arts and philosophy from the beginning of written time. This included a comparative study of all religions, and a compelling semester of logic that forced us to deliberate the philosophical ''how'' and ''why'' problems that stressed the minds of every adolescent, like me, whose brain had not yet matured . . .

It took me 3 trips to the bookstore to carry all the required reading back to the small shared room in a former WWII poorly heated wooden barracks that once stood where we are today.

We desperately asked why such torture was necessary. I'm to be a scientist. Why did I have to study the liberal arts? I pleaded . . . something must be wrong! With my reading disability, my anxiety level was palpable to everyone.

The science faculty made it quite clear that to pass the rigorous requirements for recommendation to graduate school required excellent marks in both the sciences and the liberal arts. They offered us multiple examples of notable Statesmen and Nobel Laureates alike who, empowered by incorporating

the lessons learned from the liberal arts, made major breakthroughs for mankind . . . such as human rights, freedom of speech, the splitting of the atom, penicillin, the Magna Carta, the Geneva Conventions, and the U.S. Constitution itself . . .

Slowly, St. Mike's, without my knowledge, began to hone, tame and humble me by introducing new ways of thinking and reasoning.

I, like all my classmates, had to give up that concrete black and white thinking of youth to meet the demands of the outside world.

Most students incorporated those new concepts to one degree or another over the next 4 years. Confidence was built through testy debates on what our increasingly complex world demanded of us. The process re-introduced me to the academic world I thought was unfriendly . . . and gave me a new love for books which were once the enemy of every dyslexic child.

Less than a month into my freshman year a profound geopolitical event occurred that no one had anticipated or was ready for. On October 4, 1957 we huddled around the one radio available in the barracks to listen to the faint battery powered beeps of the Russian satellite Sputnik. The following day the faculty held an 'all student assembly' to discuss the impact of the satellite launch on mankind and openly asked if any students would consider changing their major to the sciences. The Space war had begun in earnest. Everyone's sense of security suddenly changed and with it many Cold War humanitarian crises sprang up around the world . . . many of which, in a short decade, I became mired in myself.

Every generation has their own Sputnik moments. Your generation already has more than your share.

The liberal arts and the comparative religion courses prepared me for my life as a humanitarian more than I ever realized at the time.

Yes, we all read the Bible and debated its meaning . . . but we also found a certain solace in understanding that similar beliefs were universal among many other religions and the cultures they were tied to.

All religions that have survived over the centuries collectively teach ''social justice'' . . . a language all its own that defines the fair and just relationship between the individual and society. It is that shared social justice that I have in common with my humanitarian and volunteer colleagues on every continent . . . might they be Muslims, Hindus, Christians, Jews, Buddhists, agnostics or atheists and whether they live in the Middle East or rural Vermont.

All the major wars and multiple conflicts that I became engulfed in over my lifetime were all fought over ''whose god was the true god!'' Unfortunately, these wars continue today.

Admittedly, and probably somewhat selfishly, I fell in love with the challenges of global health and humanitarian assistance.

And yes, that shy girl friend who supported my application to St. Mike's and I were married my first year of medical school and we had 3 children by the time I finished my residency at the Yale University Medical Center.

Service to one's country was mandatory then . . . and the government obliged by drafting me into the military. In 1968 I was rapidly trained and rushed, within 20 days, into the madness of the Viet Nam war as a Combat physician with the Marines.

Subsequently I was recalled to active duty as a combat physician in 5 major wars, and over the years moved up the invisible ladder of leadership in managing conflicts in over 40 countries. I've worked for and with the World Health Organization, the International Red Cross and multiple global humanitarian organizations. I found myself negotiating with numerous African warlords and despots including Saddam Hussein in Iraq.

I set up refugee camps, treated horrific war wounds, severe malnutrition, scurvy, the death throes of starvation, and cholera, malaria and blackwater fever, to name but a few . . . When I was only a few years older than you, I had to manage the largest Bubonic Plague epidemic of the last century.

Eventually, in 2003 I served the State Department as the Senior Health Diplomat and first Interim Minister of Health in Iraq where I was the target of 3 assassination attempts by the same Sunni military that now, more than a decade later, make up today's ISIS forces in Iraq and Syria. Yes, it is madness.

Obviously, my work was often quite dangerous. Making uncomfortable but real decisions over who survives and who doesn't, simply because there are scant resources, is always a nightmare. Over 1,000 fellow humanitarian aid workers have been killed during my time . . . many, many more than any United Nations Peacekeepers.

I have seen more senseless death and suffering than anyone my age should be allowed to witness. The same ''how and why'' issues that I first struggled with in Logic class at St. Mike's were now re-framed in very basic daily struggles of both ethics and morality.

As such, I moved more and more to care for the most vulnerable . . . the children, women, the elderly and disabled who make up 90% or more of those who flee or become ill, injured or die in every war. This became my calling.

While some of this may impress the budding healthcare professionals in the audience, everything I experienced in war was preventable . . . it need not have happened. War is not the answer.

But, my humanitarian work was the most meaningful I have ever done. I have no regrets. The saving of lives when the victims themselves have given up . . . and working with some of the most self-less people in the world, is addictive . . . and for a physician the adrenaline rush, intensity of the work and the diagnostic challenges are comparable to nothing else.

As Medical Director of the last Orphan Lift out of Saigon in 1975, I was secretly slipped into a refugee crowded, already surrounded and hostile Saigon during its last days to find abandoned and ill infants . . . many alone and starving in dank and dirty orphanages. We airlifted out 310 nameless infants in file boxes . . . 20 years later, by chance, I met an attractive and ebullient Asian woman, now a graduate student who had been the valedictorian of her college class. She was one of the infants I rescued . . . Life comes full circle . . . it was a really good day.

The scientific research that defines my academic career has me closely working with like-minded colleagues in Iran, Israel, Iraq, China, the European Union and many others. And Yes, another example of life taking full circle . . . the Nobel Laureates, once touted in 1957 as examples for us to emulate by the St. Mike's science Professors, selected a 2013 research study I co-authored to be presented and debated at their World Summit in Spain last year. Good people are listening and reading your work. So for the future academics and scientists in the audience. . . . Never give up!

Hopefully, my now fading career allows me to reflect and offer some parting Grand-Fatherly advice:

The essence of volunteerism is found in understanding the culture of the people we engage with, even within our own communities. In my experience, we did not understand the culture of Viet Nam or Iraq, and when General Petraeus was asked at the 10 year mark in Afghanistan what he would have done differently he said ''I would have learned more about the culture!'' . . .

Graduation marks your movement from the protective culture of the campus to a culture that is more complex, unforgiving at times, but also very exciting and worthwhile.

Most young volunteers are understandably burdened by the non-action they have reluctantly inherited from my generation. . . . . Burdens that shamelessly stem from worldwide political neglect of both the health and science of the planet.

You should be disappointed but also challenged. . . . However, a very hopeful characteristic of your generation is that you more often than not see yourselves less as nationalists . . . and more as global citizens. This marks a significant shift from my generation and a hopeful game-changer in the global landscape.

As your volunteerism matures, use whatever bully pulpit you have to expose and change those inequities that you see in the world. The risk is worth it.

I spoke up in Iraq over blatant human rights violations of the Geneva Convention and was called a ''traitor'' in the political Press. I am most proud I made that choice.

Remember, those who do have the political power to make change frequently do not know what they don't know. Instinctively, all volunteers are also educators and advocates. . . . It comes with the title.

The MOVE program, run by the Campus Ministry, and the Fire & Rescue Squad represent realistic ''real world models'' that one can neither assume nor get from the classroom alone. I wish I had experienced them myself. These inspiring volunteer initiatives have changed the culture of the College and more broadly and accurately re-defined ''American exceptionalism.''

Harvard, where I teach today, has recently taken a page from the St. Mike's playbook by placing more emphasis on accepting students to College who value caring for the community over individual extracurricular achievements. They claim that ''community service'' and the ethical concern for the greater public good!'' is a more sensitive and true measure of an applicant.

I agree! St. Mike's, emphasizing ''service to others'' has owned and promoted this belief for many decades.

Aid to the oppressed has never stood still. Volunteerism, in general, is increasingly moving toward prevention, recovery and rehabilitation. . . . . Your role models must be those distinguished recipients of the honorary degrees today. I applaud their self-less commitments to others.

St. Mike's was an unselfish gift to me. My class of 1961 was unique in producing many leaders in science, education, government, law, the military, industry, the social sciences, and medicine and dentistry to name but a few. They are all great citizens who still argue incessantly over politics . . . some things never change. . . . nor should they!

Please promise me that you will see your classmates often . . . call them, email them and return to the reunions . . . it's a great time to brag and see that everyone is equally aging and putting on weight. I do miss many of my friends and colleagues and also the professors who I tried to model myself on who passed away before I could thank them.

And yes, . . . as a bonus, there is another Harvard study this year that shows that both volunteers and their recipients increase social connections, reduce stress . . . and live longer lives!

I must close now. . . . As a 31 year Navy and Marine Corp veteran I wish to leave you with a saying that we, in the service of our country, always thought was strictly a nautical blessing. . . . In point of fact, it is a universal phrase of good luck as one departs on a voyage in life. . . . It reads: ''Let me square the yards . . . while we may . . . and make a fair wind of it homeward''. I wish you all in this audience ''Fair Winds and Following Seas''. . . . God speed to you and St. Mikes . . . and thank you for listening . . .

TRIBUTE TO KEVIN PEARCE

Mr. LEAHY. Mr. President, Vermont athletes are no strangers to the U.S. Winter Olympic team. In 2009, the Hartland, VT, raised Kevin Pearce was readying himself to be a member of that team when tragedy struck. During a routine half-pipe training session for the 2010 Olympics, Kevin suffered a traumatic brain injury and was nearly killed when he crashed and struck his head. Since then, Kevin, with the support of his family, has worked to recover and heal from that terrible accident. I have heard firsthand from Kevin how instrumental his younger brother David was in providing positive feedback and encouragement as he completed his physical therapy. Together with his older brother, Adam, Kevin started the Love Your Brain Foundation, which offers support to survivors of traumatic brain injuries, their families, and their caregivers.

The Love Your Brain Foundation recently held its free annual retreat in Lincoln, VT. The foundation's mission extends beyond simply providing support to survivors; it also works to raise broader public awareness about the condition. Kevin, Adam, and those who support the mission of the Love Your Brain Foundation believe that traditional treatment options, as well as alternative methods of care, can help survivors of traumatic brain injuries lead full and healthy lives. The foundation's annual retreat enables people from around the country, and some from Canada, who are dealing with traumatic brain injuries to share their own personal stories and to sharpen skills in workshops focused on music, yoga, and nutrition education.

Whether the result of sporting accidents or from a vehicle crash, injuries sustained on the hiking trail or the battlefield, there is still much to be learned about traumatic brain injuries and how best to help those who sustain them recover. That is why the work of the Love Your Brain Foundation makes a real difference.

Kevin Pearce's life forever changed the day of his accident. He and his family have taken that tragedy and turned it into an opportunity to advance public awareness. His story is one we can all be inspired by, and his road to recovery is one we should all from and seek to emulate.

Mr. President, I ask unanimous consent that a May 28 article written by Vermont Associated Press reporter Lisa Rathke, entitled ''Injured snowboarder helps brain injury survivors,'' be printed in the RECORD.

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

[From the Associated Press, May 28, 2016]

INJURED SNOWBOARDER HELPS BRAIN INJURY SURVIVORS

(By Lisa Rathke)

LINCOLN—A near-fatal halfpipe crash while training for the 2010 Olympics ended Kevin Pearce's snowboarding career and changed his life forever. Six years later, Pearce, 28, continues to cope with his traumatic brain injury that he will carry with him for the rest of his life and he's helping other survivors do the same.

Pearce, who grew up in Vermont, and his brother started the Love Your Brain Foundation to support traumatic brain injury survivors and caregivers. The foundation provides workshops for yoga teachers to cater their classes to brain injury survivors. It also offers a free yearly retreat for those with traumatic brain injury and their caregivers that is taking place this week in Lincoln, Vermont, and hopes to offer retreats in other parts of the country.

The foundation raises money to cover these activities and is working on educating young athletes about the importance of ''loving their brains''' and preventing concussions.

About 50 people from around the country and Canada are attending the third annual event that also features nutrition education, art, music and other mindfulness activities. Attendees can also share their personal stories.

''There was a huge missing piece to traumatic brain injuries and there's such an unknown for so many people of what to do after they sustain this injury,'' said Pearce, following a morning yoga class at the retreat in a barnlike building on a hillside.

Alternatives such as acupuncture, yoga and meditation are proving helpful to traumatic brain injury survivors in their recoveries, said Dr. Roger Knakal, medical director of physical medicine and rehabilitation and the University of Vermont Medical Center.

One of the hardest parts about traumatic brain injuries is that they are invisible injuries, said Pearce's brother Adam.

The biggest eye-opener was how isolated people can become from a brain injury, he said. ''When you have a brain injury, you feel so not normal,'' said Pearce. ''You're thrown back into the regular world. You're expected to be as you were before this. We're not able to do that because we're now a new person.''

Pearce was considered, along with Shaun White, to be one of America's top athletes in the sport at the time of his crash. On New Year's Eve in 2009, he struck his head during half-pipe training in Utah. He was in critical care for a month and then acute care for two weeks before moving to a rehabilitation center in Denver. He had to relearn how to walk, talk, even swallow. The family then moved back to Vermont where he continued rehab.

Pearce, who now lives in Bend, Oregon, continues to do cognitive therapy and is seeing eye therapists in Chicago to help with vision problems. He maintains a busy schedule, speaking to various groups about his story and the importance of ''loving your brain'' and showing the 2013 documentary about him called ''Crash Reel.''

Ari Havusha, 20, of Vancouver, returned to the retreat for the third time this year. He said he suffered several severe concussions and an eye injury as a teen soccer player and another severe concussion later during a college fall. He lives with a constant headache.

Havusha withdrew from McGill University in Montreal and returned home, where he became anxious and depressed. His mother pointed to the Love Your Brain retreat and right away, Havusha said, he knew he had to do it. ''It was a huge turning point for me,'' he said. ''I saw other people and their traumatic stories and I was able to connect with other people. Suddenly I was kind of lifted out of that isolation I felt so heavily.''

TRIBUTE TO ADMIRAL BILL GORTNEY

Mr. MCCAIN. Mr. President, today I honor an exceptional leader and aviator. After 39 years, a lifetime of service to our Nation, ADM Bill Gortney is retiring from the U.S. Navy. On this occasion, I find it fitting to recognize Admiral Gortney's many accomplishments and years of uniformed service to our Nation.

As the son of a U.S. Navy captain and WWII aviator, Admiral Gortney was no stranger to the challenges and opportunities of naval aviation. After graduating from Elon College with a bachelor of arts in history and political science, he entered the Aviation Officer Candidate School and commissioned in the U.S. Naval Reserve in 1977. He earned his wings of gold as a naval aviator following his graduation from the jet strike pilot training pipeline in 1978. He is a 1996 graduate of Naval War College and earned his master of arts in international security affairs.

Admiral Gortney moved through the ranks quickly, moving from commander to four-star admiral in 8 years. Despite his rapid ascent through the command naval ranks, Admiral Gortney still managed to log over 5,360 mishap-free flight hours and completed over 1,265 carrier-arrested landings primarily in the A–7E Corsair II and the F/A–18 Hornet. Admiral Gortney has completed seven tours of command, starting with the VFA–15 Vallions and culminating with his third commanding tour in U.S. Central Command, as commander, U.S. Naval Forces Central Command / U.S. 5th Fleet, where he provided support to maritime security operations and combat operations for Operations Enduring Freedom And Iraqi Freedom.

Admiral Gortney's first flag tour was as the deputy chief of staff for Global Force Management and Joint Operation, U.S. Fleet Forces Command in Norfolk. This was followed by assignment as Commander, Carrier Strike Group 10 onboard the USS *Harry S Truman*, during which time he was promoted to a two-star rear admiral. After promotion to his third star, he was assigned as Commander, U.S. Naval Forces Central Command/U.S. 5th Fleet/Combined Maritime Forces, Bahrain. He also served as director, joint staff, from 2010–2012. In 2012, he became Commander, U.S. Fleet Forces Command. His final assignment prior to retirement was that of Commander, North American Aerospace Defense Command and U.S. Northern Command. It is the first and only position that places a single military commander in charge of the protection of

our Nation from any potential attacks on U.S. soil. It is also the only binational command in the world's existence between Canada and the United States.

During his tenure there, Admiral Gortney redefined the mission for USNORTHCOM's future, furthering the bonds that have secured the skies above the homelands for 60 years. He built a personal trust critical to the strength of the alliance with our partners in Canada, Mexico, and the Bahamas and was able to expand the traditional bounds of security cooperation. He increased military-to-military training and interaction. Within the homeland, Admiral Gortney's keen intuition led to a deliberate campaign plan to protect the United States forces from the threat of homegrown violent extremists. He led the Department of Defense planning to support lead Federal agencies to minimize the threat of both the Ebola and Zika viruses.

Throughout his career, Admiral Gortney's message of empowerment and his relentless desire to seek creative solutions to the commands' challenges has served as an example to all during his lifetime exemplary of military service. I join with the members of the Senate Armed Services Committee in expressing my respect and gratitude to Admiral Gortney for his outstanding service to our Nation. I offer heartfelt thanks to Bill; his wife, Sherry; their children, Stephanie and Billy; daughter-in-law, Jackie; and grandchildren, Gavin and Grayson. Congratulations to all on Bill's retirement from the U.S. Navy after a lifetime of dedicated service. To Bill, trusted leader and dedicated patriot, fair winds and following seas.

90TH ANNIVERSARY OF THE TRIANGLE X RANCH

Mr. ENZI. Mr. President, I appreciate having this opportunity to share some news with the Senate about a very important anniversary we are celebrating in my home State. This is the year the Triangle X Ranch, one of our State's great attractions, is marking its 90th year of operation.

As you can imagine, the Triangle X has quite a story to tell of those 90 years. It began in the early 1900s when a visitor fell in love with an especially beautiful area of Wyoming. It continues to this day, its 90th year, cared for over the years by five generations of the Turner family.

The people of my home State have a great fondness and appreciation for the Triangle X because it reminds us of our Western heritage and our love of the land and all it provides. It reminds us of our growth as a State and what it was like to live in Wyoming back in those days.

The Triangle X Ranch Web site tells the story of the ranch. It begins, back in the early 1900s, when John and Maytie Turner liked to take ''fun vacations,'' as they called them, to Yellowstone National Park. It was during one of those visits they had a chance to see an area around Jackson Hole for the first time. It was one of those storybook encounters—or to put it another way: love at first sight.

Life was a lot tougher back then, so when they decided to make the area their home, they had to bring their sons back with them to get things started. It took a tremendous effort to build their home so they would have a place to stay. Even today, it is hard to imagine what an effort it took for them to live what had become their dream.

For starters, they had to bring the logs from some felled trees to their home site so they could build the basement of what would become their home. Once that was done, they had a place where they could live while they built the rest of their house.

Everything was difficult. Providing for the essentials they needed took planning and some time. Just taking a trip to the nearest town took several days. They had to grow or produce their own food, and while they were at it, they had to come up with ways of making something of a living.

This paragraph from the history section of their Web site says a lot about what their life was like back then for them and for many of those who had left the comforts of home and traded them for the great freedom and excitement of Wyoming and the West: ''Because there was no electricity, wood supplied heat and kerosene lamps brought light to interiors. Refrigeration was provided by large chunks of ice that had been cut from nearby beaver ponds in the winter and stored in piles of sawdust to keep through the summer. A fresh meat supply was provided by the Turners' cattle herd, chickens and big game harvested in the fall. Surprisingly, most of these methods of supply continued through the 1940s.''

The next generation saw more changes to the ranch. It was now a dude ranch. Their Web site describes how it became an ''authorized concession of the National Park Service—the last dude ranch concession within the entire National Park system.''

Today, a fifth generation of the Turner family is working the ranch and greeting guests, both new and returning friends, the lifestyle their family has loved for all these years. As each guest comes to the Triangle X, they receive the kind of education you just can't get from watching a movie or reading a book. You are immersed in a lifestyle that provides you with a front row seat to what life was like in the days of the old West.

As you can tell, I enjoy talking about the people of Wyoming, our businesses, and our unique brand of hospitality. I can't encourage you strongly enough to come to Wyoming and get a taste of what life was like back in the days when the West was the best part of our national heritage—and you will see that it still is. When you come to my home State, you might stop by the Triangle X and then explore some more of Wyoming and the West.

Our homegrown businesses are one of the special things about Wyoming. Together, they form the backbone of Wyoming's economy and they keep us headed in the right direction. They are the strength of Wyoming and the West, and they are one of the reasons why people keep flocking to Jackson and the other cities and towns of Wyoming.

I will close by once again congratulating all those who are a part of the Triangle X story. They have made a difference in our State and in the lives of all those who come to visit. I would also like to invite my colleagues to come and see my home State. You can't beat our scenic beauty, hospitality, and our history and legacy as a State. I can promise you that you will have an adventure in Wyoming that you will remember for a long time to come.

Thank you.

ADDITIONAL STATEMENTS

PEASE GREETERS' 1000TH FLIGHT

• Ms. AYOTTE. Mr. President, today I wish to recognize and congratulate the Pease Greeters' nonprofit organization for more than 11 years of continuous service in greeting our troops and civilian personnel from the Department of Defense, DOD, passing through the Pease International Trade Port in Portsmouth, NH. In June of 2016, they will have welcomed more than 1,000 flights passing through the trade port on their way to or from Afghanistan, Iraq, or other areas of conflict in the world.

The Pease Greeters organization was created in May of 2005 when an unannounced plane carrying members of the U.S. military landed at the Pease International Airport. The airport director, maintenance manager, and airport employees quickly got together to meet and greet these troops, offering coffee, donuts, and a big thank you for their service. Soon thereafter, the airport director discovered that additional charter flights would be arriving at Pease. Upon learning this, he reached out to the Seacoast Marine Corps League for assistance welcoming the troops and putting together a fitting ceremony to show respect, appreciation, and honor for their service.

Once word spread, dozens of citizens from New Hampshire, Maine, and Massachusetts, lent their support to organize what quickly became known as the Pease Greeters, whose mission is to promote broad participation in this welcoming of heroes, paying special attention to the education of school children by instilling respect and admiration for the troops through formal ceremonies for each flight. Whether it is 4 a.m. in the morning or 4 p.m. in the

afternoon, the Pease Greeters are there to welcome and thank the members of the military and the civilian men and women working in the DOD coming through Pease. As of May 2016, the Pease Greeters have met more than 190,000 servicemen and servicewomen at the trade port, provided a bank of phones where they can call loved ones anywhere in the world free of charge, offered them more than 27,000 pizzas, 167,000 sandwiches, 110,000 bottles of water or soda, and 74,000 knitted hats.

As the Pease Greeters welcomes its 1,000th flight on June 26, 2016, I commend the board of directors, the many volunteers, the supporting businesses, the Pease International Airport director and staff, and the hundreds of well-wishers who have spent more than 11 years thanking and honoring our troops and DOD members for their service and selfless sacrifice to our Nation. As the Pease Greeters' mission continues, I have no doubt they will continue to provide comfort and welcome many future military members arriving or departing from the Pease International Trade Port.●

40TH ANNIVERSARY OF THE MEMORIAL TOURNAMENT

● Mr. PORTMAN. Mr. President, today I wish to recognize the 40th anniversary of the first playing of the Memorial Tournament, ''the Memorial'', at Muirfield Village Golf Club in Dublin, OH. Jack Nicklaus, a golf legend and Congressional Gold Medal recipient, founded the Memorial in 1976. Jack wanted to bring an annual PGA tour event to Central Ohio and named the tournament ''the Memorial'' to recognize a person or persons, living or deceased, who have contributed to the game of golf with honor.

The Memorial has been a significant benefit to charitable organizations. For example, Nationwide Children's Hospital in Columbus, OH, has received over $14 million from the Memorial. In honor of that support, the hospital renamed its neonatal intensive care unit, NICU, as the Memorial NICU in 2006. The Memorial has also helped other organizations, such as the James Cancer Hospital and Solove Research Institute, the First Tee of Central Ohio, Shriners, and many more. The Memorial provides a significant economic development impact to the central Ohio region with an estimated $35 million annually toward the economy.

I am honored to have attended the Memorial to see firsthand its impact in the community. I would like to congratulate all who were involved in making the first 40 years of the Memorial a success.●

RECOGNIZING ALABAMA'S SPECIAL CAMP FOR CHILDREN AND ADULTS

● Mr. SESSIONS. Mr. President, today I wish to recognize the 40th anniversary of Alabama's Special Camp for Children and Adults, a nationally recognized leader in therapeutic recreation for children and adults with both physical and intellectual disabilities.

Also known as Camp ASCCA, the organization was founded in 1976 with the goal of helping eligible individuals achieve equality, dignity, and maximum independence. Camp ASCCA is the only one of its kind in the State of Alabama and hosts between 6,000 and 8,000 people each year, all varying in age. On the shores of Lake Martin, the camp offers 230 wooded acres and handicapable facilities. The camp strives to increase the level of individuality and confidence of its guests, and that impact lasts long after the camp session ends.

Camp ASCCA maintains a trained staff dedicated to accommodating the needs of its visitors. The mission statement of ASCCA is to serve those who can derive maximum benefit from the resident camp experience and provide a healthier, happier, longer, and more productive life for children and adults of all abilities.

On August 6, 2016, ASCCA will be celebrating its 40th anniversary.

Please join me in recognizing Alabama's Special Camp for Children and Adults for its long-term commitment to creating an enjoyable atmosphere for those guests who attend.●

REMEMBERING MARLIN MOORE

● Mr. SHELBY. Mr. President, today I wish to honor the life of my friend Marlin Moore of Tuscaloosa, AL, who passed away on May 25, 2016. He will be long remembered as an accomplished businessman and a civic leader.

A native of Tuscaloosa, Marlin attended Tuscaloosa High School and then went on to become a student at the University of Alabama's School of Commerce. Following graduation, he joined the firm of Pritchett-Moore, Inc., where he worked under its founders, Marlin Moore, Sr., and Harry H. Pritchett.

Marlin eventually became president and then chairman of Pritchett-Moore. Not only did he develop 43 subdivisions during his time with Pritchett-Moore, but he was involved with the Realtors Association both on the State and national level. Marlin served two terms as president of the Tuscaloosa Association of Realtors, president of the Alabama Association of Realtors, and served as a board member of the National Association of Realtors for 11 years. For his contributions to the real estate community, he received the Alabama Realtor of the Year Award and was named a member of the Home Builders Association of Tuscaloosa Hall of Fame.

In addition to his interest and work in real estate, Marlin was also a founder of Security Bank, where he served as its chairman. He served as a board member of First National Bank and AmSouth Bank, and he served two terms on the board of the Federal Reserve Bank of Atlanta.

In addition to his professional contributions to west Alabama, Marlin worked with several philanthropic organizations such as the United Way of West Alabama, West Alabama Chamber of Commerce, Red Cross, Exchange Club, the Boy Scout Council, the West Alabama Community Foundation, and the University of Alabama and the Crimson Tide Track Program. In 2008, he was inducted into the Pillars of West Alabama for his dedicated efforts and service to the area.

The city of Tuscaloosa and the State of Alabama was fortunate to have a great businessman and civic leader like Marlin Moore, and he will be sorely missed. I offer my deepest condolences to his wife, Laine, and their children as they celebrate his life and mourn his loss.●

MESSAGE FROM THE HOUSE

At 11:05 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to section 3(a) of the Evidence-Based Policymaking Commission Act of 2016 (Public Law 114–140), the Minority Leader appoints the following individuals on the part of the House of Representatives to the Commission on Evidence-Based Policymaking: Dr. Sherry A. Glied of New York, Dr. Hilary W. Hoynes of California, and Dr. Latanya A. Sweeney of Massachusetts.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 795. A bill to enhance whistleblower protection for contractor and grantee employees (Rept. No. 114–270).

S. 1411. A bill to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes (Rept. No. 114–271).

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 Ms. WARREN (for herself and Mr. LEE):

S. 3025. A bill to amend the Internal Revenue Code of 1986 to permit fellowship and stipend compensation to be saved in an individual retirement account; to the Committee on Finance.

By Mr. SCHUMER:

S. 3026. A bill to amend the Communications Act of 1934 to expand and clarify the prohibition on inaccurate caller identification information and to require providers of telephone service to offer technology to subscribers to reduce the incidence of unwanted telephone calls, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KING:

S. 3027. A bill to clarify the boundary of Acadia National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3028. A bill to redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 3029. A bill to extend the authorization of appropriations to the Department of Veterans Affairs for purposes of awarding grants to veterans service organizations for the transportation of highly rural veterans; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER (for himself, Mr. JOHNSON, Mr. MCCONNELL, Mr. BARRASSO, Mr. BOOZMAN, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. FLAKE, Mr. GARDNER, Mr. GRAHAM, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. LANKFORD, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PAUL, Mr. PERDUE, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TILLIS, Mr. VITTER, Mr. WICKER, and Mr. SULLIVAN):

S.J. Res. 34. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 299

At the request of Mr. FLAKE, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 299, a bill to allow travel between the United States and Cuba.

S. 609

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 609, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 857

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 857, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of an initial comprehensive care plan for Medicare beneficiaries newly diagnosed with Alzheimer's disease and related dementias, and for other purposes.

S. 859

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 859, a bill to protect the public, communities across America, and the environment by increasing the safety of crude oil transportation by railroad, and for other purposes.

S. 884

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 884, a bill to improve access to emergency medical services, and for other purposes.

S. 1049

At the request of Ms. HEITKAMP, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1049, a bill to allow the financing by United States persons of sales of agricultural commodities to Cuba.

S. 1516

At the request of Ms. COLLINS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1516, a bill to amend the Internal Revenue Code of 1986 to modify the energy credit to provide greater incentives for industrial energy efficiency.

S. 1659

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1659, a bill to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

S. 1715

At the request of Mr. HOEVEN, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1715, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 400th anniversary of the arrival of the Pilgrims.

S. 1982

At the request of Mr. CARDIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2531

At the request of Mr. KIRK, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor 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. 2569

At the request of Mr. PETERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2569, a bill to authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin, and for other purposes.

S. 2598

At the request of Ms. WARREN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2598, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 2614

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2614, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

S. 2659

At the request of Mr. BURR, the name of the Senator from Colorado (Mr. GARDNER) 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. 2682

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2682, a bill to provide territories of the United States with bankruptcy protection.

S. 2763

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2763, a bill to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis.

S. 2852

At the request of Mr. SCHATZ, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2852, a bill to expand the Government's use and administration of data to facilitate transparency, effective governance, and innovation, and for other purposes.

S. 2854

At the request of Mr. BURR, the names of the Senator from Utah (Mr. HATCH), the Senator from New Jersey (Mr. BOOKER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2854, a bill to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.

S. 2895

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2895, a bill to extend the civil statute of limitations for victims of Federal sex offenses.

S. 2912

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2912, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 2932

At the request of Mr. CASSIDY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2932, a bill to amend the Controlled Substances Act with respect to the provision of emergency medical services.

S. 2934

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2934, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 2979

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 2979, a bill to amend the Federal Election Campaign Act of 1971 to require candidates of major parties for the office of President to disclose recent tax return information.

S. 3023

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3023, a bill to provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.

S. RES. 465

At the request of Mr. HEINRICH, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 465, a resolution supporting the United States solar energy industry in its effort to bring low-cost, clean, 21st-century solar technology into homes and businesses across the United States.

AMENDMENT NO. 4068

At the request of Mr. MORAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 4068 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4080

At the request of Ms. HEITKAMP, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 4080 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4088

At the request of Mrs. BOXER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 4088 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4097

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 4097 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4098

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 4098 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4116

At the request of Mr. BOOKER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4116 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4123

At the request of Mr. CASEY, his name was added as a cosponsor of amendment No. 4123 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4136

At the request of Mr. HOEVEN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 4136 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4138

At the request of Mr. PETERS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 4138 proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4149

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of amendment No. 4149 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4155

At the request of Mr. BOOZMAN, the names of the Senator from Indiana (Mr. DONNELLY) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 4155 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4172

At the request of Mr. KIRK, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4172 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4179

At the request of Ms. CANTWELL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of amendment No. 4179 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4202

At the request of Mr. DAINES, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of amendment No. 4202 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4204

At the request of Mr. INHOFE, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Kansas (Mr. MORAN), the Senator from Massachusetts (Ms. WARREN), the Senator from Michigan (Mr. PETERS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4204 proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4215

At the request of Mr. REID, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 4215 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4217

At the request of Ms. AYOTTE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4217 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4220

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 4220 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4222

At the request of Ms. MURKOWSKI, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Alaska (Mr. SULLIVAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4222 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4223

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 4223 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4225

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 4225 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4229

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of amendment No. 4229 proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4235

At the request of Mr. HELLER, the names of the Senator from Delaware (Mr. COONS) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 4235 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4241

At the request of Mr. MARKEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 4241 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4245

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 4245 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4249

At the request of Ms. HEITKAMP, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4249 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4250

At the request of Mrs. SHAHEEN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Michigan (Mr. PETERS), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 4250 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4251

At the request of Mr. DAINES, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 4251 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4255

At the request of Mr. CASEY, his name was added as a cosponsor of amendment No. 4255 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4267

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. MORAN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Florida (Mr. RUBIO), the Senator from

Utah (Mr. LEE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. HOEVEN), the Senator from South Dakota (Mr. ROUNDS) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 4267 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4276

At the request of Mr. LEE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 4276 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4280

At the request of Mr. SCHATZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 4280 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4292

At the request of Mr. CASEY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. KAINE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4292 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BLUMENTHAL, his name was added as a cosponsor of amendment No. 4292 intended to be proposed to S. 2943, supra.

AMENDMENT NO. 4306

At the request of Mr. BARRASSO, his name was added as a cosponsor of amendment No. 4306 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4317

At the request of Ms. HIRONO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4317 proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4320

At the request of Mr. SCHATZ, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4369

At the request of Mr. DURBIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. PETERS), the Senator from Minnesota (Mr. FRANKEN), the Senator from Oregon (Mr. MERKLEY), the Senator from Florida (Mr. NELSON), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. BOOKER), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 4369 proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4401

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 4401 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4418

At the request of Mr. PERDUE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 4418 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4423

At the request of Mr. PORTMAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4423 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4426

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4426 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4433

At the request of Mr. WYDEN, the names of the Senator from Virginia (Mr. KAINE), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 4433 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4435

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 4435 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4436

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 4436 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4438

At the request of Mr. SCHATZ, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 4438 intended to be proposed to S. 2943, an original bill to authorize appropriations for fiscal year 2017 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 3028. A bill to redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, I am pleased to join with Senator MURRAY in introducing legislation to rename the Olympic Wilderness in Olympic National Park as the Daniel J. Evans Wilderness, in honor of former Washington Senator and Governor Dan Evans.

Dan Evans has had a long and distinguished career in public service. He was first elected Governor of Washington in 1964 and was reelected in 1968 and 1972. In 1983, he was appointed to fill the term of the late Senator Henry M. Jackson and served an additional term in the Senate before retiring in January, 1989. From 1993 through 2005, Senator Evans served as a member of the University of Washington Board of Regents.

During his time in the Senate, Senator Evans was a leader in the passage of two major wilderness bills in our state. He was a cosponsor of the 1984 Washington Wilderness Act, which designated more than one million acres of national forest lands in Washington as wilderness. And he was the lead sponsor of the Washington Park Wilderness Act of 1988, which designated more than 1.5 million acres of Wilderness in Olympic, Mount Rainier and North Cascade National Parks.

Thanks to Senator Evans' dedication to protecting many of our state's most spectacular wildlands, Washingtonians and all Americans are able to enjoy outdoor recreation opportunities in some of our Nation's most iconic areas, including protection of more than 876,000 acres of wilderness in Olympic National Park.

This dedication will not affect the management of either the national park or the wilderness, but it will appropriately recognize the important role of Dan Evans in securing the permanent protection of this magnificent landscape.

By Mr. ALEXANDER (for himself, Mr. JOHNSON, Mr. MCCONNELL, Mr. BARRASSO, Mr. BOOZMAN, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. FLAKE, Mr. GARDNER, Mr. GRAHAM, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. LANKFORD, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Ms. MURKOWSKI, Mr. PAUL, Mr. PERDUE, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TILLIS, Mr. VITTER, Mr. WICKER, and Mr. SULLIVAN):

S.J. Res. 34. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to defining and delimiting the exemptions for executive, administrative, professional, outside sales, and computer employees; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, I am here today to introduce a Congressional Review Act resolution of disapproval on the administration's so-called overtime rule. I am joined by Senator JOHNSON of Wisconsin on this effort and also 43 other Senators who are cosponsors.

While President Obama is running around talking about keeping college costs down, his administration has put out this so-called overtime rule that could raise tuition by hundreds of dollars for millions of American college students or cause layoffs at our colleges and universities. In Tennessee, for example, colleges report to me that they may have to raise tuition by anywhere from $200 a student to $850 a student in one case because of this rule.

The administration's new rule is a radical change to our Nation's overtime rules. What they have done is doubled the salary threshold for overtime. Here is what that means. Hourly workers are usually paid for overtime work, but salaried workers generally don't earn overtime unless they are making below a threshold set by the Labor Department, as required by the Fair Labor Standards Act. Today that threshold is $23,660. This administration is raising it all at one time to $47,476. The administration calls this the overtime rule. I think we should call this the ''time card'' rule or the ''higher tuition'' rule. This means that a midlevel manager in Knoxville or Nashville who is making $40,000 a year is going to have to go back to punching a time card.

The rule affects 4.23 million workers nationwide and nearly 100,000 in Tennessee. It is going to create huge costs for employers, including small businesses, nonprofits, such as the Boy Scouts, and colleges and universities. They have to decide whether to cut services, cut benefits, lay off or demote employees, or create more part-time jobs or do a little of all of that.

The University of Tennessee says that if they increase everyone's salaries to meet the new threshold, they will have to increase tuition by over $200 per student on average, with some seeing as much as a $456 increase.

If they put all the salaried employees back on time cards, they will face big morale issues.

Listen to this letter I received from a University of Tennessee employee:

> Currently, I am an exempt employee but I stand to fall under the non-exempt status under the new standards. While this may not seem like a major issue to many, I stand to lose a substantial amount of benefits if my status changes. The nature of my position does not ever cause me to work overtime, as I work in an office from 8:30–4:30 daily and I am salaried. If I am reclassified, it appears I will lose 96 hours of annual leave per year, as well as be subject to an almost 100 hour lower cap on accrued annual leave.

Another private college in Tennessee tells me it will cost them the equivalent of $850 a student if they don't lay off any employees.

As employers, they also face the cascade of regulations that is coming from the Labor Department.

This rule should be called the ''time card'' rule because they are going to pull millions of Americans who have climbed their way to salaried positions backwards—back to filling out a timecard and punching a clock, back to having fewer benefits, backwards in their careers, back to being left out of the room, back to being left off emails and even out of the discussion.

Want to show your stuff at work? Want to get up early, leave late, climb the ladder, earn the American dream the way that so many Americans have before you? Tough luck. Employers are going to say: Don't come early. Don't stay late. Don't take time off to go to your kids' football game. Work your 8 hours and go home. I don't have enough money to pay you overtime.

This rule says the Obama administration knows best. They know how to manage your career, your work schedule, your free time, and your income. They know better than you do.

Today, somebody who makes a salary of less than $23,660 must be paid overtime. Almost everyone agrees that threshold is low and should begin to go up. Almost everyone said to the administration: It is time to raise the number, but don't go too high, too fast or you will create all kinds of destruction.

They didn't listen, so now we are going to have these huge costs.

Let's talk about employers. Let's remember that we are talking about nonprofits like Operation Smile, which is a charity that funds cleft palate operations for children. They say this rule will mean 3,000 fewer surgeries a year. Then there is the Great Smoky Mountain Council of the Boy Scouts, my home council, which estimates $100,000 in added annual costs because during certain seasons, employees staff weekend campouts and recruitment events, which mean longer hours.

Many Americans are discouraged by this economic recovery. Millions are still waiting for the recovery. But you don't grow the economy by regulations such as this.

The National Retail Federation says the rule will ''curtail career advancement opportunities, diminish workplace flexibility, damage employee morale, and lead to a more hierarchical workplace.''

The U.S. Chamber Commerce says: ''The dramatic escalation of the salary threshold, below which employees must be paid overtime for working more than 40 hours a week, will mean millions of employees who are salaried professionals will have to be reclassified to hourly wage workers.''

There are 16 million Americans—including 320,000 Tennesseans—who are working part time while looking for full-time work or who are out of work entirely. They need a vibrant economy; they don't need Washington bureaucrats telling them how to manage their work schedule, their free time, and their income.

I know this is a good-sounding rule, but it wrestles more and more control from the hands of Americans and small business owners and puts more power in Washington agencies.

Many of these rules, like the overtime rule or the ''higher tuition'' rule or the ''time card'' rule—call it whatever you will—won't stand the test of time. They will end up in courts and they will lose, or another President will come along and fix what is broken. But in the meantime, how many millions of dollars and hours of time will be wasted as small business owners make excruciating decisions about how to implement these rules?

My hope is that the Senate will vote to give this ''time card'' ''higher tuition'' rule an early death before business owners and nonprofits and colleges and universities begin the task of implementing it by December.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise first to say thank you to the Senator from Tennessee for leading this vote of disapproval on what is really a terrible rule. It is a solution looking for a problem.

I spent 31 years running a manufacturing plant. It has been my experience that I have never had somebody in my operation ask to go from salary to hourly. I remember in 2004 when they tightened the rules and a number of people who worked for me were forced into hourly. None of them wanted to go. By the way, none of them received higher wages or a higher salary; they just lost flexibility—and that is exactly what is going to happen.

Being an accountant, I would like to kind of go through the numbers. These are the Department of Labor's own calculations. They claim there would be $1.2 billion more wages paid to workers. That is what they claim the benefit is going to be, but they also admit that there will be $678 million in compliance costs to businesses just trying to figure out the rule, trying to implement it.

What they are missing is, if wages—and I think that is a big ''if'' because I think what will end up happening is—you know, employers are competing in a global economy, and you can't just increase costs. So my guess, basically, is what is going to happen—and happened to my business in 2004—is they will just adjust. The workers won't get any more money. But let's just say $1.2 billion in wages is paid to workers. Well, that will be a cost to businesses. So as far as the overall benefit to the economy, wages might increase $1.2 billion, but business costs will increase $1.2 billion, and that nets to zero benefit to the economy. But there will still be a $678 million compliance cost to businesses, and, of course, that will be added to the already onerous regulatory burden on our economy.

There are three different studies—the Small Business Administration, the Competitive Enterprise Institute, and the National Association of Manufacturers—putting the cost of complying with Federal regulation somewhere between $1.75 trillion to over $2 trillion per year. If you take the medium estimate of that and divide it by 127 million households, that is a total cost of compliance with Federal regulations of $14,800 per year, per household. The only larger expense to a household is housing. That is the cost of complying.

Let me finish with another figure—$12,000 per year, per employee. That is the cost of just four Obama regulations to one Wisconsin paper manufacturer. I can't tell you which one because the CEO fears retaliation. Now, think of that for a minute. But just four Obama regulations are costing one paper manufacturer the equivalent of $12,000 per year, per employee.

So if you are concerned about income inequality, if you are wondering why wages have stagnated, look no further than this massive regulatory burden, and of course the overtime rule is just one of those burdens. I would just ask everybody, would you rather have that $12,000 feeding the government in compliance costs or would you rather have that $12,000 in your paycheck feeding your family?

Making a living is hard. Big Government just makes it a whole lot harder, and this overtime rule is just going to make it that much more incrementally harder.

Mr. ISAKSON. Mr. President, I rise for a few minutes to compliment Chairman ALEXANDER and Senator JOHNSON for their resolution of disapproval on the overtime rule.

When I came into the Chamber, LAMAR ALEXANDER was making his speech, followed by Senator JOHNSON. I listened closely, because I got a phone call last week from Bryant Wright, the pastor at the Johnson Ferry Baptist Church in Marietta, GA. They are one of the largest Baptist churches in my State. They provide daycare. They provide early childhood development. They provide sports activities. They provide vacation Bible school—a 24/7 program for underprivileged kids.

The unintended consequence of what I am sure is a well-intended regulation is that a 24-hour-a-day camp counselor at Johnson Ferry Baptist Church for their vacation Bible school will be paid regular pay for 8 hours and then have to be paid time and a half for the other 16 hours of the day they are with the child under the application of the rule. You are going to price the Johnson Ferry Baptist Church out of the business of providing for underprivileged children. And what is going to happen? Those people are going to come to the government for the government to provide that service.

So what this will do is take a church out of the business of helping human beings and put the government in the position of having more demand for taxpayers to fund services that would have been provided anyway.

I commend Chairman ALEXANDER. I commend Senator JOHNSON and others. I urge all my colleagues to join them in the resolution of disapproval in the overtime rule. It is wrong for America. Its consequences are unintended, but they are devastating. I urge everybody to vote in favor of it, and I appreciate Senator ALEXANDER for his leadership in introducing that joint resolution.

I yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4448. Mr. LEE (for himself, Mrs. FEINSTEIN, Mr. PAUL, Mr. UDALL, Mr. CRUZ, Ms. COLLINS, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4449. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4450. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4451. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4452. Mr. HEINRICH (for himself, Mr. HELLER, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4453. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4454. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4455. Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4456. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4457. Mr. MERKLEY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4458. Mr. ISAKSON submitted an amendment intended to be proposed by him

to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4459. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4460. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4461. Mr. MANCHIN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4462. Ms. HEITKAMP (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4463. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4464. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4465. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4466. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4467. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4468. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4469. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4470. Mr. PETERS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4471. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4472. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4473. Mr. WYDEN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4474. Mr. CASEY (for himself, Mr. INHOFE, Mr. BLUMENTHAL, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4475. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4476. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4477. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4478. Mr. HOEVEN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4479. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4480. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4481. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4482. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4483. Mr. COTTON (for himself, Mr. SASSE, Mr. RUBIO, Mr. RISCH, Mr. BURR, Mr. INHOFE, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4484. Mrs. ERNST (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4485. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4486. Mr. CRUZ (for himself, Mr. LEE, and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4487. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4488. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4489. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4490. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4491. Mr. BENNET (for himself, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4492. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4493. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4494. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4495. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4496. Mr. KAINE (for himself, Mr. FLAKE, and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4497. Mr. KAINE (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4498. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4499. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4500. Mr. JOHNSON (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4501. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4502. Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. SULLIVAN, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. BALDWIN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4503. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4504. Mr. HOEVEN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4505. Mr. DONNELLY (for himself, Mr. INHOFE, Mr. KAINE, Mr. HATCH, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4506. Ms. WARREN (for herself, Mr. WHITEHOUSE, Mr. MARKEY, Ms. BALDWIN, Mr. MURPHY, Mr. LEAHY, Mrs. MURRAY, Mr. MERKLEY, Mr. CASEY, Ms. CANTWELL, Mr. SANDERS, Ms. STABENOW, and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4507. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4508. Mr. BROWN (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4509. Mr. NELSON (for himself, Mr. GARDNER, Mr. BENNET, Mr. SHELBY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4510. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4511. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4512. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4513. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4514. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4515. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4516. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4517. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4518. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S.

2943, supra; which was ordered to lie on the table.

SA 4519. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4520. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4521. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4522. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4523. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4524. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4525. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4526. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4527. Mr. CASEY (for himself, Mr. INHOFE, Mr. BLUMENTHAL, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4528. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4529. Mrs. MURRAY (for herself and Mr. KAINE) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4530. Mrs. GILLIBRAND (for herself and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4531. Mr. BOOKER (for himself, Mr. BLUMENTHAL, Mr. NELSON, Mr. SCHUMER, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4532. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4533. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4534. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4535. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4536. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4537. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4538. Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BROWN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4539. Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BROWN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4540. Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BROWN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4541. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4542. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4543. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4544. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4545. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4546. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4547. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4548. Mr. BROWN (for himself, Mr. BLUNT, Mrs. MCCASKILL, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4549. Mr. REED (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 4229 proposed by Mr. MCCAIN to the bill S. 2943, supra.

SA 4550. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4551. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4552. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

SA 4553. Mr. LEAHY (for himself, Mr. FLAKE, Mr. CARDIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4448. Mr. LEE (for himself, Mrs. FEINSTEIN, Mr. PAUL, Mr. UDALL, Mr. CRUZ, Ms. COLLINS, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1031. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

''(3) This section shall not be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

SA 4449. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 341. AUTHORITY FOR AGREEMENTS TO REIMBURSE STATES FOR COSTS OF SUPPRESSING WILDFIRES ON STATE LANDS CAUSED BY DEPARTMENT OF DEFENSE ACTIVITIES UNDER LEASES AND OTHER GRANTS OF ACCESS TO STATE LANDS.

Section 2691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) The Secretary of Defense may, in any lease, permit, license, or other grant of access for use of lands owned by a State, agree to reimburse the State for the reasonable costs of the State in suppressing wildland fires caused by the activities of the Department of Defense under such lease, permit, license, or other grant of access.''.

SA 4450. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1241, insert the following:

SEC. 1241A. UNITED STATES POLICY WITH RESPECT TO FREEDOM OF NAVIGATION OPERATIONS IN INTERNATIONAL WATERS AND AIRSPACE.

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

(1) Since the Declaration of Independence in 1776, which was inspired in part as a response to a ''tyrant'' who ''plundered our seas, ravaged our Coasts'' and who wrote laws ''for cutting off our Trade with all parts of the world'', freedom of seas and promotion of international commerce have been core security interests of the United States.

(2) Article I, section 8 of the Constitution of the United States establishes enumerated powers for Congress which include regulating commerce with foreign nations, punishing piracies and felonies committed on the high seas and offenses against the law of nations, and providing and maintaining a Navy.

(3) For centuries, the United States has maintained a bedrock commitment to ensuring the right to freedom of navigation for all law-abiding parties in every region of the world.

(4) In support of international law, the longstanding United States commitment to freedom of navigation and ensuring the free access to sea lanes to promote global commerce remains a core security interest of the United States.

(5) This is particularly true in areas of the world that are critical transportation corridors and key routes for global commerce, such as the South China Sea and the East China Sea, through which a significant portion of global commerce transits.

(6) The consistent exercise of freedom of navigation operations and overflights by United States naval and air forces throughout the world plays a critical role in safeguarding the freedom of the seas for all lawful nations, supporting international law, and ensuring the continued safe passage and promotion of global commerce and trade.

(b) DECLARATION OF POLICY.—It is the policy of the United States to fly, sail, and operate throughout the oceans, seas, and airspace of the world wherever international law allows.

(c) IMPLEMENTATION OF POLICY.—

(1) IN GENERAL.—In furtherance of the policy set forth in subsection (b), the Secretary of Defense shall—

(A) plan and execute a robust series of routine and regular freedom of navigation operations (FONOPs) throughout the world, with a particular emphasis on critical transportation corridors and key routes for global commerce (such as the South China Sea and the East China Sea);

(B) execute, in such critical transportation corridors, routine and regular maritime freedom of navigation operations throughout the year;

(C) in addition to the operations executed pursuant to subparagraph (B), execute routine and regular maritime freedom of navigation operations throughout the year, in accordance with international law, including the use of expanded military options and maneuvers beyond innocent passage (including fire-control radars, small boat launches, and helicopter patrols);

(D) to the maximum extent practicable, execute freedom of navigation operations pursuant to this subsection with regional partner countries and allies of the United States; and

(E) when necessary, execute other routine and regular freedom of navigation operations to challenge maritime and airspace claims by other countries that are not consistent with international law.

(2) WAIVER.—The Secretary may waive a requirement in paragraph (1) to execute a freedom of navigation operation otherwise specified by that paragraph if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later then June 30 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the freedom of navigation operations executed pursuant to subsection (c) during the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall include, for the calendar year covered by such report, the following:

(A) A list of each freedom of navigation operation executed.

(B) A description of each such operation, including—

(i) the location of the operation;

(ii) the type of claim challenged by the operation;

(iii) the specific military operations conducted during the operation; and

(iv) each partner country or ally, if any, included in the operation.

SA 4451. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 216, insert the following:

SEC. 216A. HIGH ENERGY LASER SYSTEMS TEST FACILITY.

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

(1) The High Energy Laser Systems Test Facility (HELSTF) was chartered to be the primary test and evaluation facility for high energy laser systems throughout the Department of Defense and the Armed Forces, thus ensuring efficient, effective, and more affordable testing and evaluation of high energy lasers for the United States.

(2) Research, development, test, and evaluation on high energy lasers is critical to achieving the Third Offset Strategy of the Department, and workloads related to laser testing are increasing.

(3) Due to insufficient funding, the High Energy Laser Systems Test Facility is unable to accommodate the test and evaluation demanded of it by the Armed Forces.

(b) INDEPENDENT EVALUATION.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an agreement with an independent entity to conduct an evaluation and assessment of options to provide financial resources for the High Energy Laser Systems Test Facility in accordance with the recommendations in the 2009 report of the Test Resource Management Center and High Energy Laser Joint Program Office entitled ''Impact Report to Congress on High Energy Laser Systems Test Facility (HELSTF) and Plan for Test and Evaluation of High Energy Laser Systems'', and other relevant reports, including—

(A) the transfer of management of the Facility to the Joint Directed Energy Program Office (JDEPO), as redesignated by section 216(b); and

(B) modifications of funding for the Joint Directed Energy Program Office in order to provide adequate financial resources for the Facility.

(2) REPORT.—Under the agreement entered into pursuant to paragraph (1), the entity conducting the evaluation and assessment required pursuant to that paragraph shall, by not later than January 31, 2017, submit to the Secretary, and to the congressional defense committees, a report setting forth the results of the evaluation and assessment, including such recommendations for legislative and administrative action with respect to the financial resources and organization of the High Energy Laser Systems Test Facility as the entity considers appropriate.

SA 4452. Mr. HEINRICH (for himself, Mr. HELLER, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1046 and replace with the following:

SEC. 1046. INDEPENDENT STUDY ON OPERATION OF REMOTELY PILOTED AIRCRAFT BY ENLISTED AIR FORCE PERSONNEL.

(a) INDEPENDENT STUDY.—

(1) IN GENERAL.—The Secretary of the Air Force shall obtain an independent review and assessment of officer and enlisted pilots and crews in the remotely piloted aircraft (RPA) enterprise that determines the following:

(A) The appropriate future balance of officer and enlisted pilots and crews in the remotely piloted aircraft enterprise.

(B) Any potential impacts on the future structure of the Air Force of incorporating enlisted personnel into the piloting of remotely piloted aircraft.

(2) CONSIDERATIONS IN DETERMINING BALANCE.—The balance determined pursuant to the study shall be determined taking into account relevant portions of the defense strategy, critical assumptions, priorities, force-sizing constructs, and costs.

(b) REPORT.—Not later than April 14, 2017, the Secretary shall submit to the congressional defense committees a comprehensive report on the results of the study required by subsection (a), including the following:

(1) A detailed discussion of the specific assumptions, observations, conclusions, and recommendations of the study.

(2) A detailed description of the modeling and analysis techniques used for the study.

SA 4453. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 597. SPECIAL EXPERIENCE INDICATOR FOR AIR FORCE COMMUNICATIONS MAINTENANCE PERSONNEL WHO MAINTAIN REMOTELY PILOTED AIRCRAFT GROUND CONTROL STATIONS.

(a) ESTABLISHMENT REQUIRED.—Not later than February 1, 2017, the Secretary of the Air Force shall establish a Special Experience Indicator (SEI) for Air Force communications maintenance personnel who maintain remotely piloted aircraft ground control stations (GCS).

(b) ASSIGNMENT TO CURRENT PERSONNEL.—The Secretary shall complete the assignment of the Special Experience Indicator established pursuant to subsection (a) to all current personnel of the Air Force who merit the assignment of the Special Experience Indicator by not later than September 1, 2017.

SA 4454. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1123 and insert the following:

SEC. 1123. DIRECT HIRE AUTHORITY FOR SCIENTIFIC, ENGINEERING, AND OTHER POSITIONS FOR TEST AND EVALUATION FACILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) IN GENERAL.—The Secretary of Defense may, acting through the Director of Operational Test and Evaluation and the Directors of the test and evaluation facilities of the Major Range and Test Facility Base of the Department of Defense, appoint qualified candidates possessing a college degree to scientific, engineering, technical, and key support positions within the Office of the Director of Operational Test and Evaluation and the test and evaluation facilities of the Major Range and Test Facility Base without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) LIMITATION ON NUMBER.—

(1) IN GENERAL.—Authority under this section may not, in any calendar year and with respect to the Office of the Director of Operational Test and Evaluation or any test and evaluation facility, be exercised with respect to a number of candidates greater than the number equal to 5 percent of the total number of positions described in subsection (a) within the Office or such facility that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) NATURE OF APPOINTMENT.—For purposes of this subsection, any candidate appointed to a position under this section shall be treated as appointed on a full-time equivalent basis.

(c) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2021.

(d) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' means the test and evaluation facilities that are designated by the Secretary as facilities and resources comprising the Major Range and Test Facility Base of the Department.

SA 4455. Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1667. REPORT ON PERFORMANCE OF TRANSISTORS USED BY MISSILE DEFENSE AGENCY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the performance of transistors used in electronic systems on platforms and systems in radiation-hardened applications of the Agency.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an assessment of the performance of transistors described in subsection (a) in radiation-hardened applications; and

(2) an identification of emerging transistor technologies with the potential to enhance the performance of electronic systems in radiation-hardened applications.

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

SA 4456. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PROGRAM TO INCREASE EFFICIENCY IN THE RECRUITMENT AND HIRING BY THE DEPARTMENT OF VETERANS AFFAIRS OF HEALTH CARE WORKERS UNDERGOING SEPARATION FROM THE ARMED FORCES.

(a) PROGRAM.—The Secretary of Veterans Affairs shall, in coordination with the Secretary of Defense, carry out a program to recruit individuals who are undergoing separation from the Armed Forces and who served in a health care capacity while serving as a member of the Armed Forces. The program shall be known as the ''Docs-to-Doctors Program''.

(b) SHARING OF INFORMATION.—

(1) SUBMITTAL OF LIST.—For purposes of carrying out the program, not less frequently than once per year (or a shorter period that the Secretary of Veterans Affairs and the Secretary of Defense may jointly specify), the Secretary of Defense shall submit to the Secretary of Veterans Affairs a list of members of the Armed Forces, including the reserve components, who—

(A) served in a health care capacity while serving as a member of the Armed Forces;

(B) are undergoing or have undergone separation from the Armed Forces during the period covered by the list; and

(C) will be discharged from the Armed Forces under honorable conditions, as determined by the Secretary of Defense, or have been discharged from the Armed Forces under honorable conditions during the period covered by the list.

(2) USE OF OCCUPATIONAL CODES.—Each list submitted under paragraph (1) shall include members of the Armed Forces who were assigned a Military Occupational Specialty code, an Air Force Specialty Code, or a United States Navy rating indicative of service in a health care capacity.

(3) INFORMATION INCLUDED.—Each list submitted under paragraph (1) shall include the following information, to the extent such information is available to the Secretary of Defense, with respect to each member of the Armed Forces included in such list:

(A) Contact information.

(B) Rank upon separation from the Armed Forces.

(C) A description of health care experience while serving as a member of the Armed Forces and other relevant health care experience, including any relevant credential, such as a certificate, certification, or license, including the name of the institution or organization that issued the credential.

(4) CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—In submitting each list under paragraph (1), the Secretary of Defense shall consult with the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy.

(c) RESOLUTION OF BARRIERS TO EMPLOYMENT.—

(1) IN GENERAL.—In carrying out the program, the Secretary of Veterans Affairs shall, in coordination with the Secretary of Defense, work to resolve any barriers relating to credentialing or to specific hiring rules, procedures, and processes of the Department of Veterans Affairs that may delay or prevent the hiring of individuals who are undergoing separation from the Armed Forces and who served in a health care capacity while serving as a member of the Armed Forces, including by reconciling different credentialing processes and standards between the Department of Veterans Affairs and the Department of Defense.

(2) REPORT.—If the Secretary of Veterans Affairs determines that a barrier described in paragraph (1) cannot be resolved under such paragraph, the Secretary shall, not later than 90 days after the discovery of the barrier, submit to Congress a report that includes such recommendations for legislative and administrative action as the Secretary considers appropriate to resolve the barrier, including any barrier imposed by a State.

(d) TREATMENT OF APPLICATIONS FOR EMPLOYMENT.—An application for employment in the Department of Veterans Affairs in a health care capacity received by the Secretary of Veterans Affairs from a member or former member of the Armed Forces who is on a list submitted to the Secretary under subsection (b) shall not be considered an application from outside the work force of the Department for purposes of section 3330 of title 5, United States Code, and section 335.105 of title 5, Code of Federal Regulations (as in effect on the date of the enactment of this Act), if the application is received not later than one year after the separation of the member or former member from the Armed Forces.

SEC. 1097A. UNIFORM CREDENTIALING STANDARDS FOR CERTAIN HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 74 of title 38, United States Code, is amended by inserting after section 7423 the following new section:

''§ 7423A. Personnel administration: uniform credentialing process

''(a) UNIFORM PROCESS.—The Secretary shall implement a uniform credentialing process for employees of the Veterans Health Administration for each position specified in section 7421(b) of this title.

''(b) RECOGNITION THROUGHOUT ADMINISTRATION.—If an employee of the Administration in a position specified in section 7421(b) of this title is credentialed under this section for purposes of practicing in a location within the Administration, such credential shall be deemed to be sufficient for the employee to practice in any location within the Administration.

''(c) RENEWAL.—(1) Except as provided in paragraph (2), the Secretary may provide for the renewal of credentials under this section

pursuant to such regulations as the Secretary may prescribe for such purpose.

''(2) Renewal of credentials under this section may not be required solely because an employee moves from one facility of the Department to another.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7423 the following new item:

''7423A. Personnel administration: uniform credentialing process.''.

(c) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement the uniform credentialing process required under section 7423A of such title, as added by subsection (a), not later than one year after the date of the enactment of this Act.

SA 4457. Mr. MERKLEY (for himself and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1655. PLAN TO MODERNIZE THE NUCLEAR WEAPONS STOCKPILE.

Section 1043(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576), as most recently amended by section 1643 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3650), is further amended—

(1) by redesignating subparagraph (G) as subparagraph (I); and

(2) by inserting after subparagraph (F) the following new subparagraph:

''(G) A detailed description of the plan to modernize the nuclear weapons stockpile of the United States, including an estimate of the costs (including estimated cost ranges if necessary), during the 25-year period following the date of the report to implement planned programs to modernize and sustain all elements of the nuclear security enterprise, including the estimated life cycle costs of modernization programs planned and or in the planning stages as of the date of the report. Such estimates shall include the costs of research and development and production relating to nuclear weapons that are being replaced, modernized, or sustained, including with respect to—

''(i) associated delivery systems or platforms that carry nuclear weapons;

''(ii) nuclear command and control systems; and

''(iii) facilities, infrastructure, and critical skills.''.

SA 4458. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CLOSURE OF ST. MARYS AIRPORT, ST. MARYS, GEORGIA.

(a) RELEASE OF RESTRICTIONS.—Subject to subsection (b), the United States, acting through the Administrator of the Federal Aviation Administration, shall release the City of St. Marys, Georgia, from all restrictions, conditions, and limitations on the use, encumbrance, conveyance, and closure of the St. Marys Airport, to the extent such restrictions, conditions, and limitations are enforceable by the Administrator.

(b) REQUIREMENTS FOR RELEASE OF RESTRICTIONS.—The Administrator shall execute the release under subsection (a) once all of the following occurs:

(1) The Secretary of the Navy transfers to the Georgia Department of Transportation the amounts described in subsection (c) and requires as an enforceable condition on such transfer that all funds transferred shall be used only for airport development (as defined in section 47102 of title 49, United States Code) of a regional airport in Georgia, consistent with planning efforts conducted by the Administrator and the Georgia Department of Transportation.

(2) The City of St. Marys, for consideration as provided for in this section, grants to the United States, under the administrative jurisdiction of the Secretary, a restrictive use easement in the real property used for the St. Marys Airport, as determined acceptable by the Secretary, under such terms and conditions that the Secretary considers necessary to protect the interests of the United States and prohibiting the future use of such property for all aviation-related purposes and any other purposes deemed by the Secretary to be incompatible with the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia.

(3) The Secretary obtains an appraisal to determine the fair market value of the real property used for the St. Marys Airport in the manner described in subsection (c)(1).

(4) The Administrator fulfills the obligations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the release under subsection (a). In carrying out such obligations—

(A) the Administrator shall not assume or consider any potential or proposed future redevelopment of the current St. Marys airport property;

(B) any potential new regional airport in Georgia shall be deemed to be not connected with the release noted in subsection (a) nor the closure of St. Marys Airport; and

(C) any environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a potential regional airport in Georgia shall be considered through an environmental review process separate and apart from the environmental review made a condition of release by this section.

(5) The Administrator fulfills the obligations under sections 47107(h) and 46319 of title 49, United States Code.

(6) Any actions required under part 157 of title 14, Code of Federal Regulations, are carried out to the satisfaction of the Administrator.

(c) TRANSFER OF AMOUNTS DESCRIBED.—The amounts described in this subsection are the following:

(1) An amount equal to the fair market value of the real property of the St. Marys Airport, as determined by the Secretary and concurred in by the Administrator, based on an appraisal report and title documentation that—

(A) is prepared or adopted by the Secretary, and concurred in by the Administrator, not more than 180 days prior to the transfer described in subsection (b)(1); and

(B) meets all requirements of Federal law and the appraisal and documentation standards applicable to the acquisition and disposal of real property interests of the United States.

(2) An amount equal to the unamortized portion of any Federal development grants (including grants available under a State block grant program established pursuant to section 47128 of title 49, United States Code), other than used for the acquisition of land, paid to the City of St. Marys for use as the St. Marys Airport.

(3) An amount equal to the airport revenues remaining in the airport account for the St. Marys Airport as of the date of the enactment of this Act and as otherwise due to or received by the City of St. Marys after such date of enactment pursuant to sections 47107(b) and 47133 of title 49, United States Code.

(d) AUTHORIZATION FOR TRANSFER OF FUNDS.—Using funds available to the Department of the Navy for operation and maintenance, the Secretary may pay the amounts described in subsection (c) to the Georgia Department of Transportation, conditioned as described in subsection (b)(1).

(e) ADDITIONAL REQUIREMENTS.—

(1) SURVEY.—The exact acreage and legal description of St. Marys Airport shall be determined by a survey satisfactory to the Secretary and concurred in by the Administrator.

(2) PLANNING OF REGIONAL AIRPORT.—Any planning effort for the development of a regional airport in southeast Georgia shall be conducted in coordination with the Secretary, and shall ensure that any such regional airport does not interfere with the operations, functions, and missions of Naval Submarine Base, Kings Bay, Georgia. The determination of the Secretary shall be final as to whether the operations of a new regional airport in southeast Georgia would interfere with such military operations.

SA 4459. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, strike lines 1 through 16.

SA 4460. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 877. COMPTROLLER GENERAL REPORT ON SOLID ROCKET MOTOR (SRM) INDUSTRIAL BASE FOR TACTICAL MISSILES.

(a) IN GENERAL.—Not later than March 31, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report on the solid rocket motor (SRM) industrial base for tactical missiles.

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

(1) A review of all Department of Defense reports that have been published since 2009 on the United States tactical solid rocket motor (SRM) industrial base, together with the analyses underlying such reports.

(2) An examination of the factors the Department uses in awarding SRM contracts and that Department of Defense contractors use in awarding SRM subcontracts, including cost, schedule, technical qualifications, supply chain diversification, past performance, and other evaluation factors, such as meeting offset obligations under foreign military sales agreements.

(3) An assessment of the foreign-built portion of the United States SRM market and of the effectiveness of actions taken by the Department to address the declining state of the United States tactical SRM industrial base.

SA 4461. Mr. MANCHIN (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 563 and insert the following:

SEC. 563. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS OF INSTITUTIONS OF HIGHER EDUCATION PROVIDING CERTAIN ADVISING AND STUDENT SUPPORT SERVICES.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2012 the following new section:

''§ 2012a. Access to department of defense installations: institutions of higher education providing certain advising and student support services

''(a) ACCESS.—

''(1) ACCESS TO BE PERMITTED.—

''(A) IN GENERAL.—The Secretary of Defense may grant access to Department of Defense installations for the purpose of providing at the installation concerned timely face-to-face student advising and related support services to members of the armed forces and other persons who are eligible for assistance under Department of Defense educational assistance programs and authorities, in accordance with the limitations provided under paragraph (2)(B), to any institution of higher education that—

''(i) has entered into a Voluntary Education Partnership Memorandum of Understanding with the Department;

''(ii) is not in violation of the Department of Defense Voluntary Education Partnership Memorandum of Understanding that governs higher education activities on military installations and complies with the regulations related to substantial misrepresentation promulgated pursuant to section 487(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1094(c)(3)); and

''(iii) has received approval for such access by the educational service office of the installation concerned.

''(B) TRANSITION ASSISTANCE PROGRAM.—The Secretary of Defense may grant access to Department of Defense installations for the purpose of educating members of the armed forces about education and employment after military service as part of the Transition Assistance Program to any institution of higher education that meets the criteria under subparagraph (A) and has received approval for such access by the base transition office of the installation concerned.

''(2) SCOPE OF ACCESS.—

''(A) IN GENERAL.—Access may be granted under paragraph (1) in a nondiscriminatory manner to any institution covered by that paragraph regardless of the particular learning modality offered by that institution.

''(B) STUDENT ADVISING AND RELATED SUPPORT .—Access granted in accordance with paragraph (1)(A) shall be limited to face-to-face student advisement and related support services for such institution's students who are enrolled as of the date of the advisement and provision of related support services.

''(C) TRANSITION ASSISTANCE PROGRAM.—Access granted in accordance with paragraph (1)(B) shall be limited to face-to-face student advisement and related support services for students and members of the armed forces who have elected to participate in the higher education track of the Transition Assistance Program but shall not occur during the Transition Assistance Program.

''(D) PROHIBITIONS.—Any institution of higher education granted installation access under this section shall be prohibited from engaging in any recruitment, marketing, or advertising activities during such access.

''(b) REGULATIONS.—The Secretary shall prescribe in regulations the time and place of access granted pursuant to subsection (a). The regulations shall provide the following:

''(1) The opportunity for institutions of higher education to receive access at times and places that ensure opportunity for students to obtain advising and support services described in subsection (a) as best meets the needs of the military and members of the armed forces.

''(2) The opportunity for institutions of higher education to receive access at times and places that ensure opportunity for members of the armed forces transitioning to life after military service, as determined by the base transition officer concerned to best meet the needs of the military and members of the armed forces, to receive advising, student support services, and education pursuant to this section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Department of Defense educational assistance programs and authorities' has the meaning given the term 'Department of Defense educational assistance programs and authorities covered by this section' in section 2006a(c)(1) of this title.

''(2) The term 'institution of higher education' has the meaning given that term in section 2006a(c)(2) of this title.

''(3) The term 'Voluntary Education Partnership Memorandum of Understanding' has the meaning given that term in Department of Defense Instruction 1322.25, entitled 'Voluntary Education Programs', or any successor Department of Defense Instruction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2012 the following new item:

''2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services.''.

SA 4462. Ms. HEITKAMP (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. NORTHERN BORDER THREAT ANALYSIS.

(a) DEFINITIONS.—In this section:

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

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on the Judiciary of the Senate;

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

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

(F) the Committee on Appropriations of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives; and

(H) the Committee on Armed Services of the House of Representatives.

(2) NORTHERN BORDER.—The term ''Northern Border'' means the land and maritime borders between the United States and Canada.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a Northern Border threat analysis that includes—

(1) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(A) to enter the United States through the Northern Border; or

(B) to exploit border vulnerabilities on the Northern Border;

(2) improvements needed at and between ports of entry along the Northern Border—

(A) to prevent terrorists and instruments of terrorism from entering the United States; and

(B) to reduce criminal activity, as measured by the total flow of illegal goods, illicit drugs, and smuggled and trafficked persons moved in either direction across to the Northern Border;

(3) gaps in law, policy, cooperation between State, tribal, and local law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counter-terrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along the Northern Border; and

(4) whether additional U.S. Customs and Border Protection preclearance and preinspection operations at ports of entry along the Northern Border could help prevent terrorists and instruments of terror from entering the United States.

(c) ANALYSIS REQUIREMENTS.—For the threat analysis required under subsection (b), the Secretary of Homeland Security shall consider and examine—

(1) technology needs and challenges;

(2) personnel needs and challenges;

(3) the role of State, tribal, and local law enforcement in general border security activities;

(4) the need for cooperation among Federal, State, tribal, local, and Canadian law enforcement entities relating to border security;

(5) the terrain, population density, and climate along the Northern Border; and

(6) the needs and challenges of Department of Homeland Security facilities, including the physical approaches to such facilities.

(d) CLASSIFIED THREAT ANALYSIS.—To the extent possible, the Secretary of Homeland Security shall submit the threat analysis required under subsection (b) in unclassified form. The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for that portion.

SA 4463. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 128. TESTING AND INTEGRATION OF MINEHUNTING SONARS FOR LITORAL COMBAT SHIP MINE HUNTING CAPABILITIES.

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

(1) The Department of the Navy has determined that the Remote Minehunting system (RMS) has not performed satisfactorily and that the program will be restructured to accelerate a less capable variant on the RMS into the Littoral Combat Ship.

(2) On February 26, 2016, Secretary of the Navy Ray Mabus stated that new testing must be done to find a permanent solution to the mine countermeasures mission package and that the Navy wants to ''get it out there as quickly as you can and test it in a more realistic environment''.

(3) Restructuring a program the Department of the Navy has determined will be discontinued is not the best use of taxpayer dollars.

(4) There are several mature unmanned surface vehicle-towed and unmanned underwater vehicle-based synthetic aperture sonars sensors (SAS) in use by navies of allied nations.

(5) SAS sensors are currently in operation and performing well.

(6) SAS sensors provide a technology that is operational and ready to meet the Littoral Combat Ship minehunting area clearance rate sustained requirement.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than September 30, 2018, the Secretary of the Navy shall—

(A) conduct operational at-sea testing and experimentation of those currently available and deployed United States and allied conventional side-scan sonar and synthetic aperture sonar;

(B) complete an assessment of all minehunting sonar technologies that can meet the mine countermeasures mission package (MCM MP); and

(C) submit to the congressional defense committees a report that contains the findings of the at-sea testing and experimentation and market survey of all capable technologies found suitable for performing the Littoral Combat Ship minehunting mission.

(2) ELEMENTS.—The market survey and assessment required under paragraph (1) shall include—

(A) specific details regarding the capabilities of current minehunting sonar and in-production synthetic aperture sonar sensors available for integration on the Littoral Combat Ship;

(B) an assessment of the capabilities achieved by integrating synthetic aperture sonar sensors on the Littoral Combat Ship; and

(C) recommendations to enhance the minehunting capabilities of the Littoral Combat Ship minehunting mission using conventional sonar systems and synthetic aperture sonar systems.

(c) ASSESSMENT REQUIRED.—The Secretary of the Navy shall perform at-sea testing of conventional side-scan sonar systems and synthetic aperture sonar systems to determine which systems can meet the requirements of the Navy minehunting countermeasure mission package.

(d) SONAR SYSTEM DEFINED.—In this section, the term ''sonar system'' includes, at a minimum, conventional side-scan sonar technologies and synthetic aperture sonar technologies.

SA 4464. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1027 and insert the following:

SEC. 1027. UNCLASSIFIED NOTICE AND MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES AND THE FOREIGN COUNTRY OR ENTITY CONCERNED BEFORE TRANSFER OF ANY DETAINEE AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO A FOREIGN COUNTRY OR ENTITY.

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

(1) The detention facilities at United States Naval Station, Guantanamo Bay, Cuba, were established in 2002 for the purpose of detaining those who plan, authorize, commit, or aid in the planning, authorizing, or committing of acts of terrorism against the United States.

(2) The facilities have detained individuals who have killed, maimed, or otherwise harmed innocent civilians and members of the United States Armed Forces, as well as combatants who have received specialized training in the conduct and facilitation of acts of terrorism against the United States, its citizens, and its allies. This includes 9/11 mastermind Khalid Sheik Mohammed and scores of other known terrorists.

(3) The location of the detention facilities at Guantanamo Bay protects the United States, its citizens, and its allies. No prisoner has ever escaped from Guantanamo Bay.

(4) On January 22, 2009, President Barack Obama issued Executive Order 13492 ordering the closure of the detention facilities at Guantanamo Bay, consistent with the national security and foreign policy interests of the United States and the interests of justice.

(5) Executive Order 13492 directs the Department of State to participate in the review of each detainee to determine whether it is possible to transfer or release the individual consistent with the national security and foreign policy interests of the United States.

(6) The Secretary of State is ordered to expeditiously pursue and direct negotiations and diplomatic efforts with foreign governments as are necessary and appropriate to implement Executive Order 13492.

(7) Since 2009, the Department of State has played a substantial role in the review and transfer of enemy combatants from the jurisdiction of the United States to the custody or control of foreign governments through the appointment of a Special Envoy for Guantanamo Closure.

(8) President Obama has released numerous detainees from Guantanamo Bay since taking office, some of whom are known or suspected to have reengaged in terrorist activity.

(9) The transfer of individuals from Guantanamo Bay to foreign countries sharply increased from 2014 to 2016, bringing the number of detainees remaining at Guantanamo Bay to less than 100.

(10) The administration often transfers detainees to countries in close proximity to their countries of origin. In some cases, prisoners have been relocated within blocks of United States diplomatic facilities located in countries with governments that have publicly stated no intention to monitor or restrict travel of potentially dangerous former detainees or that otherwise lack the capacity to mitigate threat potential.

(11) The administration is required to notify Congress of its intent to transfer individuals detained at Guantanamo pursuant to section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) and certify that among other things, the foreign country to which the individual is proposed to be transferred has taken or agreed to take appropriate steps to substantially mitigate any risk the individual could attempt to reengage in terrorist activity or otherwise threaten the United States or its allies or interests.

(12) While not required by law, the administration has classified these notifications so that only a small number of individuals are able to know their contents.

(13) The information contained in such a notice does not warrant classification, given that third-party nations and the detainees themselves possess such information.

(14) The decision to classify the notice and certification results in a process that is not transparent, thereby preventing the American public from knowing pertinent information about the release of these individuals.

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

(1) the people of the United States deserve to know who is being released from the detention facilities at United States Naval Station, Guantanamo Bay, Cuba, their countries of origin, their destinations, and the ability of the host nation to prevent recidivism; and

(2) the people of the United States deserve transparency in the manner in which the Obama Administration complies with Executive Order 13492.

(c) NOTICE REQUIRED.—Not less than 30 days prior to the transfer of any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress an unclassified notice that includes—

(1) the name, country of origin, and country of destination of the individual;

(2) the number of individuals detained at Guantanamo previously transferred to the

country to which the individual is proposed to be transferred; and

(3) the number of such individuals who are known or suspected to have reengaged in terrorist activity after being transferred to that country.

(d) BRIEFING.—The Secretary of Defense shall brief the appropriate committees of Congress within 5 days of transmitting the notice required by subsection (c). Such briefing shall include an explanation of why the destination country was chosen for the transferee and an overview of countries being considered for future transfers.

(e) MEMORANDUM OF UNDERSTANDING.—Section 1034(b) of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 969; 10 U.S.C. 801 note) is amended—

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

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) both—

''(A) the United States Government, on the one hand, and the government of the foreign country or the recognized leadership of the foreign entity, on the other hand, have entered into a written memorandum of understanding (MOU) regarding the transfer of the individual; and

''(B) the memorandum of understanding—

''(i) has been transmitted to the appropriate committees of Congress in unclassified form (unless the Secretary determines that the memorandum of understanding must be transmitted to the appropriate committees of Congress in classified form and, upon making such determination, submits to Congress a detailed unclassified report explaining why the memorandum of understanding is being kept classified); and

''(ii) includes an assessment of the capacity, willingness, and past practices (if applicable) of the foreign country or foreign entity, as the case may be, with respect to the matters certified by the Secretary pursuant to paragraphs (2) and (3) that has been transmitted to the appropriate committee of Congress in unclassified form (unless the Secretary determines that the assessment must be transmitted to the appropriate committees of Congress in classified form and, upon making such determination, submits to Congress a detailed unclassified report explaining why the assessment is being kept classified); and''.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to be inconsistent with the requirements of section 1034 of the National Defense Authorization Act for Fiscal Year 2016.

(g) DEFINITIONS.—In this section:

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

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' has the meaning given such term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016.

SA 4465. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CRITICAL INFRASTRUCTURE PROTECTION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Critical Infrastructure Protection Act of 2016'' or the ''CIPA''.

(b) EMP AND GMD PLANNING, RESEARCH AND DEVELOPMENT, AND PROTECTION AND PREPAREDNESS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 2 (6 U.S.C. 101)—

(i) by redesignating paragraphs (9) through (18) as paragraphs (11) through (20), respectively;

(ii) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(iii) by inserting after paragraph (6) the following:

''(7) The term 'EMP' means an electromagnetic pulse caused by a nuclear device or nonnuclear device, including such a pulse caused by an act of terrorism.''; and

(iv) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'GMD' means a geomagnetic disturbance caused by a solar storm or another naturally occurring phenomenon.'';

(B) in section 201(d) (6 U.S.C. 121(d)), by adding at the end the following:

''(26)(A) To conduct an intelligence-based review and comparison of the risk and consequence of threats and hazards, including GMD and EMP, facing critical infrastructures, and prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives—

''(i) a recommended strategy to protect and prepare the critical infrastructure of the American homeland against threats of EMP and GMD, including from acts of terrorism; and

''(ii) not less frequently than every 2 years, updates of the recommended strategy.

''(B) The recommended strategy under subparagraph (A) shall—

''(i) be based on findings of the research and development conducted under section 319;

''(ii) be developed in consultation with the relevant Federal sector-specific agencies (as defined under Presidential Policy Directive–21) for critical infrastructures;

''(iii) be developed in consultation with the relevant sector coordinating councils for critical infrastructures;

''(iv) be informed, to the extent practicable, by the findings of the intelligence-based review and comparison of the risk and consequence of threats and hazards, including GMD and EMP, facing critical infrastructures conducted under subparagraph (A); and

''(v) be submitted in unclassified form, but may include a classified annex.

''(C) The Secretary may, if appropriate, incorporate the recommended strategy into a broader recommendation developed by the Department to help protect and prepare critical infrastructure from terrorism, cyber attacks, and other threats and hazards if, as incorporated, the recommended strategy complies with subparagraph (B).'';

(C) in title III (6 U.S.C. 181 et seq.), by adding at the end the following:

''SEC. 319. GMD AND EMP MITIGATION RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—In furtherance of domestic preparedness and response, the Secretary, acting through the Under Secretary for Science and Technology, and in consultation with other relevant executive agencies and relevant owners and operators of critical infrastructure, shall, to the extent practicable, conduct research and development to mitigate the consequences of threats of EMP and GMD.

''(b) SCOPE.—The scope of the research and development under subsection (a) shall include the following:

''(1) An objective scientific analysis—

''(A) evaluating the risks to critical infrastructures from a range of threats of EMP and GMD; and

''(B) which shall—

''(i) be conducted in conjunction with the Office of Intelligence and Analysis; and

''(ii) include a review and comparison of the range of threats and hazards facing critical infrastructure of the electric grid.

''(2) Determination of the critical utilities and national security assets and infrastructures that are at risk from threats of EMP and GMD.

''(3) An evaluation of emergency planning and response technologies that would address the findings and recommendations of experts, including those of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, which shall include a review of the feasibility of—

''(A) rapidly isolating 1 or more portions of the electrical grid from the main electrical grid; and

''(B) training utility and transmission operators to deactivate transmission lines within seconds of an event constituting a threat of EMP or GMD.

''(4) An analysis of technology options that are available to improve the resiliency of critical infrastructure to threats of EMP and GMD, which shall include an analysis of neutral current blocking devices that may protect high-voltage transmission lines.

''(5) The restoration and recovery capabilities of critical infrastructure under differing levels of damage and disruption from various threats of EMP and GMD, as informed by the objective scientific analysis conducted under paragraph (1).

''(6) An analysis of the feasibility of a real-time alert system to inform electric grid operators and other stakeholders within milliseconds of a high-altitude nuclear explosion.''; and

(D) in title V (6 U.S.C. 311 et seq.), by adding at the end the following:

''SEC. 527. NATIONAL PLANNING AND EDUCATION.

''(a) IN GENERAL.—The Secretary shall, to the extent practicable—

''(1) develop an incident annex or similar response and planning strategy that guides the response to a major GMD or EMP event; and

''(2) conduct outreach to educate owners and operators of critical infrastructure, emergency planners, and emergency response providers at all levels of government regarding threats of EMP and GMD.

''(b) EXISTING ANNEXES AND PLANS.—The incident annex or response and planning strategy developed under subsection (a)(1) may be incorporated into existing incident annexes or response plans.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(i) by inserting after the item relating to section 317 the following:

''Sec. 319. GMD and EMP mitigation research and development.''; and

(ii) by inserting after the item relating to section 525 the following:

''Sec. 526. Integrated Public Alert and Warning System modernization.

''Sec. 527. National planning and education.''.

(B) Section 501(13) of the Homeland Security Act of 2002 (6 U.S.C. 311(13)) is amended by striking ''section 2(11)(B)'' and inserting ''section 2(13)(B)''.

(C) Section 712(a) of title 14, United States Code, is amended by striking ''section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))'' and inserting ''section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)''.

(3) DEADLINE FOR INITIAL RECOMMENDED STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit the recommended strategy required under paragraph (26) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), as added by this section.

(4) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report describing the progress made in, and an estimated date by which the Department of Homeland Security will have completed—

(A) including threats of EMP and GMD (as those terms are defined in section 2 of the Homeland Security Act of 2002, as amended by this section) in national planning, as described in section 527 of the Homeland Security Act of 2002, as added by this section;

(B) research and development described in section 319 of the Homeland Security Act of 2002, as added by this section;

(C) development of the recommended strategy required under paragraph (26) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)), as added by this section; and

(D) beginning to conduct outreach to educate emergency planners and emergency response providers at all levels of government regarding threats of EMP and GMD events.

(c) NO REGULATORY AUTHORITY.—Nothing in this section, including the amendments made by this section, shall be construed to grant any regulatory authority.

(d) NO NEW AUTHORIZATION OF APPROPRIATIONS.—This section, including the amendments made by this section, may be carried out only by using funds appropriated under the authority of other laws.

SA 4466. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1236. ANNUALLY UPDATED ASSESSMENTS ON FUNDING OF POLITICAL PARTIES AND NONGOVERNMENTAL ORGANIZATIONS BY THE RUSSIAN FEDERATION.

Section 502 of the Intelligence Authorization Act for Fiscal Year 2016 (division M of Public Law 114–113; 29 Stat. 2924) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respsectively;

(2) in subsection (c), as redesignated by paragraph (1), by inserting ''and each update required by subsection (b)'' after ''subsection (a)''; and

(3) by inserting after subsection (a), the following:

''(b) ANNUAL UPDATE.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees an update of the assessment required by subsection (a).''.

SA 4467. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PUBLICATION OF INFORMATION ON PROVISION OF HEALTH CARE BY DEPARTMENT OF VETERANS AFFAIRS AND ABUSE OF OPIOIDS BY VETERANS.

(a) PUBLICATION OF INFORMATION.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the Secretary of Veterans Affairs shall publish on a publicly available Internet website of the Department of Veterans Affairs information on the provision of health care by the Department and the abuse of opioids by veterans.

(b) ELEMENTS.—

(1) HEALTH CARE.—

(A) IN GENERAL.—Each publication required by subsection (a) shall include, with respect to each medical facility of the Department during the 180-day period preceding such publication, the following:

(i) The average number of patients seen per month by each primary care physician.

(ii) The average length of stay for inpatient care.

(iii) A description of any hospital-acquired condition acquired by a patient.

(iv) The rate of readmission of patients within 30 days of release.

(v) The rate at which opioids are prescribed to each patient.

(vi) The average wait time for emergency room treatment.

(vii) A description of any scheduling backlog with respect to patient appointments.

(B) ADDITIONAL ELEMENTS.—The Secretary may include in each publication required by subsection (a) 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.

(C) SEARCHABILITY.—The Secretary shall ensure that information described in subparagraph (A) that is included on the Internet website required by subsection (a) is searchable by State, city, and facility.

(2) OPIOID ABUSE BY VETERANS.—Each publication required by subsection (a) shall include, for the 180-day period preceding such publication, the following information:

(A) The number of veterans prescribed opioids by health care providers of the Department.

(B) A comprehensive list of all facilities of the Department offering an opioid treatment program, including details on the types of services available at each facility.

(C) The number of veterans treated by a health care provider of the Department for opioid abuse.

(D) Of the veterans described in subparagraph (C), the number treated for opioid abuse in conjunction with posttraumic stress disorder, depression, or anxiety.

(E) With respect to veterans receiving treatment for opioid abuse—

(i) the average number of times veterans reported abusing opioids before beginning such treatment; and

(ii) 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.

(c) PERSONAL INFORMATION.—The Secretary shall ensure that personal information connected to information published under subsection (a) is protected from disclosure as required by applicable law.

(d) 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 4468. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—WHISTLEBLOWER PROTECTIONS

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Dr. Chris Kirkpatrick Whistleblower Protection Act of 2016''.

TITLE LXI—EMPLOYEES GENERALLY

SEC. 6101. DEFINITIONS.

In this title—

(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. 6102. 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. 6103. 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. 6104. 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. 6105. 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' means an entity that is an agency, as defined under section 2302, without regard to whether any other provision of this chapter is applicable to the entity;

''(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 an employee of an agency who would be a supervisor, as defined under section 7103(a), if this chapter applied to the agency employing the employee.

''(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. 6106. 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. 6107. 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 title) 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. 6108. 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.''.

TITLE LXII—DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

SEC. 6201. 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. 6202. 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. 6203. 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. 6204. 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 4469. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1236. SENSE OF THE SENATE REGARDING THE EUROPEAN UNION RENEWING ECONOMIC SANCTIONS ON RUSSIA AS A RESULT OF RUSSIA'S ANNEXATION OF CRIMEA AND ACTIONS DESTABILIZING EASTERN UKRAINE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In July 2014, the European Union imposed economic sanctions against Russia for its annexation of Crimea and destabilizing machinations in the Donbass and Luhansk regions in eastern Ukraine.

(2) In September 2014, the European Union renewed its sanctions against Russia.

(3) In March 2015, the European Council linked the continuation of economic restrictions against Russia to the complete implementation of the Minsk agreements.

(4) The Minsk-2 agreement signed in February 2015 by Russia, Ukraine, France, and Germany has not been implemented.

(b) SENSE OF THE SENATE.—The Senate calls upon the European Union to renew sanctions imposed on Russia as a result of its destabilizing actions in Ukraine if Russia has still not abided by its commitments under the Minsk-2 agreement by the time the European Union conducts its review of its economic sanctions on Russia.

SA 4470. Mr. PETERS (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. AUTHORITY TO PROVIDE ASSISTANCE AND TRAINING TO INCREASE MARITIME SECURITY AND DOMAIN AWARENESS OF FOREIGN COUNTRIES BORDERING THE PERSIAN GULF, ARABIAN SEA, OR MEDITERRANEAN SEA.

(a) PURPOSE.—The purpose of this section is to authorize assistance and training to increase maritime security and domain awareness of foreign countries bordering the Persian Gulf, the Arabian Sea, or the Mediterranean Sea in order to deter and counter illicit smuggling and related maritime activity by Iran, including illicit Iranian weapons shipments.

(b) AUTHORITY.—

(1) IN GENERAL.—To carry out the purpose of this section as described in subsection (a), the Secretary of Defense, with the concurrence of the Secretary of State, is authorized—

(A) to provide training to the national military or other security forces of Israel, Bahrain, Saudi Arabia, the United Arab Emirates, Oman, Kuwait, and Qatar that have among their functional responsibilities maritime security missions; and

(B) to provide training to ministry, agency, and headquarters level organizations for such forces.

(2) DESIGNATION.—The provision of assistance and training under this section may be referred to as the ''Counter Iran Maritime Initiative''.

(c) TYPES OF TRAINING.—

(1) AUTHORIZED ELEMENTS OF TRAINING.—Training provided under subsection (b)(1)(A) may include the provision of de minimis equipment, supplies, and small-scale military construction.

(2) REQUIRED ELEMENTS OF TRAINING.—Training provided under subsection (b) shall include elements that promote the following:

(A) Observance of and respect for human rights and fundamental freedoms.

(B) Respect for legitimate civilian authority within the country to which the assistance is provided.

(d) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $50,000,000 shall be available only for the provision of assistance and training under subsection (b).

(e) COST SHARING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, given income parity among recipient countries, the Secretary of Defense, with the concurrence of the Secretary of State, should seek, through appropriate bilateral and multilateral arrangements, payments sufficient in amount to offset any training costs associated with implementation of subsection (b).

(2) COST-SHARING AGREEMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall negotiate a cost-sharing agreement with a recipient country regarding the cost of any training provided pursuant to section (b). The agreement shall set forth the terms of cost sharing that the Secretary of Defense determines are necessary and appropriate, but such terms shall not be less than 50 percent of the overall cost of the training.

(3) CREDIT TO APPROPRIATIONS.—The portion of such cost-sharing received by the Secretary of Defense pursuant to this subsection may be credited towards appropriations available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301.

(f) NOTICE TO CONGRESS ON TRAINING.—Not later than 15 days before exercising the authority under subsection (b) with respect to a recipient country, the Secretary of Defense shall submit to the appropriate congressional committees a notification containing the following:

(1) An identification of the recipient country.

(2) A detailed justification of the program for the provision of the training concerned, and its relationship to United States security interests.

(3) The budget for the program, including a timetable of planned expenditures of funds

to implement the program, an implementation time-line for the program with milestones (including anticipated delivery schedules for any assistance and training under the program), the military department or component responsible for management of the program, and the anticipated completion date for the program.

(4) A description of the arrangements, if any, to support recipient country sustainment of any capability developed pursuant to the program, and the source of funds to support sustainment efforts and performance outcomes to be achieved under the program beyond its completion date, if applicable.

(5) A description of the program objectives and an assessment framework to be used to develop capability and performance metrics associated with operational outcomes for the recipient force.

(6) Such other matters as the Secretary considers appropriate.

(g) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) TERMINATION.—Assistance and training may not be provided under this section after September 30, 2020.

SA 4471. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. REPORT ON MILITARY TRAINING FOR OPERATIONS IN DENSELY POPULATED URBAN TERRAIN.

(a) IN GENERAL.—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on plans and initiatives to enhance existing urban training concepts, capabilities, and facilities that could provide for new training opportunities that would more closely resemble large, dense, heavily populated urban environments. The report shall include specific plans and efforts to provide for a realistic environment for the training of large units with joint assets and recently fielded technologies to exercise new tactics, techniques, and procedures, including consideration of anticipated urban military operations in or near the littoral environment and maritime domain as well as the cyber domain.

(b) FORM.—The report required under subsection (a) may be submitted in classified or unclassified form.

SA 4472. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. SENSE OF CONGRESS REGARDING REIMBURSEMENT OF LOCAL LAW ENFORCEMENT AGENCIES.

It is the sense of Congress that—

(1) the Federal Government often requests emergency assistance from law enforcement agencies of local governments;

(2) in responding to a request for emergency assistance from the Federal Government, law enforcement agencies of local governments often expend considerable resources;

(3) when the Federal Government requests emergency assistance from law enforcement agencies of local governments, the local governments should be reimbursed for the costs incurred in a timely manner;

(4) the intent of Congress in establishing the Emergency Federal Law Enforcement Assistance Program under subtitle B of the Justice Assistance Act of 1984 (42 U.S.C. 10501 et seq.) was to address law enforcement emergencies that require joint action by Federal and local law enforcement agencies;

(5) this intent is demonstrated by the fact that, under the Emergency Federal Law Enforcement Assistance Program in fiscal year 2013, the Federal Government provided—

(A) $1,918,864 to the State of Massachusetts to assist with law enforcement costs related to the Boston Marathon bombing, which was used to pay overtime costs for law enforcement agencies in the State of Massachusetts that responded to the event; and

(B) $1,011,443 to the State of Missouri to assist with law enforcement costs related to the civil unrest surrounding the death of Michael Brown, which was used to pay overtime costs for law enforcement agencies in the State of Missouri that responded to those events; and

(6) amounts should continue to be made available to fund the Emergency Federal Law Enforcement Assistance Program in order to reimburse local governments and encourage cooperation with the Federal Government.

SA 4473. Mr. WYDEN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1004. IMPROVEMENT OF ABILITY OF THE DEPARTMENT OF DEFENSE TO OBTAIN AND MAINTAIN CLEAN AUDIT OPINIONS.

(a) FINANCIAL AUDIT FUND.—The Secretary of Defense shall establish a fund to be known as the ''Financial Audit Fund'' (in this section referred to as the ''Fund'') for the purpose of developing systems, processes, and a well-qualified workforce that will assist the organizations, components, and elements of the Department of Defense in maintaining unmodified audit opinions.

(b) ELEMENTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (d).

(3) Any other amounts authorized for transfer or deposit into the Fund by law.

(c) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for the following:

(A) Program and activities for the development of systems, processes, and a workforce described in subsection (a) as approved by the Secretary.

(B) Other missions and activities of the Department, as identified by the Secretary, if the Secretary determines that the use of amounts in the Fund for the programs and activities described in subparagraph (A) will not improve efforts to maintain unmodified audit options for organizations, components, and elements of the Department

(2) TRANSFERS FROM FUND.—Amounts in the Fund may be transferred to any other account of the Department in order to fund programs, activities, and missions described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as amounts in such account, except that amounts so transferred shall remain available until expended. The authority to transfer amounts under this paragraph is in addition to any other authority of the Secretary to transfer amounts by law.

(3) LIMITATION.—Amounts in the Fund may be transferred under this subsection only to organizations components, and elements of the Department that have previously obtained unmodified audit opinions for use by such organizations components, and elements for purposes specified in paragraph (1).

(d) TRANSFERS TO FUND IN CONNECTION WITH ORGANIZATIONS NOT HAVING ACHIEVED QUALIFIED AUDIT OPINIONS.—

(1) REDUCTION IN AMOUNT AVAILABLE.—Subject to paragraph (2), if during any fiscal year after fiscal year 2019 the Secretary determines that an organization, component, or element of the Department has not achieved a qualified opinion of its statement of budgetary resources for the calender year ending during such fiscal year—

(A) the amount available to such organization, component, or element for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such organization, component, or element for the fiscal year; minus

(ii) the lesser of—

(I) an amount equal to 0.5 percent of the amount described in clause (i); or

(II) $100,000,000; and

(B) the Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unavailable to organizations, components, and elements of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an organization, component, or element of the Department under paragraph (1) for a fiscal year shall not apply to amounts, if any, available to such organization, component, or element for the fiscal year for military personnel.

SA 4474. Mr. CASEY (for himself, Mr. INHOFE, Mr. BLUMENTHAL, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

On page 1180, strike lines 1 through 5 and insert the following:

(1) in paragraph (1)—

(A) by striking ''fiscal year 2016'' and inserting ''fiscal years 2016 and 2017''; and

(B) by striking ''the Government of Pakistan'' and all that follows and inserting ''any country that the Secretary of Defense, with the concurrence of the Secretary of State, has identified as critical for countering the movement of precursor materials for improvised explosive devices into Syria, Iraq, or Afghanistan.'';

(2) in paragraph (2), by striking ''the Government of Pakistan'' and inserting ''a country'';

(3) in paragraph (3), striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) listing each country identified pursuant to paragraph (1);

''(B) specifying any funds transferred to another department or agency of the United States Government pursuant to paragraph (2);

''(C) detailing the amount of funds to be used with respect to each country identified pursuant to paragraph (1) and the training, equipment, supplies, and services to be provided to such country using funds specified pursuant to subparagraph (B);

''(D) evaluating the effectiveness of efforts by each country identified pursuant to paragraph (1) to counter the movement of precursor materials for improvised explosive devices; and

''(E) setting forth the overall plan to increase the counter-improvised explosive device capability of each country identified pursuant to paragraph (1).''; and

(4) in paragraph (4), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(c) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue and should increase interagency efforts to disrupt the flow of improvised explosive devices (IED), precursor chemicals, and components into conflict areas such as Syria, Iraq, and Afghanistan;

(2) the Department of Defense has made sizeable investments to attack the network, defeat the device, and facilitate protection of United States forces for many years and throughout the relevant theaters of operation; and

(3) it is essential that the continuing efforts of the United States to counter improvised explosive devices leverage all instruments of national power, including engagement and investment from diplomatic, economic, and law enforcement departments and agencies.

SA 4475. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. COMPLIANCE ENFORCEMENT REGARDING RUSSIAN VIOLATIONS OF THE OPEN SKIES TREATY.

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

(1) According to the President's letter of submittal for the Open Skies Treaty provided to Congress by the Secretary of State on August 12, 1992, it is the purpose of the Open Skies Treaty to promote openness and transparency of military forces and activities and to enhance mutual understanding and confidence by giving States Party a direct role in gathering information about military forces and activities of concern to them.

(2) According to the Department of State's 2016 Compliance Report, the Russian Federation ''continues not to meet its obligations [under the Open Skies Treaty] to allow effective observation of its entire territory, raising serious compliance concerns''.

(3) According to the 2016 Compliance Report, Russian conduct giving rise to compliance concerns has continued since the Open Skies Treaty entered into force in 2002 and worsened in 2010, 2014, and 2015.

(4) According to the 2016 Compliance Report, ongoing efforts by the United States and other States Party to the Open Skies Treaty to address these concerns through dialogue with the Russian Federation ''have not resolved any of the compliance concerns''.

(5) The Russian Federation has engaged in other activities in coordination with, but outside the scope of, the Open Skies Treaty overflights, which are a cause of concern and should be addressed.

(6) It is a generally accepted principle of customary international law that in the event of a material breach of a multilateral treaty by one of its parties, a party specially affected by that breach may invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting state.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States that—

(1) restrictions upon the ability of Open Skies Treaty aircraft to overfly all portions of the territory of a State Party impede openness and transparency of military forces and activities and undermine mutual understanding and confidence, especially when coupled with an ongoing refusal to address compliance concerns raised by other States Party subject to such restrictions;

(2) it is essential to the accomplishment of the object and purpose of the Open Skies Treaty that Open Skies Treaty aircraft be able to overfly all portions of the territory of a State Party in a timely and reciprocal manner;

(3) restrictions upon the ability of Open Skies Treaty aircraft to overfly all portions of the territory of the Russian Federation constitute a material breach of the Open Skies Treaty;

(4) in light of the Russian Federation's material breach of the Open Skies Treaty, the United States is legally entitled to suspend the operation of the Open Skies Treaty in whole or in part for so long as the Russian Federation continues to be in material breach of the Open Skies Treaty;

(5) for so long as the Russian Federation remains in noncompliance with the Open Skies Treaty, the United States should—

(A) suspend certification or operation of new sensors for Russian overflights of the United States pursuant to the Open Skies Treaty;

(B) place restrictions upon Russian overflights of the United States in response to Russian restrictions placed upon United States overflights of the Russian Federation; and

(C) use appropriate additional measures to encourage the Russian Federation's return to compliance with the Open Skies Treaty; and

(6) during a period of Open Skies Treaty suspension or curtailment, the Director of National Intelligence, in coordination with the Secretary of State and the Secretary of Defense, shall coordinate with parties to Open Skies Treaty that are not the Russian Federation and Belarus, and fulfill imagery requirements of those parties in a manner relative to that provided by Open Skies Treaty collection.

(c) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter together with the Annual Arms Control and Verification Compliance Report defined in subsection (e), the Secretary of State, with the concurrence of the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees a report that contains the following elements:

(1) A description of all outstanding concerns regarding compliance by the Russian Federation with its obligations under the Open Skies Treaty.

(2) A description of all consistency, counterintelligence, and other intelligence related issues that have arisen over the previous year, including Russian Federation sensor or equipment anomalies, intelligence actives carried out in coordination with Open Skies Treaty overflights, and other intelligence concerns as determined by the Director of National Intelligence.

(3) A description of all compliance dialogue, diplomatic engagement, or other interactions between the United States and the Russian Federation with regard to concerns about actual or potential Russian noncompliance with the Open Skies Treaty, as well as any such dialogue, engagement, or interactions between other Open Skies Treaty parties and the Russian Federation with regard to concerns about Russian actual or potential Russian noncompliance.

(4) A United States strategy for bringing the Russian Federation into full compliance with its obligations under the Open Skies Treaty, including—

(A) an assessment of the tools available to the United States for purposes of enforcing compliance with the Open Skies Treaty, including—

(i) bilateral or multilateral compliance dialogue;

(ii) the imposition of restrictions upon Russian overflights pursuant to the Open Skies Treaty, either by the United States or other States Party; and

(iii) the use of pressures or points of political, economic, or military leverage separate from the Open Skies Treaty.

(B) a description of how United States compliance dialogue with the Russian Federation about the Open Skies Treaty incorporates and integrates the tools described in subparagraph (A); and

(C) an assessment of whether the Russian Federation is expected to return to full compliance with the Open Skies Treaty, and if so, when and under what conditions this is most likely to occur.

(5) An assessment of the benefits the Russian Federation receives from the conduct of Open Skies Treaty overflights over European countries and the United States, including—

(A) The value of such information collection relative to other sources of information available to the Russian Federation; and

(B) A description of the types of United States and European targets over which Russian overflights pursuant to the Open Skies Treaty have flown, how this target set has evolved over the course of the Russian Federation's Open Skies overflights, and how this target set relates to current Russian military doctrine and planning.

(6) An assessment of the intelligence value of Open Skies information to States Party to the Open Skies Treaty, other than the

United States or the Russian Federation, relative to other sources of information available to such States Party, including commercially-available satellite imagery.

(7) The impact of Russian noncompliance with the Open Skies Treaty and other international agreements or commitments relating to arms control, international security, or crisis prevention or stability, including the INF Treaty, the Incidents at Sea Agreement, and the Budapest Memorandum, the Biological Weapons Convention, and the CFE Treaty, upon defense and security planning in and among States Party to the Open Skies Treaty, including members of the North Atlantic Treaty Organization.

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

(e) DEFINITIONS.—In this section:

(1) ANNUAL ARMS CONTROL AND VERIFICATION COMPLIANCE REPORT.—The term ''Annual Arms Control and Verification Compliance Report'' means the annual Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments report required under section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a).

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

(A) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) BIOLOGICAL WEAPONS CONVENTION.—The term ''Biological Weapons Convention'' means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on Their Destruction, done at London, Moscow, and Washington April 10, 1972, and entered into force March 26, 1975.

(4) BUDAPEST MEMORANDUM.—The term ''Budapest Memorandum'' means the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Budapest December 5, 1994.

(5) CFE TREATY.—The term ''CFE Treaty'' means the Treaty on Conventional Armed Forces in Europe done at Vienna November 19, 1990, and entered into force November 9, 1992.

(6) 2016 COMPLIANCE REPORT.—The term ''2016 Compliance Report'' means the Report on Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments published by the United States Department of State on April 11, 2016.

(7) INCIDENTS AT SEA AGREEMENT.—The term ''Incidents at Sea Agreement'' means the Agreement Between the Government of The United States and the Government of The Union of Soviet Socialist Republics on the Prevention of Incidents On and Over the High Seas, done at Moscow on May 25, 1972, and entered into force on May 25, 1972.

(8) INF TREATY.—The term ''INF Treaty'' means the Intermediate-Range Nuclear Forces Treaty, done at Washington December 8, 1987, and entered into force June 1, 1988.

(9) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SA 4476. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1085. REPORT ON LACK OF PROCESS BY WHICH MEMBERS OF THE ARMED FORCES MAY CARRY APPROPRIATE FIREARMS ON MILITARY INSTALLATIONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) describes in detail why the Department of Defense did not meet the December 31, 2015, deadline specified in section 526 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 813; 10 U.S.C. 2672 note) for establishing and implementing a process by which members of the Armed Forces may carry appropriate firearms on military installations; and

(2) sets forth the anticipated date for implementation of that process.

SA 4477. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 40, strike line 15 and all that follows through ''(d)'' on page 42, line 3, and insert ''(c)''.

SA 4478. Mr. HOEVEN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 815, between lines 3 and 4, insert the following:

(3) The use of contract services, if necessary, to ensure that enlisted personnel of the Air National Guard and the Air Force Reserve are trained at a rate commensurate with regular enlisted personnel of the Air Force in achieving the transition required by subsection (a) by the date specified in that subsection.

SA 4479. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. AUTHORIZATION FOR USE OF POST-9/11 EDUCATIONAL ASSISTANCE TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.

Paragraph (4) of section 3680A(a) of title 38, United States Code, is amended to read as follows:

''(4) any independent study program except an accredited independent study program (including open circuit television) leading—

''(A) to a standard college degree;

''(B) to a certificate that reflects educational attainment offered by an institution of higher learning; or

''(C) to a certificate that reflects completion of a course of study offered by an educational institution that is not an institution of higher learning, such as an area career and technical education school providing education at the postsecondary level.''.

SA 4480. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MODIFICATION OF EXCEPTION TO PROHIBITION ON FINANCING OF SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES BY EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 2(b)(6)(I)(i)(I) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(I)(i)(I)) is amended to read as follows:

''(I)(aa) the Bank determines that—

''(AA) the defense articles or services are nonlethal; and

''(BB) the end use of the defense articles or services includes civilian purposes; or

''(bb) the President determines that the transaction is in the national security interest of the United States; and''.

SA 4481. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MODIFICATION OF EXCEPTION TO PROHIBITION ON FINANCING OF SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES BY EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 2(b)(6)(I)(i)(I) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(I)(i)(I)) is amended to read as follows:

''(I)(aa) the Bank determines that the end use of the defense articles or services includes civilian purposes; or

''(bb) the President determines that the transaction is in the national security interest of the United States; and''.

SA 4482. Mr. NELSON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXV add the following:

SEC. _____. APPLICATION OF LAW.

Section 4301 of title 46, United States Code, is amended by adding at the end the following:

''(d) For purposes of any Federal law, except the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), any vessel, including a foreign vessel, being repaired or dismantled is deemed to be a recreational vessel, as defined under section 2101(25) of this title, during such repair or dismantling, if that vessel—

''(1) shares elements of design and construction of traditional recreational vessels; and

''(2) when operating is not normally engaged in a military, commercial, or traditionally commercial undertaking.''.

SA 4483. Mr. COTTON (for himself, Mr. SASSE, Mr. RUBIO, Mr. RISCH, Mr. BURR, Mr. INHOFE, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1236. LIMITATION ON CERTIFICATION OR APPROVAL OF NEW SENSORS FOR USE BY THE RUSSIAN FEDERATION ON OBSERVATION FLIGHTS UNDER THE OPEN SKIES TREATY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED STATE PARTY.—The term ''covered state party'' means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(3) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) OBSERVATION AIRCRAFT, OBSERVATION FLIGHT, AND SENSOR.—The terms ''observation aircraft'', ''observation flight'', and ''sensor'' have the meanings given such terms in Article II of the Open Skies Treaty.

(5) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act may be obligated or expended to aid, support, permit, or facilitate the certification or approval of any new sensor, including to carry out an initial or exhibition observation flight of an observation aircraft, for use by the Russian Federation on observation flights under the Open Skies Treaty unless the President, in consultation with the Secretary of State, the Secretary of Defense, Secretary of Homeland Security, and the Director of National Intelligence, submits to the appropriate committees of Congress the certification described in subsection (c)(1).

(c) CERTIFICATION.—

(1) IN GENERAL.—The certification described in this subsection is a certification for a new sensor referred to in subsection (b) that—

(A) the capabilities of the new sensor do not exceed the capabilities imposed by the Open Skies Treaty, and safeguards are in place to prevent the new sensor, or any information obtained therefrom, from being used in any way not permitted by the Open Skies Treaty;

(B) the Secretary of Defense, the commanders of relevant combatant commands, the directors of relevant elements of the intelligence community, and the Federal Bureau of Investigation have in place mitigation measures with respect to collection against high-value United States assets and critical infrastructure by the new sensor;

(C) each covered state party has been notified and briefed on concerns of the intelligence community regarding upgraded sensors used under the Open Skies Treaty, Russian Federation warfighting doctrine, and intelligence collection in support thereof; and

(D) the Russian Federation is in compliance with all of its obligations under the Open Skies treaty, including the obligation to permit properly-notified covered state party observation flights over all of Moscow, Chechnya, Abkhazia, South Ossetia, and Kaliningrad.

(2) SPECIFIC SENSOR APPROVAL.—The certification described in paragraph (1) shall be required for each sensor and platform for which the Russian Federation has requested approval under to the Open Skies Treaty.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The President may waive the requirements of subparagraph (D) of subsection (c)(1) if, not later than 30 days prior to certifying or approving a new sensor for use by the Russian Federation on observation flights under the Open Skies Treaty, the President submits a certification to the appropriate committees of Congress that the certification or approval of the new sensor is in the national security interest of the United States that includes the following:

(A) A written explanation of the reasons it is in the national security interest of the United States to certify or approve the sensor.

(B) The date that the President expects the Russian Federation to come into full compliance with all of its Open Skies Treaty obligations, including the overflight obligations described in subparagraph (D) of subsection (c)(1).

(C) A detailed description of efforts made by the United States Government to bring the Russian Federation into full compliance with the Open Skies Treaty.

(2) FORM.—Each certification submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 4484. Mrs. ERNST (for herself and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. BIODEFENSE STRATEGY.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 527. NATIONAL BIODEFENSE STRATEGY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'biodefense' means any involvement in mitigating the risks of major biological incidents and public health emergencies to the United States, including with respect to—

''(A) threat awareness;

''(B) prevention and protection;

''(C) surveillance and detection;

''(D) response and recovery; and

''(E) attribution of an intentional biological incident;

''(2) the term 'Council' means the Biodefense Coordination Council established under subsection (b);

''(3) the term 'Federal biodefense enterprise' means the programs, projects, activities, and resources across the Federal Government that are involved in biodefense; and

''(4) the term 'Strategy' means the National Biodefense Strategy required to be established under subsection (b)(5).

''(b) BIODEFENSE COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—The President shall establish a Biodefense Coordination Council, which shall be comprised of, at a minimum—

''(A) the Secretary of Health and Human Services;

''(B) the Secretary of Agriculture;

''(C) the Secretary of Defense;

''(D) the Secretary;

''(E) the Secretary of State;

''(F) the Director of National Intelligence; and

''(G) the Administrator of the Environmental Protection Agency.

''(2) DUTIES.—The Council shall—

''(A) provide the expertise necessary to develop the Strategy; and

''(B) in coordination with the Office of Management and Budget, review, prioritize, and align necessary biodefense activities and spending across the Federal Government, in a manner consistent with the Strategy.

''(3) ROTATING CHAIR.—During the 4-year period beginning on the date on which the Council is established, and each 4-year period thereafter, each of the 4 Secretaries described in subparagraphs (A) through (D) of paragraph (1) shall serve as the chairperson for the Council for 1 year. The first chairperson of the Council shall be the Secretary of Health and Human Services.

''(4) PRESIDENT'S ANNUAL BUDGET.—The recommendations of the Council shall inform the budget submitted by the President under section 1105 of title 31, United States Code, with respect to biodefense activities.

''(5) STRATEGY.—The President shall develop a National Biodefense Strategy to direct and align the inter-governmental and multi-disciplinary efforts of the Federal Government towards an effective and continuously improving biodefense enterprise, including threat awareness, prevention and protection, surveillance and detection, and

response and recovery to major biological incidents.

''(c) COORDINATION.—

''(1) COUNCIL.—In developing the Strategy, the President shall utilize the Council.

''(2) OTHER AGENCIES.—In developing the Strategy, the President may utilize—

''(A) the Secretary of Commerce;

''(B) the Attorney General; and

''(C) any other Federal department, agency, or interagency body the President determines appropriate, including the Public Health Emergency Medical Countermeasures Enterprise.

''(3) OTHER ENTITIES.—The President may receive input on elements of the Strategy from private sector biodefense entities and State, local, tribal, and territorial governments.

''(4) ACADEMIC INSTITUTIONS.—The President may receive input on elements of the Strategy from academic institutions.

''(d) COORDINATION WITH EXISTING STRATEGIES.—The Strategy shall serve as a comprehensive guide for United States biodefense that directs and harmonizes all other strategies or plans established or maintained by a Federal department or agency with respect to biodefense.

''(e) CONTENTS.—

''(1) REQUIREMENTS.—The Strategy shall include, at a minimum—

''(A) a comprehensive description of the entities and positions of leadership with responsibility, authority, and accountability for implementing, overseeing, and coordinating Federal biodefense activities described in subsection (b)(5), including a description of how such entities coordinate on each aspect of biodefense;

''(B) 5-year goals, priorities, and metrics to improve and strengthen the ability of the Federal Government to prevent, detect, respond to, and recover from a major biological incident;

''(C) short- and long-term research and development projects or initiatives planned to improve biodefense capability; and

''(D) recommendations for legislative action needed to expedite progression toward the goals identified in the Strategy.

''(2) CONSIDERATIONS.—In developing the Strategy, the President may consider—

''(A) the trade-offs made between differing goals and requirements, due to constraints in expected assets and resources over the time period of such goals and requirements; and

''(B) any other analysis the President determines appropriate.

''(3) ANALYSIS.—The Strategy shall include an appendix, which shall contain—

''(A) a review of current and previous collaborative efforts between the Armed Forces and the civilian sector of the Federal Government on biodefense activities and coordination;

''(B) a detailed analysis of the—

''(i) relevant recommendations issued by external biodefense review panels or commissions, and the extent to which the recommendations have been considered and implemented by Federal departments and agencies;

''(ii) lessons learned from the response of the Federal Government to public health emergencies occurring within the 5 years preceding the submission of the strategy;

''(iii) risks associated with major biological incidents;

''(iv) resources and capabilities needed to address identified risks; and

''(v) resource and capability gaps in the Federal biodefense enterprise, including gaps in—

''(I) each category of biodefense activity described in subsection (a)(1);

''(II) identification and research of emerging biological threats;

''(III) programs, projects, and activities in effect before the date of enactment of this section;

''(IV) strategies and implementation plans related to biodefense activities in effect before the date of enactment of this section;

''(V) the ability to reallocate Federal resources to address risks posed by emerging biological threats; and

''(VI) meeting the needs of vulnerable populations during the response to and recovery from a public health emergency; and

''(C) prioritization and allocation of investment across the Federal biodefense enterprise.

''(f) DEADLINE.—Not later than 24 months after the date of enactment of this section and in accordance with subsection (k), the President shall submit the Strategy to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''(g) STATUS UPDATES.—Not later than 180 days after the date of enactment of this section, and every 180 days thereafter until the date on which the Strategy is submitted to the congressional committees described in subsection (f), the President shall submit to such congressional committees an update on the status of the Strategy.

''(h) REQUIREMENT.—In accordance with subsection (k), the Strategy shall be made available on a public Internet website.

''(i) FIVE-YEAR UPDATE.—Beginning 5 years after the date on which the Strategy is submitted to the congressional committees described in subsection (f), and not less frequently than every 5 years thereafter, the President shall update the Strategy.

''(j) ANNUAL BIODEFENSE EXPENDITURES REPORT.—

''(1) IN GENERAL.—Not later than 30 days after the date on which the President submits a budget to Congress under section 1105 of title 31, United States Code, the President shall submit to the appropriate congressional committees a report detailing the total amount of expenditures on biodefense activities by all Federal departments and agencies and how the expenditures relate to the goals and priorities required under subsection (e)(1)(B).

''(2) REQUIREMENT.—The first report submitted under paragraph (1) shall provide historical context by detailing the total amount of expenditures on biodefense for the 3 preceding fiscal years, in addition to the fiscal year requirements for the fiscal year covered by the report.

''(k) CLASSIFIED ANNEX.—To the fullest extent possible, any reports required to be made publicly available under this section shall be unclassified, but may include classified annexes that shall be submitted concurrently to the congressional homeland security committees.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 526 the following:

''Sec. 527. National Biodefense Strategy.''.

SA 4485. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MEAT OPTIONS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that, on a daily basis, members of the Armed Forces at Department of Defense dining facilities are provided with meat options that meet or exceed the nutritional standards established in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be obligated or expended to establish or enforce ''Meatless Monday'' or any other program explicitly designed to reduce the amount of animal protein that members of the Armed Forces voluntarily consume.

SA 4486. Mr. CRUZ (for himself, Mr. LEE, and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. IANA FUNCTIONS CONTRACT; UNITED STATES GOVERNMENT OWNERSHIP OF CERTAIN DOMAINS.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Commerce and the National Telecommunications and Information Administration (in this section referred to as the ''NTIA'') should be responsible for maintaining the continuity and stability of services related to certain interdependent Internet technical management functions, known collectively as the Internet Assigned Numbers Authority (in this section referred to as the ''IANA''), which includes—

(A) the coordination of the assignment of technical Internet protocol parameters;

(B) the administration of certain responsibilities associated with the Internet domain name system root zone management;

(C) the allocation of Internet numbering resources; and

(D) other services related to the management of the Advanced Research Project Agency and INT top-level domains.

(2) The interdependent technical functions described in paragraph (1) were performed on behalf of the Federal Government under a contract between the Defense Advanced Research Projects Agency and the University of Southern California as part of a research project known as the Tera-node Network Technology project. As the Tera-node Network Technology project neared completion and the contract neared expiration in 1999, the Federal Government recognized the need for the continued performance of the IANA functions as vital to the stability and correct functioning of the Internet.

(3) The NTIA may use its contract authority to maintain the continuity and stability of services related to the IANA functions.

(4) If the NTIA uses its contract authority, the contractor, in the performance of its duties, must have or develop a close constructive working relationship with all interested and affected parties to ensure quality and satisfactory performance of the IANA functions. The interested and affected parties include—

(A) the multi-stakeholder, private sector led, bottom-up policy development model for

the domain name system that the Internet Corporation for Assigned Names and Numbers represents;

(B) the Internet Engineering Task Force and the Internet Architecture Board;

(C) Regional Internet Registries;

(D) top-level domain operators and managers, such as country codes and generic;

(E) governments; and

(F) the Internet user community.

(5) The IANA functions contract of the Department of Commerce explicitly declares that ''[a]ll deliverables provided under this contract become the property of the U.S. Government.''. One of the deliverables is the automated root zone.

(6) Former President Bill Clinton's Internet czar Ira Magaziner stated that ''[t]he United States paid for the Internet, the Net was created under its auspices, and most importantly everything [researchers] did was pursuant to government contracts.''

(7) Under section 3 of article IV of the Constitution of the United States, Congress has the exclusive power to ''dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States''.

(8) The .gov and .mil top-level domains are the property of the United States Government, and as property, the United States Government should have the exclusive control and use of those domains in perpetuity.

(b) MAINTAINING THE IANA FUNCTIONS CONTRACT.—The Assistant Secretary of Commerce for Communications and Information may not allow the responsibility of the National Telecommunications and Information Administration with respect to the Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the performance of the Internet Assigned Numbers Authority functions, to terminate, lapse, expire, be cancelled, or otherwise cease to be in effect unless a Federal statute enacted after the date of enactment of this Act expressly grants the Assistant Secretary such authority.

(c) EXCLUSIVE UNITED STATES GOVERNMENT OWNERSHIP AND CONTROL OF .GOV AND .MIL DOMAINS.—Not later than 60 days after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information shall provide to Congress a written certification that the United States Government has—

(1) secured sole ownership of the .gov and .mil top-level domains; and

(2) entered into a contract with the Internet Corporation for Assigned Names and Numbers that provides that the United States Government has exclusive control and use of those domains in perpetuity.

SA 4487. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. LOW-INCOME SEWER AND WATER ASSISTANCE PILOT PROGRAM.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. LOW-INCOME SEWER AND WATER ASSISTANCE PILOT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a municipality or a public entity that owns or operates a public water system that is affected by a consent decree relating to compliance with this Act.

''(2) HOUSEHOLD.—The term 'household' means any individual or group of individuals who are living together as 1 economic unit.

''(3) LOW-INCOME HOUSEHOLD.—The term 'low-income household' means a household—

''(A) in which 1 or more individuals are receiving—

''(i) assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(ii) supplemental security income payments under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

''(iii) supplemental nutrition assistance program benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

''(iv) payments under—

''(I) section 1315, 1521, 1541, or 1542 of title 38, United States Code; or

''(II) section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978 (38 U.S.C. 1521 note; Public Law 95–588); or

''(B) that has an income determined by the State in which the eligible entity is located to not exceed the greater of—

''(i) an amount equal to 150 percent of the poverty level for that State; or

''(ii) an amount equal to 60 percent of the median income for that State.

''(4) PUBLIC WATER SYSTEM.—The term 'public water system' has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

''(5) SANITATION SERVICES.—The term 'sanitation services' has the meaning given the term in section 113(g).

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator shall establish a pilot program to award grants to not fewer than 10 eligible entities to assist low-income households in maintaining access to sanitation services.

''(2) LOWER INCOME LIMIT.—For purposes of this section, a State may adopt an income limit that is lower than the limit described in subsection (a)(3)(B), except that the State may not exclude a household from eligibility in a fiscal year based solely on household income if that income is less than 110 percent of the poverty level for that State.

''(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall submit to Congress a report on the results of the program established under this section.''.

SA 4488. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. COMPLIANCE OF MILITARY HOUSING WATER SUPPLIES WITH FEDERAL AND STATE DRINKING WATER STANDARDS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study to determine whether members of the Armed Forces and their families who live in military housing in the United States have access to water that complies with State and Federal drinking water standards.

(b) COMPLIANCE MEASURES.—If the Secretary finds that water available to members of the Armed Forces and their families who live in military housing does not meet State or Federal drinking water standards, the Secretary shall—

(1) take immediate steps to bring noncompliant water sources into compliance with State and Federal standards; and

(2) within 30 days of discovering that a water source does not meet State or Federal drinking water standards, provide to the Committees on Armed Services of the Senate and the House of Representatives and the congressional delegation of the affected State written verification describing the noncompliant water sources, including the location of all affected members of the Armed Forces, and an explanation about how the Secretary will bring the water source into compliance with State and Federal standards.

SA 4489. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. NOTIFICATION OF PROPOSED CHANGES TO THE AIR FORCE STRATEGIC BASING PROCESS.

Not later than 30 days after making a determination to change the concept of operations, basing objectives, criteria, policies, programming, planning, or directives of the strategic basing process, the Secretary of the Air Force shall notify Congress of the proposed change. The notification shall include a briefing by the Chair of the Strategic Basing Executive Steering Group and a detailed, written risk assessment and analysis report regarding the change.

SA 4490. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1433. TERMINATION OF REDUCTION TO UNDISTRIBUTED DEFENSE HEALTH PROGRAM RELATING TO FERTILITY TREATMENT BENEFITS.

(a) TERMINATION OF REDUCTION.—The reduction in the amount available for undistributed Defense Health Program relating to unauthorized fertility treatment benefits otherwise to be made by reason of the funding table in section 4501 shall note be made.

(b) INCREASE IN AMOUNT AUTHORIZED FOR DEFENSE HEALTH PROGRAM FOR BENEFITS.—The amount authorized to be appropriated for fiscal year 2017 for the Defense Health Program by section 1405 is hereby increased by $38,000,000, with the amount of the increase to be allocated to undistributed Defense Health Program as specified in the funding table in section 4501 and available for unauthorized fertility treatment benefits.

SA 4491. Mr. BENNET (for himself, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1667. INCREASED FUNDING FOR CERTAIN MISSILE DEFENSE ACTIVITIES.

(a) PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 101 is hereby increased by $290,000,000, with the amount of increase to be available for procurement, Defense-wide, as specified in the funding table in section 4101 and available for procurement for the following:

(1) Iron Dome, $20,000,000.

(2) David's Sling Weapon System, $150,000,000.

(3) Arrow 3 Upper Tier, $120,000,000.

(b) RDT&E, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2017 for the Department of Defense by section 201 is hereby increased by $29,900,000, with the amount of increase to be available for research, development, test, and evaluation, Defense-wide, as specified in the funding table in section 4201 and available for research, development, test, and evaluation for the following:

(1) David's Sling Weapon System, $19,300,000.

(2) Arrow 3 Upper Tier, $4,100,000.

(3) Base Arrow, $6,500,000.

(c) CONSTRUCTION OF INCREASE.—Amounts available under subsection (a) for procurement for items specified in subsection (a), and amounts available under subsection (b) for research, development, test, and evaluation for items specified in subsection (b), are in addition to any other amounts available for such purposes for such items in this Act.

(d) OFFSET.—Amounts for the aggregate of the increases in subsections (a) and (b) shall be derived as follows:

(1) From a reduction of $219,900,000 in the amount of savings otherwise available for fiscal year 2017 in connection with bulk fuel as specified in the funding table in section 4301.

(2) From a reduction of $100,000,000 in the amount authorized to be appropriated for fiscal year 2017 for lift and sustain to maintain program affordability as specified in the funding table in section 4302.

SA 4492. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2814. DURATION OF UTILITY ENERGY SERVICE CONTRACTS.

Section 2913 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(e) DURATION OF CONTRACTS.—An utility energy service contract entered into under this section may have a contract period not to exceed 25 years.

''(f) VERIFICATION REQUIREMENTS.—The conditions of an utility energy service contract entered into under this section shall include requirements for measurement, verification, and performance assurances or guarantees of the savings.''.

SA 4493. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 590. ATOMIC VETERANS SERVICE MEDAL.

(a) SERVICE MEDAL REQUIRED.—The Secretary of Defense shall design and produce a military service medal, to be known as the ''Atomic Veterans Service Medal'', to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).

(b) DISTRIBUTION OF MEDAL.—

(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the veteran.

(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a radiation-exposed veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Medal to the next-of-kin of the person.

(3) APPLICATION.—The Secretary shall prepare and disseminate as appropriate an application by which radiation-exposed veterans and their next-of-kin may apply to receive the Atomic Veterans Service Medal.

SA 4494. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXIII, add the following:

SEC. 3308. RULEMAKING ESTABLISHING MINIMUM LIABILITY INSURANCE LEVELS FOR PILOTS.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to establish minimum levels of liability insurance for any pilot covered under this title.

SA 4495. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXIII and insert the following:

TITLE XXXIII—EXEMPTION FROM MEDICAL CERTIFICATION REQUIREMENTS

SEC. 3301. REPORTING BY PILOTS EXEMPT FROM MEDICAL CERTIFICATION REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall require any pilot who is exempt from medical certification requirements to submit, not less frequently than once every 180 days, a report to the Department of Transportation that—

(1) identifies the pilot's status as an active pilot; and

(2) includes a summary of the pilot's recent flight hours.

SEC. 3302. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ASSESSING EFFECT ON PUBLIC SAFETY OF EXEMPTION FOR SPORT PILOTS FROM REQUIREMENT FOR A MEDICAL CERTIFICATE.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses the effect of section 61.23(c)(ii) of title 14, Code of Federal Regulations (permitting a person to exercise the privileges of a sport pilot certificate without holding a medical certificate), on public safety since 2004.

SA 4496. Mr. KAINE (for himself, Mr. FLAKE, and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle I—Authority for the Use of Military Force Against the Islamic State of Iraq and the Levant

SEC. 1281. FINDINGS.

Congress makes the following findings:

(1) The terrorist organization that has referred to itself as the Islamic State of Iraq and the Levant and various other names (in this subtitle referred to as ''ISIL'') poses a grave threat to the people and territorial integrity of Iraq and Syria, regional stability, and the national security interests of the United States and its allies and partners.

(2) ISIL holds significant territory in Iraq and Syria and has stated its intention to seize more territory and demonstrated the capability to do so.

(3) ISIL leaders have stated that they intend to conduct terrorist attacks internationally, including against the United States, its citizens, and interests.

(4) ISIL has committed despicable acts of violence and mass executions against Muslims, regardless of sect, who do not subscribe to ISIL's depraved, violent, and oppressive ideology.

(5) ISIL has threatened genocide and committed vicious acts of violence against religious and ethnic minority groups, including Iraqi Christian, Yezidi, and Turkmen populations.

(6) ISIL has targeted innocent women and girls with horrific acts of violence, including

abduction, enslavement, torture, rape, and forced marriage.

(7) ISIL is responsible for the deaths of innocent United States citizens, including James Foley, Steven Sotloff, Abdul-Rahman Peter Kassig, and Kayla Mueller.

(8) The United States is working with regional and global allies and partners to degrade and defeat ISIL, to cut off its funding, to stop the flow of foreign fighters to its ranks, and to support local communities as they reject ISIL.

(9) The announcement of the anti-ISIL Coalition on September 5, 2014, during the NATO Summit in Wales, stated that ISIL poses a serious threat and should be countered by a broad international coalition.

(10) The United States calls on its allies and partners, particularly in the Middle East and North Africa, to join the anti-ISIL Coalition and defeat this terrorist threat.

(11) President Barack Obama, United States military leaders, and United States allies in the region have made clear that it is more effective to use the unique capabilities of the United States Government to support regional partners instead of large-scale deployments of United States ground forces in this mission.

SEC. 1282. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as the President determines necessary and appropriate against ISIL or associated persons or forces as defined in section 1285.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this subtitle supersedes any requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(c) PURPOSE.—The purpose of this authorization is to protect the lives of United States citizens and to provide military support to regional partners in their battle to defeat ISIL. The use of significant United States ground troops in combat against ISIL, except to protect the lives of United States citizens from imminent threat, is not consistent with such purpose.

SEC. 1283. DURATION OF AUTHORIZATION.

The authorization for the use of military force under this subtitle shall terminate three years after the date of the enactment of this Act, unless reauthorized.

SEC. 1284. REPORTS.

The President shall report to Congress at least once every six months on specific actions taken pursuant to this authorization.

SEC. 1285. ASSOCIATED PERSONS OR FORCES DEFINED.

In this subtitle, the term ''associated persons or forces''—

(1) means individuals and organizations fighting for, on behalf of, or alongside ISIL or any closely-related successor entity in hostilities against the United States or its coalition partners; and

(2) refers to any individual or organization that presents a direct threat to members of the United States Armed Forces, coalition partner forces, or forces trained by the coalition, in their fight against ISIL.

SEC. 1286. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed.

SEC. 1287. SOLE STATUTORY AUTHORITY FOR MILITARY ACTION AGAINST ISIL.

This authorization shall constitute the sole statutory authority for United States military action against the Islamic State of Iraq and the Levant and associated persons or forces, and supersedes any prior authorization for the use of military force involving action against ISIL.

SA 4497. Mr. KAINE (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) PURPOSE.—The purpose of this section is to encourage a new Administration to work with Congress in its first two years to effectively revise the 2001 Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note).

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

(1) The 2001 Authorization for Use of Military Force is now nearly 15 years old.

(2) A new Administration should determine how the United States continues to fight terrorism in a disciplined way consistent with the authorities provided under Article I and II of the Constitution and the War Powers Resolution (50 U.S.C. 1541 et seq.).

(c) QUALIFYING LEGISLATION DEFINED.—In this section, the term ''qualifying legislation'' means—

(1) proposed legislation submitted by the President under subsection (d) not later than the date specified in such subsection;

(2) in the event the President does not submit such proposed legislation by such date, legislation reported by the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives after such date and not later than November 20, 2017, that refines, modifies, or repeals the authorization for the use of force provided in the Authorization for Use of Military Force (Public Law 107–40, 155 Stat. 224), enacted on September 18, 2001; or

(3) in the event proposed legislation is not submitted or reported as described under paragraph (1) or (2), respectively, legislation that refines, modifies, or repeals the authorization for the use of force provided in the Authorization for Use of Military Force (Public Law 107–40, 155 Stat. 224) that is introduced by any member of the Senate or House of Representatives after November 20, 2017.

(d) REQUIRED PRESIDENTIAL SUBMISSION.—Not later than September 20, 2017, the President shall submit to Congress proposed legislation that refines, modifies, or repeals the authorization for the use of force provided in the Authorization for Use of Military Force (Public Law 107–40, 155 Stat. 224) (in this section referred to as ''qualifying legislation'').

(e) INTRODUCTION OF QUALIFYING LEGISLATION SUBMITTED BY PRESIDENT.—Proposed legislation submitted by the President under subsection (d) shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the majority leader of the Senate or by a member of the Senate designated by the majority leader of the Senate and shall be introduced in the House of Representatives (by request) on the next legislative day by the majority leader of the House or by a member of the House designated by the majority leader of the House.

(f) EXPEDITED CONSIDERATION OF QUALIFYING LEGISLATION.—

(1) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) COMMITTEE REFERRAL AND DISCHARGE.—If a committee of the House to which qualifying legislation described in paragraph (1) or paragraph (3) of subsection (c) has been referred has not reported such qualifying legislation within 10 legislative days after such referral, that committee shall be discharged from further consideration thereof.

(B) FLOOR CONSIDERATION.—When the committee to which qualifying legislation described in paragraph (1) or paragraph (3) of subsection (c) has been referred has reported, or has been deemed to be discharged (under paragraph (1) of this subsection) from further consideration of, such qualifying legislation, or when a committee has reported qualifying legislation described in subsection (c)(2), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the qualifying legislation, and all points of order against the motion to proceed are waived. The motion is highly privileged in the House of Representatives. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the qualifying legislation is agreed to, the qualifying legislation shall remain the unfinished business of the House until disposed of.

(2) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—Qualifying legislation described in paragraph (1) or paragraph (3) of subsection (c) that is introduced in the Senate shall be referred to the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If the Committee on Foreign Relations has not reported such qualifying legislation within 10 days upon which the Senate is in session after such referral, that committee shall be discharged from further consideration thereof and such legislation shall be placed on the appropriate calendar.

(C) FLOOR CONSIDERATION.—When the Committee on Foreign Relations has reported, or has been discharged (under paragraph (1) of this subsection) from further consideration of, qualifying legislation described in paragraph (1) or paragraph (3) of subsection (c), or when the Committee on Foreign Relations has reported qualifying legislation described in subsection (c)(2), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Senator, notwithstanding Rule XXII of the Standing Rules of the Senate, to move to proceed to the consideration of the qualifying legislation, and all points of order against the motion to proceed are waived. The motion is not subject to a motion to postpone, or to a motion to proceed to the consideration of other business. The motion is not debatable. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the qualifying legislation is agreed to, the qualifying legislation shall remain the unfinished business of the Senate until disposed of.

(3) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of legislation described in those sections, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(g) REPORTS TO CONGRESS.—

(1) STRATEGY.—Not later than September 20, 2017, the President shall submit to the appropriate congressional committees and leadership a written report setting forth a comprehensive strategy of the United States, encompassing military, economic, humanitarian, and diplomatic efforts, to protect Americans from al Qaeda, the Taliban, the Islamic State of Iraq and the Levant (ƒISIL), and transnational terrorist organizations that the President has determined threaten the national security of United States and to support international partners in their fight to defeat such organizations.

(2) IMPLEMENTATION OF STRATEGY.—

(A) IN GENERAL.—Not later than September 20, 2017, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and leadership a description and assessment of the implementation of the strategy set forth in the report required by paragraph (1), including a description of any substantive change to the comprehensive strategy, including the reason for the change and the change's effect on the rest of the comprehensive strategy.

(B) REQUIRED ELEMENTS OF THE REPORT.—The report required under subparagraph (A) shall include the specific military actions taken to address the threat posed by transnational terrorist organizations and associated persons or forces, including—

(i) the persons and forces targeted by such actions;

(ii) the nature and location of such actions;

(iii) an evaluation of the effectiveness of such actions; and

(iv) a description of and justification for the specific authorities relied upon for such actions.

(3) REPORT ON ACTIONS IN FOREIGN COUNTRIES.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a report detailing all foreign countries in which the United States government is conducting, or is preparing to conduct, specific actions described in paragraph (2)(B), and shall update this report no less than 48 hours before such actions take place in a new country, unless exigent circumstances exist.

(4) COVERED PERSONS AND FORCES.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a list of the organizations, persons, or forces against which the United States is conducting military operations pursuant to the 2001 Authorization for Use of Military Force (Public Law 107-40, 155 Stat. 224) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note), or Article II of the Constitution of the United States, respectively, along with a justification for the inclusion of such organizations, persons, or forces, and classified information relating thereto. The list shall be updated at least every 90 days.

(5) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this subsection, the term ''appropriate congressional committees and leadership'' means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Appropriations, and the Majority and Minority Leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Speaker, Majority Leader, and Minority Leader of the House of Representatives.

(h) REPEAL.—The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) shall terminate on January 1, 2019.

SA 4498. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Treatment of Employees of Department of Veterans Affairs and Protection of Whistleblowers

SEC. 1097. REMOVAL OR DEMOTION OF EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS BASED ON PERFORMANCE OR MISCONDUCT.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 714. Employees: removal or demotion based on performance or misconduct

''(a) IN GENERAL.—(1) The Secretary may remove or demote an individual who is an employee of the Department if the Secretary determines the performance or misconduct of the individual warrants such removal or demotion.

''(2) A determination under paragraph (1) that the performance or misconduct of an individual warrants removal or demotion may consist of a determination of any of the following:

''(A) The individual neglected a duty of the position in which the individual was employed.

''(B) The individual engaged in malfeasance.

''(C) The individual failed to accept a directed reassignment or to accompany a position in a transfer of function.

''(D) The individual violated a policy of the Department.

''(E) The individual violated a provision of law.

''(F) The individual engaged in insubordination.

''(G) The individual over prescribed medication.

''(H) The individual contributed to the purposeful omission of the name of one or more veterans waiting for health care from an electronic wait list for a medical facility of the Department.

''(I) The individual was the supervisor of an employee of the Department, or was a supervisor of the supervisor, at any level, who contributed to a purposeful omission as described in subparagraph (H) and knew, or reasonably should have known, that the employee contributed to such purposeful omission.

''(J) Such other performance or misconduct as the Secretary determines warrants the removal or demotion of the individual under paragraph (1).

''(3) If the Secretary removes or demotes an individual as described in paragraph (1), the Secretary may—

''(A) remove the individual from the civil service (as defined in section 2101 of title 5); or

''(B) demote the individual by means of—

''(i) a reduction in grade for which the individual is qualified and that the Secretary determines is appropriate; or

''(ii) a reduction in annual rate of pay that the Secretary determines is appropriate.

''(b) PAY OF CERTAIN DEMOTED INDIVIDUALS.—(1) Notwithstanding any other provision of law, any individual subject to a demotion under subsection (a)(3)(B)(i) shall, beginning on the date of such demotion, receive the annual rate of pay applicable to such grade.

''(2) An individual so demoted may not be placed on administrative leave or any other category of paid leave during the period during which an appeal (if any) under this section is ongoing, and may only receive pay if the individual reports for duty. If an individual so demoted does not report for duty, such individual shall not receive pay or other benefits pursuant to subsection (e)(5).

''(c) NOTICE TO CONGRESS.—Not later than 30 days after removing or demoting an individual under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives notice in writing of such removal or demotion and the reason for such removal or demotion.

''(d) PROCEDURE.—(1) The procedures under section 7513(b) of title 5 and chapter 43 of such title shall not apply to a removal or demotion under this section.

''(2)(A) Subject to subparagraph (B) and subsection (e), any removal or demotion under subsection (a) may be appealed to the Merit Systems Protection Board under section 7701 of title 5.

''(B) An appeal under subparagraph (A) of a removal or demotion may only be made if such appeal is made not later than seven days after the date of such removal or demotion.

''(e) EXPEDITED REVIEW BY ADMINISTRATIVE LAW JUDGE.—(1) Upon receipt of an appeal under subsection (d)(2)(A), the Merit Systems Protection Board shall refer such appeal to an administrative law judge pursuant to section 7701(b)(1) of title 5. The administrative law judge shall expedite any such appeal under such section and, in any such case, shall issue a decision not later than 45 days after the date of the appeal.

''(2) Notwithstanding any other provision of law, including section 7703 of title 5, the decision of an administrative judge under paragraph (1) shall be final and shall not be subject to any further appeal.

''(3) In any case in which the administrative judge cannot issue a decision in accordance with the 45-day requirement under paragraph (1), the removal or demotion is final. In such a case, the Merit Systems Protection Board shall, within 14 days after the date that such removal or demotion is final, submit to Congress and the Committees on Veterans' Affairs of the Senate and House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement.

''(4) The Merit Systems Protection Board or administrative judge may not stay any removal or demotion under this section.

''(5) During the period beginning on the date on which an individual appeals a removal from the civil service under subsection (d) and ending on the date that the administrative judge issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

''(6) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board, and to any administrative law judge to whom an appeal under this section is referred, such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

''(f) RELATION TO OTHER PROVISIONS OF LAW.—(1) The authority provided by this section is in addition to the authority provided by subchapter V of chapter 75 of title 5 and chapter 43 of such title.

''(2) Subchapter V of chapter 74 of this title shall not apply to any action under this section.

''(g) DEFINITIONS.—In this section:

''(1) The term 'individual' means an individual occupying a position at the Department of Veterans Affairs but does not include—

''(A) an individual, as that term is defined in section 713(g)(1) of this title; or

''(B) a political appointee.

''(2) The term 'grade' has the meaning given such term in section 7511(a) of title 5.

''(3) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(4) The term 'political appointee' means an individual who is—

''(A) employed in a position described under sections 5312 through 5316 of title 5, (relating to the Executive Schedule);

''(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5; or

''(C) is employed in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.''.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 713 the following new item:

''714. Employees: removal or demotion based on performance or misconduct.''.

(2) CONFORMING.—Section 4303(f) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting '', or''; and

(C) by adding at the end the following:

''(4) any removal or demotion under section 714 of title 38.''.

SEC. 1097A. REQUIRED PROBATIONARY PERIOD FOR NEW EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, as amended by section 1097, is further amended by adding at the end the following new section:

''§ 715. Probationary period for employees

''(a) IN GENERAL.—Notwithstanding sections 3321 and 3393(d) of title 5, the appointment of a covered employee shall become final only after such employee has served a probationary period of 540 days. The Secretary may extend a probationary period under this subsection at the discretion of the Secretary.

''(b) COVERED EMPLOYEE.—In this section, the term 'covered employee'—

''(1) means any individual—

''(A) appointed to a permanent position within the competitive service at the Department; or

''(B) appointed as a career appointee (as that term is defined in section 3132(a)(4) of title 5) within the Senior Executive Service at the Department; and

''(2) does not include any individual with a probationary period prescribed by section 7403 of this title.

''(c) PERMANENT HIRES.—Upon the expiration of a covered employee's probationary period under subsection (a), the supervisor of the employee shall determine whether the appointment becomes final based on regulations prescribed for such purpose by the Secretary.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any covered employee (as that term is defined in section 715 of title 38, United States Code, as added by such subsection) appointed after the date of the enactment of this Act.

(c) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL.—The table of sections at the beginning of chapter 7 of such title, as amended by section 1097, is further amended by inserting after the item relating to section 714 the following new item:

''715. Probationary period for employees.''.

(2) CONFORMING.—Title 5, United States Code, is amended—

(A) in section 3321(c), by—

(i) striking ''Service or'' and inserting ''Service,''; and

(ii) inserting at the end before the period the following: '', or any individual covered by section 715 of title 38''; and

(B) in section 3393(d), by adding at the end after the period the following: ''The preceding sentence shall not apply to any individual covered by section 715 of title 38.''.

SEC. 1097B. OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 323. Office of Accountability and Whistleblower Protection

''(a) ESTABLISHMENT.—There is established in the Department an office to be known as the Office of Accountability and Whistleblower Protection (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—(1) The head of the Office shall be responsible for the functions of the Office and shall be appointed by the President pursuant to section 308(a) of this title.

''(2) The head of the Office shall be known as the 'Assistant Secretary for Accountability and Whistleblower Protection'.

''(3) The Assistant Secretary shall report directly to the Secretary on all matters relating to the Office.

''(4) Notwithstanding section 308(b) of this title, the Secretary may only assign to the Assistant Secretary responsibilities relating to the functions of the Office set forth in subsection (c).

''(c) FUNCTIONS.—(1) The functions of the Office are as follows:

''(A) Advising the Secretary on all matters of the Department relating to accountability, including accountability of employees of the Department, retaliation against whistleblowers, and such matters as the Secretary considers similar and affect public trust in the Department.

''(B) Issuing reports and providing recommendations related to the duties described in subparagraph (A).

''(C) Receiving whistleblower disclosures.

''(D) Referring whistleblower disclosures received under subparagraph (C) for investigation to the Office of the Medical Inspector, the Office of Inspector General, or other investigative entity, as appropriate, if the Assistant Secretary has reason to believe the whistleblower disclosure is evidence of a violation of a provision of law, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety.

''(E) Receiving and referring disclosures from the Special Counsel for investigation to the Medical Inspector of the Department, the Inspector General of the Department, or such other person with investigatory authority, as the Assistant Secretary considers appropriate.

''(F) Recording, tracking, reviewing, and confirming implementation of recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, including the imposition of disciplinary actions and other corrective actions contained in such recommendations.

''(G) Analyzing data from the Office and the Office of Inspector General telephone hotlines, other whistleblower disclosures, disaggregated by facility and area of health care if appropriate, and relevant audits and investigations to identify trends and issue reports to the Secretary based on analysis conducted under this subparagraph.

''(H) Receiving, reviewing, and investigating allegations of misconduct, retaliation, or poor performance involving—

''(i) an individual in a senior executive position (as defined in section 713(d) of this title) in the Department;

''(ii) an individual employed in a confidential, policy-making, policy-determining, or policy-advocating position in the Department; or

''(iii) a supervisory employee, if the allegation involves retaliation against an employee for making a whistleblower disclosure.

''(I) Making such recommendations to the Secretary for disciplinary action as the Assistant Secretary considers appropriate after substantiating any allegation of misconduct or poor performance pursuant to an investigation carried out as described in subparagraph (F) or (H).

''(2) In carrying out the functions of the Office, the Assistant Secretary shall ensure that the Office maintains a toll-free telephone number and Internet website to receive anonymous whistleblower disclosures.

''(3) In any case in which the Assistant Secretary receives a whistleblower disclosure from an employee of the Department under paragraph (1)(C), the Assistant Secretary may not disclose the identity of the employee without the consent of the employee, except in accordance with the provisions of section 552a of title 5, or as required by any other applicable provision of Federal law.

''(d) STAFF AND RESOURCES.—The Secretary shall ensure that the Assistant Secretary has such staff, resources, and access to information as may be necessary to carry out the functions of the Office.

''(e) RELATION TO OFFICE OF GENERAL COUNSEL.—The Office shall not be established as an element of the Office of the General Counsel and the Assistant Secretary may not report to the General Counsel.

''(f) REPORTS.—(1)(A) Not later than June 30 of each calendar year, beginning with June 30, 2017, the Assistant Secretary 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 activities of the Office during the calendar year in which the report is submitted.

''(B) Each report submitted under subparagraph (A) shall include, for the period covered by the report, the following:

''(i) A full and substantive analysis of the activities of the Office, including such statistical information as the Assistant Secretary considers appropriate.

''(ii) Identification of any issues reported to the Secretary under subsection (c)(1)(G),

including such data as the Assistant Secretary considers relevant to such issues and any trends the Assistant Secretary may have identified with respect to such issues.

''(iii) Identification of such concerns as the Assistant Secretary may have regarding the size, staffing, and resources of the Office and such recommendations as the Assistant Secretary may have for legislative or administrative action to address such concerns.

''(iv) Such recommendations as the Assistant Secretary may have for legislative or administrative action to improve—

''(I) the process by which concerns are reported to the Office; and

''(II) the protection of whistleblowers within the Department.

''(v) Such other matters as the Assistant Secretary considers appropriate regarding the functions of the Office or other matters relating to the Office.

''(2) If the Secretary receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate the recommended disciplinary action before the date that is 60 days after the date on which the Secretary received the recommendation, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed justification for not taking or initiating such disciplinary action.

''(g) DEFINITIONS.—In this section:

''(1) The term 'supervisory employee' means an employee of the Department who is a supervisor as defined in section 7103(a) of title 5.

''(2) The term 'whistleblower' means one who makes a whistleblower disclosure.

''(3) The term 'whistleblower disclosure' means any disclosure of information by an employee of the Department or individual applying to become an employee of the Department which the employee or individual reasonably believes evidences—

''(A) a violation of a provision of law; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(b) CONFORMING AMENDMENT.—Section 308(b) of such title is amended by adding at the end the following new paragraph:

''(12) The functions set forth in section 323(c) of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 322 the following new item:

''323. Office of Accountability and Whistleblower Protection.''.

SEC. 1097C. PROTECTION OF WHISTLEBLOWERS IN DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, as amended by section 1097A, is further amended by adding at the end the following new sections:

''§ 716. Protection of whistleblowers as criteria in evaluation of supervisors

''(a) DEVELOPMENT AND USE OF CRITERIA REQUIRED.—The Secretary, in consultation with the Assistant Secretary of Accountability and Whistleblower Protection, shall develop criteria that—

''(1) the Secretary shall use as a critical element in any evaluation of the performance of a supervisory employee; and

''(2) promotes the protection of whistleblowers.

''(b) PRINCIPLES FOR PROTECTION OF WHISTLEBLOWERS.—The criteria required by subsection (a) shall include principles for the protection of whistleblowers, such as the degree to which supervisory employees respond constructively when employees of the Department report concerns, take responsible action to resolve such concerns, and foster an environment in which employees of the Department feel comfortable reporting concerns to supervisory employees or to the appropriate authorities.

''(c) SUPERVISORY EMPLOYEE AND WHISTLEBLOWER DEFINED.—In this section, the terms 'supervisory employee' and 'whistleblower' have the meanings given such terms in section 323 of this title.

''§ 717. Training regarding whistleblower disclosures

''(a) TRAINING.—Not less frequently than once every two years, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower disclosures, including—

''(1) an explanation of each method established by law in which an employee may file a whistleblower disclosure;

''(2) the right of the employee to petition Congress regarding a whistleblower disclosure in accordance with section 7211 of title 5;

''(3) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

''(4) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

''(5) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

''(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure, to the maximum extent practicable, that training provided under subsection (a) is provided in person.

''(c) CERTIFICATION.—Not less frequently than once every two years, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

''(d) PUBLICATION.—The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to make a whistleblower disclosure, including the information described in paragraphs (1) through (5) of subsection (a).

''(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In this section, the term 'whistleblower disclosure' has the meaning given such term in section 323 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title, as amended by section 1097A, is further amended by inserting after the item relating to section 715 the following new items:

''716. Protection of whistleblowers as criteria in evaluation of supervisors.

''717. Training regarding whistleblower disclosures.''.

SEC. 1097D. TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, as amended by section 1097C, is further amended by adding at the end the following new section:

''§ 718. Congressional testimony by employees: treatment as official duty

''(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

''(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title, as amended by section 1097C, is further amended by inserting after the item relating to section 717 the following new item:

''718. Congressional testimony by employees: treatment as official duty.''.

SEC. 1097E. REPORT ON METHODS USED TO INVESTIGATE EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORT REQUIRED.—Not later than 540 days after the date of the enactment of this Act, the Assistant Secretary for Accountability and Whistleblower Protection shall submit to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on methods used to investigate employees of the Department of Veterans Affairs and whether such methods are used to retaliate against whistleblowers.

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

(1) An assessment of the use of administrative investigation boards, peer review, searches of medical records, and other methods for investigating employees of the Department.

(2) A determination of whether and to what degree the methods described in paragraph (1) are being used to retaliate against whistleblowers.

(3) Recommendations for legislative or administrative action to implement safeguards to prevent the retaliation described in paragraph (2).

(c) WHISTLEBLOWER DEFINED.—In this section, the term ''whistleblower'' has the meaning given such term in section 323 of title 38, United States Code, as added by section 1097B.

SA 4499. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 647. EQUAL BENEFITS UNDER SURVIVOR BENEFIT PLAN FOR SURVIVORS OF RESERVE COMPONENT MEMBERS WHO DIE IN THE LINE OF DUTY DURING INACTIVE-DUTY TRAINING.

(a) TREATMENT OF INACTIVE-DUTY TRAINING IN SAME MANNER AS ACTIVE DUTY.—

(1) IN GENERAL.—Section 1451(c)(1)(A) of title 10, United States Code, is amended—

(A) in clause (i)—

(i) by inserting ''or 1448(f)'' after ''section 1448(d)''; and

(ii) by inserting ''or (iii)'' after ''clause (ii)''; and

(B) in clause (iii)—

(i) by striking ''section 1448(f) of this title'' and inserting ''section 1448(f)(1)(A) of this title by reason of the death of a member or former member not in line of duty''; and

(ii) by striking ''active''.

(2) APPLICATION OF AMENDMENTS.—No annuity benefit under the Survivor Benefit Plan shall accrue to any person by reason of the amendments made by paragraph (1) for any period before the date of the enactment of this Act. With respect to an annuity under the Survivor Benefit Plan for a death occurring on or after September 10, 2001, and before the date of the enactment of this Act, the Secretary concerned shall recompute the benefit amount to reflect such amendments, effective for months beginning after the date of the enactment of this Act.

(b) CONSISTENT TREATMENT OF DEPENDENT CHILDREN.—Section 1448(f) of such title is amended by adding at the end the following new paragraph:

''(5) DEPENDENT CHILDREN ANNUITY.—

''(A) ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a person described in paragraph (1), the Secretary concerned shall pay an annuity under this subchapter to the dependent children of that person under section 1450(a)(2) of this title as applicable.

''(B) OPTIONAL ANNUITY WHEN THERE IS AN ELIGIBLE SURVIVING SPOUSE.—The Secretary may pay an annuity under this subchapter to the dependent children of a person described in paragraph (1) under section 1450(a)(3) of this title, if applicable, instead of paying an annuity to the surviving spouse under paragraph (1), if the Secretary concerned, in consultation with the surviving spouse, determines it appropriate to provide an annuity for the dependent children under this paragraph instead of an annuity for the surviving spouse under paragraph (1).''.

(c) DEEMED ELECTIONS.—

(1) IN GENERAL.—Section 1448(f) of title 10, United States Code, as amended by subsection (b), is further amended by adding at the end the following new paragraph:

''(6) DEEMED ELECTION TO PROVIDE AN ANNUITY FOR DEPENDENT.—In the case of a person described in paragraph (1) who dies after November 23, 2003, the Secretary concerned may, if no other annuity is payable on behalf of that person under this subchapter, pay an annuity to a natural person who has an insurable interest in such person as if the annuity were elected by the person under subsection (b)(1). The Secretary concerned may pay such an annuity under this paragraph only in the case of a person who is a dependent of that deceased person (as defined in section 1072(2) of this title). An annuity under this paragraph shall be computed in the same manner as provided under subparagraph (B) of subsection (d)(6) for an annuity under that subsection.''.

(2) EFFECTIVE DATE.—No annuity payment under paragraph (6) of section 1448(f) of title 10, United States Code, as added by paragraph (1) of this subsection, may be made for any period before the date of the enactment of this Act.

(d) AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—

(1) AVAILABILITY.—Section 1450(m)(1)(B) of title 10, United States Code, is amended by inserting ''or (f)'' after ''subsection (d)''.

(2) EFFECTIVE DATE.—No payment under section 1450(m) of title 10, United States Code, by reason of the amendment made by paragraph (1) may be made for any period before the date of the enactment of this Act.

SA 4500. Mr. JOHNSON (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—DHS ACCOUNTABILITY

SECTION 6001. SHORT TITLE.

This division may be cited as the ''DHS Accountability Act of 2016''.

SEC. 6002. DEFINITIONS.

In this division:

(1) CONGRESSIONAL HOMELAND SECURITY COMMITTEES.—The term ''congressional homeland security committees'' means—

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

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

(C) the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(D) the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

TITLE LXXI—DEPARTMENT MANAGEMENT AND COORDINATION

SEC. 6101. MANAGEMENT AND EXECUTION.

(a) IN GENERAL.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (F) and inserting the following:

''(F) An Under Secretary for Management, who shall be first assistant to the Deputy Secretary of Homeland Security for purposes of subchapter III of chapter 33 of title 5, United States Code.''; and

(B) by adding at the end the following:

''(K) An Under Secretary for Strategy, Policy, and Plans.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) ABSENCE, DISABILITY, OR VACANCY OF SECRETARY OR DEPUTY SECRETARY.—Notwithstanding chapter 33 of title 5, United States Code, the Under Secretary for Management shall serve as the Acting Secretary if by reason of absence, disability, or vacancy in office, neither the Secretary nor Deputy Secretary is available to exercise the duties of the Office of the Secretary.

''(2) FURTHER ORDER OF SUCCESSION.—Notwithstanding chapter 33 of title 5, United States Code, the Secretary may designate such other officers of the Department in further order of succession to serve as Acting Secretary.

''(3) NOTIFICATION OF VACANCIES.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of any vacancies that require notification under sections 3345 through 3349d of title 5, United States Code (commonly known as the 'Federal Vacancies Reform Act of 1998').''.

(b) UNDER SECRETARY FOR MANAGEMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)—

(A) by striking paragraph (9) and inserting the following:

''(9) The management integration and transformation within each functional management discipline of the Department, including information technology, financial management, acquisition management, and human capital management, to ensure an efficient and orderly consolidation of functions and personnel in the Department, including—

''(A) the development of centralized data sources and connectivity of information systems to the greatest extent practicable to enhance program visibility, transparency, and operational effectiveness and coordination;

''(B) the development of standardized and automated management information to manage and oversee programs and make informed decisions to improve the efficiency of the Department;

''(C) the development of effective program management and regular oversight mechanisms, including clear roles and processes for program governance, sharing of best practices, and access to timely, reliable, and evaluated data on all acquisitions and investments; and

''(D) the overall supervision, including the conduct of internal audits and management analyses, of the programs and activities of the Department, including establishment of oversight procedures to ensure a full and effective review of the efforts by components of the Department to implement policies and procedures of the Department for management integration and transformation.'';

(B) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively; and

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

''(10) The development of a transition and succession plan, before December 1 of each year in which a Presidential election is held, to guide the transition of Department functions to a new Presidential administration, and making such plan available to the next Secretary and Under Secretary for Management and to the congressional homeland security committees.

''(11) Reporting to the Government Accountability Office every 6 months to demonstrate measurable, sustainable progress made in implementing the corrective action plans of the Department to address the designation of the management functions of the Department on the bi-annual high risk list of the Government Accountability Office, until the Comptroller General of the United States submits to the appropriate congressional committees written notification of removal of the high-risk designation.'';

(2) by striking subsection (b) and inserting the following:

''(b) WAIVERS FOR CONDUCTING BUSINESS WITH SUSPENDED OR DEBARRED CONTRACTORS.—Not later than 5 days after the date on which the Chief Procurement Officer or Chief Financial Officer of the Department issues a waiver of the requirement that an agency not engage in business with a contractor or other recipient of funds listed as a party suspended or debarred from receiving contracts, grants, or other types of Federal assistance in the System for Award Management maintained by the General Services Administration, or any successor thereto, the Under Secretary for Management shall submit to the congressional homeland security committees and the Inspector General of the Department notice of the waiver and an explanation of the finding by the Under Secretary that a compelling reason exists for the waiver.'';

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

''(d) SYSTEM FOR AWARD MANAGEMENT CONSULTATION.—The Under Secretary for Management shall require that all Department contracting and grant officials consult the System for Award Management (or successor system) as maintained by the General Services Administration prior to awarding a contract or grant or entering into other transactions to ascertain whether the selected contractor is excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.''.

SEC. 6102. DEPARTMENT COORDINATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 708. DEPARTMENT COORDINATION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'joint duty training program' means the training program established under subsection (e)(9)(A);

''(2) the term 'joint requirement' means a condition or capability of a Joint Task Force, or of multiple operating components of the Department, that is required to be met or possessed by a system, product, service, result, or component to satisfy a contract, standard, specification, or other formally imposed document;

''(3) the term 'Joint Task Force' means a Joint Task Force established under subsection (e) when the scope, complexity, or other factors of the crisis or issue require capabilities of two or more components of the Department operating under the guidance of a single Director; and

''(4) the term 'situational awareness' means knowledge and unified understanding of unlawful cross-border activity, including—

''(A) threats and trends concerning illicit trafficking and unlawful crossings;

''(B) the ability to forecast future shifts in such threats and trends;

''(C) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

''(D) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

''(b) DEPARTMENT LEADERSHIP COUNCILS.—

''(1) ESTABLISHMENT.—The Secretary may establish such Department leadership councils as the Secretary determines necessary to ensure coordination among leadership in the Department.

''(2) FUNCTION.—Department leadership councils shall—

''(A) serve as coordinating forums;

''(B) advise the Secretary and Deputy Secretary on Department strategy, operations, and guidance; and

''(C) consider and report on such other matters as the Secretary or Deputy Secretary may direct.

''(3) CHAIRPERSON; MEMBERSHIP.—

''(A) CHAIRPERSON.—The Secretary or a designee may serve as chairperson of a Department leadership council.

''(B) MEMBERSHIP.—The Secretary shall determine the membership of a Department leadership council.

''(4) RELATIONSHIP TO OTHER FORUMS.—The Secretary or Deputy Secretary may delegate the authority to direct the implementation of any decision or guidance resulting from the action of a Department leadership council to any office, component, coordinator, or other senior official of the Department.

''(c) JOINT REQUIREMENTS COUNCIL.—

''(1) ESTABLISHMENT.—There is established within the Department a Joint Requirements Council.

''(2) MISSION.—In addition to other matters assigned to it by the Secretary and Deputy Secretary, the Joint Requirements Council shall—

''(A) identify, assess, and validate joint requirements (including existing systems and associated capability gaps) to meet mission needs of the Department;

''(B) ensure that appropriate efficiencies are made among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, in the establishment and approval of joint requirements; and

''(C) make prioritized capability recommendations for the joint requirements validated under subparagraph (A) to the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary to review decisions of the Joint Requirements Council.

''(3) CHAIR.—The Secretary shall appoint a chairperson of the Joint Requirements Council, for a term of not more than 2 years, from among senior officials from components of the Department or other senior officials as designated by the Secretary.

''(4) COMPOSITION.—The Joint Requirements Council shall be composed of senior officials representing components of the Department and other senior officials as designated by the Secretary.

''(5) RELATIONSHIP TO FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that the Future Years Homeland Security Program required under section 874 is consistent with the recommendations of the Joint Requirements Council under paragraph (2)(C) of this subsection, as affirmed by the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary under that paragraph.

''(d) JOINT OPERATIONAL PLANS.—

''(1) PLANNING AND GUIDANCE.—The Secretary may direct the development of Joint Operational Plans for the Department and issue planning guidance for such development.

''(2) COORDINATION.—The Secretary shall ensure coordination between requirements derived from Joint Operational Plans and the Future Years Homeland Security Program required under section 874.

''(3) LIMITATION.—Nothing in this subsection shall be construed to affect the national emergency management authorities and responsibilities of the Administrator of the Federal Emergency Management Agency under title V.

''(e) JOINT TASK FORCES.—

''(1) ESTABLISHMENT.—The Secretary may establish and operate Departmental Joint Task Forces to conduct joint operations using personnel and capabilities of the Department.

''(2) JOINT TASK FORCE DIRECTORS.—

''(A) DIRECTOR.—Each Joint Task Force shall be headed by a Director appointed by the Secretary for a term of not more than 2 years, who shall be a senior official of the Department.

''(B) EXTENSION.—The Secretary may extend the appointment of a Director of a Joint Task Force for not more than 2 years if the Secretary determines that such an extension is in the best interest of the Department.

''(3) JOINT TASK FORCE DEPUTY DIRECTORS.—For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be an official of a different component or office of the Department than the Director of the Joint Task Force.

''(4) RESPONSIBILITIES.—The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

''(A) maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

''(B) provide operational plans and requirements for standard operating procedures and contingency operations;

''(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

''(D) set and accomplish strategic objectives through integrated operational planning and execution;

''(E) exercise operational direction over personnel and equipment from components and offices of the Department allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

''(F) establish operational and investigative priorities within the operating areas of the Joint Task Force;

''(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

''(H) carry out other duties and powers the Secretary determines appropriate.

''(5) PERSONNEL AND RESOURCES.—

''(A) IN GENERAL.—The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate on a temporary basis personnel and equipment of components and offices of the Department to a Joint Task Force.

''(B) COST NEUTRALITY.—A Joint Task Force may not require more personnel, equipment, or resources than would be required by components of the Department in the absence of the Joint Task Force.

''(C) LOCATION OF OPERATIONS.—In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

''(D) REPORT.—The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, submit to the congressional homeland security committees a report on the total funding, personnel, and other resources that each component of the Department allocated to each Joint Task Force to carry out the mission of the Joint Task Force during the fiscal year immediately preceding the report.

''(6) COMPONENT RESOURCE AUTHORITY.—As directed by the Secretary—

''(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities required under this section;

''(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which the resources are assigned; and

''(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the executive agent for the Joint Task Force.

''(7) JOINT TASK FORCE STAFF.—Each Joint Task Force shall have a staff, composed of officials from relevant components, to assist the Director in carrying out the mission and responsibilities of the Joint Task Force.

''(8) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary shall—

''(A) establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;

''(B) not later than 120 days after the date of enactment of this section, submit the metrics established under subparagraph (A) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives; and

''(C) not later than January 31, 2017, and each year thereafter, submit to each committee described in subparagraph (B) a report that contains the evaluation described in subparagraph (A).

''(9) JOINT DUTY TRAINING PROGRAM.—

''(A) IN GENERAL.—The Secretary shall—

''(i) establish a joint duty training program in the Department for the purposes of—

''(I) enhancing coordination within the Department; and

''(II) promoting workforce professional development; and

''(ii) tailor the joint duty training program to improve joint operations as part of the Joint Task Forces.

''(B) ELEMENTS.—The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

''(i) National security strategy.

''(ii) Strategic and contingency planning.

''(iii) Command and control of operations under joint command.

''(iv) International engagement.

''(v) The homeland security enterprise.

''(vi) Interagency collaboration.

''(vii) Leadership.

''(viii) Specific subject matter relevant to the Joint Task Force to which the joint duty training program is assigned.

''(C) TRAINING REQUIRED.—

''(i) DIRECTORS AND DEPUTY DIRECTORS.—Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

''(ii) JOINT TASK FORCE STAFF.—Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to the Joint Task Force.

''(iii) EXCEPTION.—Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after the date of enactment of this section.

''(iv) WAIVER.—The Secretary may waive clause (i) if the Secretary determines that such a waiver is in the interest of homeland security.

''(10) ESTABLISHING JOINT TASK FORCES.—Subject to paragraph (13), the Secretary may establish Joint Task Forces for the purposes of—

''(A) coordinating and directing operations along the land and maritime borders of the United States;

''(B) cybersecurity; and

''(C) preventing, preparing for, and responding to other homeland security matters, as determined by the Secretary.

''(11) NOTIFICATION OF JOINT TASK FORCE FORMATION.—

''(A) IN GENERAL.—Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit a notification to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''(B) WAIVER AUTHORITY.—The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or the protection of property.

''(12) REVIEW.—

''(A) IN GENERAL.—The Inspector General of the Department shall conduct a review of the Joint Task Forces established under this subsection.

''(B) CONTENTS.—The review required under subparagraph (A) shall include—

''(i) an assessment of the effectiveness of the structure of each Joint Task Force; and

''(ii) recommendations for enhancements to that structure to strengthen the effectiveness of the Joint Task Force.

''(C) SUBMISSION.—The Inspector General of the Department shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives—

''(i) an initial report that contains the evaluation described in subparagraph (A) by not later than January 31, 2018; and

''(ii) a second report that contains the evaluation described in subparagraph (A) by not later than January 31, 2021.

''(13) LIMITATION ON JOINT TASK FORCES.—

''(A) IN GENERAL.—The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under title V of this Act, including section 504(a)(3)(A), unless the responsibilities of the Joint Task Force—

''(i) do not include operational functions related to incident management, including coordination of operations; and

''(ii) are consistent with the requirements of paragraphs (3) and (4)(A) of section 503(c) and section 509(c) of this Act and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

''(B) RESPONSIBILITIES AND FUNCTIONS NOT REDUCED.—Nothing in this section shall be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator thereof under title V of this Act and any other provision of law, including the diversion of any asset, function, or mission from the Federal Emergency Management Agency or the Administrator thereof pursuant to section 506.

''(f) JOINT DUTY ASSIGNMENT PROGRAM.—The Secretary may establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 707 the following:

''Sec. 708. Department coordination.''.

SEC. 6103. NATIONAL OPERATIONS CENTER.

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended—

(1) in subsection (a)—

(A) by striking ''emergency managers and decision makers'' and inserting ''emergency managers, decision makers, and other appropriate officials''; and

(B) by inserting ''and steady-state activity'' before the period at the end;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''and tribal governments'' and inserting ''tribal, and territorial governments, the private sector, and international partners'';

(ii) by striking ''in the event of'' and inserting ''for events, threats, and incidents involving''; and

(iii) by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) enter into agreements with other Federal operations centers and other homeland security partners, as appropriate, to facilitate the sharing of information.'';

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

''(c) REPORTING REQUIREMENTS.—Each Federal agency shall provide the National Operations Center with timely information—

''(1) relating to events, threats, and incidents involving a natural disaster, act of terrorism, or other man-made disaster;

''(2) concerning the status and potential vulnerability of the critical infrastructure and key resources of the United States;

''(3) relevant to the mission of the Department ; or

''(4) as may be requested by the Secretary under section 202.''; and

(5) in subsection (d), as so redesignated—

(A) in the subsection heading, by striking ''FIRE SERVICE'' and inserting ''EMERGENCY RESPONDER'';

(B) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT OF POSITIONS.—The Secretary shall establish a position, on a rotating basis, for a representative of State and local emergency responders at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local emergency response services.'';

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

SEC. 6104. HOMELAND SECURITY ADVISORY COUNCIL.

(a) IN GENERAL.—Section 102(b) of the Homeland Security Act of 2002 (6 U.S.C. 112(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) shall establish a Homeland Security Advisory Council to provide advice and recommendations on homeland security and homeland security-related matters.''.

SEC. 6105. STRATEGY, POLICY, AND PLANS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.

''(a) IN GENERAL.—There is established in the Department an Office of Strategy, Policy, and Plans.

''(b) HEAD OF OFFICE.—The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor to the Secretary and be appointed by the President, by and with the advice and consent of the Senate.

''(c) FUNCTIONS.—The Office of Strategy, Policy, and Plans shall—

''(1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;

''(2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, offices, and activities across the Department;

''(3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including leading and conducting the quadrennial homeland security review under section 707;

''(4) manage Department leadership councils and provide analytics and support to such councils;

''(5) manage international coordination and engagement for the Department;

''(6) review and incorporate, as appropriate, external stakeholder feedback into Department policy; and

''(7) carry out such other responsibilities as the Secretary determines appropriate.

''(d) COORDINATION BY DEPARTMENT COMPONENTS.—To ensure consistency with the policy priorities of the Department, the head of each component of the Department shall coordinate with the Office of Strategy, Policy, and Plans in establishing or modifying policies or strategic planning guidance.

''(e) HOMELAND SECURITY STATISTICS AND JOINT ANALYSIS.—

''(1) HOMELAND SECURITY STATISTICS.—The Under Secretary for Strategy, Policy, and Plans shall—

''(A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;

''(B) be provided with statistical data maintained by the Department regarding the operations of the Department;

''(C) conduct or oversee analysis and reporting of such data by the Department as required by law or directed by the Secretary; and

''(D) ensure the accuracy of metrics and statistical data provided to Congress.

''(2) TRANSFER OF RESPONSIBILITIES.—There shall be transferred to the Under Secretary for Strategy, Policy, and Plans the maintenance of all immigration statistical information of U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled 'Yearbook of Immigration Statistics' prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135)is amended by inserting after the item relating to section 708 the following:

''Sec. 709. Office of Strategy, Policy, and Plans.''.

SEC. 6106. AUTHORIZATION OF THE OFFICE FOR PARTNERSHIPS AGAINST VIOLENT EXTREMISM OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by inserting after section 801 the following:

''SEC. 802. OFFICE FOR PARTNERSHIPS AGAINST VIOLENT EXTREMISM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Partnerships Against Violent Extremism designated under subsection (c).

''(3) COUNTERING VIOLENT EXTREMISM.—The term 'countering violent extremism' means proactive and relevant actions to counter recruitment, radicalization, and mobilization to violence and to address the immediate factors that lead to violent extremism and radicalization.

''(4) DOMESTIC TERRORISM; INTERNATIONAL TERRORISM.—The terms 'domestic terrorism' and 'international terrorism' have the meanings given those terms in section 2331 of title 18, United States Code.

''(5) RADICALIZATION.—The term 'radicalization' means the process by which an individual chooses to facilitate or commit domestic terrorism or international terrorism.

''(6) VIOLENT EXTREMISM.—The term 'violent extremism' means international or domestic terrorism.

''(b) ESTABLISHMENT.—There is in the Department an Office for Partnerships Against Violent Extremism.

''(c) HEAD OF OFFICE.—The Office for Partnerships Against Violent Extremism shall be headed by an Assistant Secretary for Partnerships Against Violent Extremism, who shall be designated by the Secretary and report directly to the Secretary.

''(d) DEPUTY ASSISTANT SECRETARY; ASSIGNMENT OF PERSONNEL.—The Secretary shall—

''(1) designate a career Deputy Assistant Secretary for Partnerships Against Violent Extremism; and

''(2) assign or hire, as appropriate, permanent staff to the Office for Partnerships Against Violent Extremism.

''(e) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Assistant Secretary shall be responsible for the following:

''(A) Leading the efforts of the Department to counter violent extremism across all the components and offices of the Department that conduct strategic and supportive efforts to counter violent extremism. Such efforts shall include the following:

''(i) Partnering with communities to address vulnerabilities that can be exploited by violent extremists in the United States and explore potential remedies for government and nongovernment institutions.

''(ii) Working with civil society groups and communities to counter violent extremist propaganda, messaging, or recruitment.

''(iii) In coordination with the Office for Civil Rights and Civil Liberties of the Department, managing the outreach and engagement efforts of the Department directed toward communities at risk for radicalization and recruitment for violent extremist activities.

''(iv) Ensuring relevant information, research, and products inform efforts to counter violent extremism.

''(v) Developing and maintaining Department-wide strategy, plans, policies, and programs to counter violent extremism. Such plans shall, at a minimum, address each of the following:

''(I) The Department's plan to leverage new and existing Internet and other technologies and social media platforms to improve nongovernment efforts to counter violent extremism, as well as the best practices and lessons learned from other Federal, State, local, tribal, territorial, and foreign partners engaged in similar counter-messaging efforts.

''(II) The Department's countering violent extremism-related engagement efforts.

''(III) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism.

''(vi) Coordinating with the Office for Civil Rights and Civil Liberties of the Department to ensure all of the activities of the Department related to countering violent extremism fully respect the privacy, civil rights, and civil liberties of all persons.

''(vii) In coordination with the Under Secretary for Science and Technology and in consultation with the Under Secretary for Intelligence and Analysis, identifying and recommending new empirical research and analysis requirements to ensure the dissemination of information and methods for Federal, State, local, tribal, and territorial countering violent extremism practitioners, officials, law enforcement personnel, and nongovernmental partners to utilize such research and analysis.

''(viii) Assessing the methods used by violent extremists to disseminate propaganda and messaging to communities at risk for recruitment by violent extremists.

''(B) Developing a digital engagement strategy that expands the outreach efforts of the Department to counter violent extremist messaging by—

''(i) exploring ways to utilize relevant Internet and other technologies and social media platforms; and

''(ii) maximizing other resources available to the Department.

''(C) Serving as the primary representative of the Department in coordinating countering violent extremism efforts with other Federal departments and agencies and nongovernmental organizations.

''(D) Serving as the primary Department-level representative in coordinating with the Department of State on international countering violent extremism issues.

''(E) In coordination with the Administrator, providing guidance regarding the use of grants made to State, local, and tribal governments under sections 2003 and 2004 under the allowable uses guidelines related to countering violent extremism.

''(F) Developing a plan to expand philanthropic support for domestic efforts related to countering violent extremism, including by identifying viable community projects and needs for possible philanthropic support.

''(2) COMMUNITIES AT RISK.—For purposes of this subsection, the term 'communities at risk' shall not include a community that is determined to be at risk solely on the basis of race, religious affiliation, or ethnicity.

''(f) STRATEGY TO COUNTER VIOLENT EXTREMISM IN THE UNITED STATES.—

''(1) STRATEGY.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives a comprehensive Department strategy to counter violent extremism in the United States.

''(2) CONTENTS OF STRATEGY.—The strategy required under paragraph (1) shall, at a minimum, address each of the following:

''(A) The Department's digital engagement effort, including a plan to leverage new and existing Internet, digital, and other technologies and social media platforms to counter violent extremism, as well as the best practices and lessons learned from other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners engaged in similar counter-messaging activities.

''(B) The Department's countering violent extremism-related engagement and outreach activities.

''(C) The use of cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for activities relating to countering violent extremism.

''(D) Ensuring all activities related to countering violent extremism adhere to relevant Department and applicable Department of Justice guidance regarding privacy, civil rights, and civil liberties, including safeguards against discrimination.

''(E) The development of qualitative and quantitative outcome-based metrics to evaluate the Department's programs and policies to counter violent extremism.

''(F) An analysis of the homeland security risk posed by violent extremism based on the threat environment and empirical data assessing terrorist activities and incidents, and

violent extremist propaganda, messaging, or recruitment.

''(G) Information on the Department's near-term, mid-term, and long-term risk-based goals for countering violent extremism, reflecting the risk analysis conducted under subparagraph (F).

''(3) STRATEGIC CONSIDERATIONS.—In drafting the strategy required under paragraph (1), the Secretary shall consider including the following:

''(A) Departmental efforts to undertake research to improve the Department's understanding of the risk of violent extremism and to identify ways to improve countering violent extremism activities and programs, including outreach, training, and information sharing programs.

''(B) The Department's nondiscrimination policies as they relate to countering violent extremism.

''(C) Departmental efforts to help promote community engagement and partnerships to counter violent extremism in furtherance of the strategy.

''(D) Departmental efforts to help increase support for programs and initiatives to counter violent extremism of other Federal, State, local, tribal, territorial, nongovernmental, and foreign partners that are in furtherance of the strategy, and which adhere to all relevant constitutional, legal, and privacy protections.

''(E) Departmental efforts to disseminate to local law enforcement agencies and the general public information on resources, such as training guidance, workshop reports, and the violent extremist threat, through multiple platforms, including the development of a dedicated webpage, and information regarding the effectiveness of those efforts.

''(F) Departmental efforts to use cooperative agreements with State, local, tribal, territorial, and other Federal departments and agencies responsible for efforts relating to countering violent extremism, and information regarding the effectiveness of those efforts.

''(G) Information on oversight mechanisms and protections to ensure that activities and programs undertaken pursuant to the strategy adhere to all relevant constitutional, legal, and privacy protections.

''(H) Departmental efforts to conduct oversight of all countering violent extremism training and training materials and other resources developed or funded by the Department.

''(I) Departmental efforts to foster transparency by making, to the extent practicable, all regulations, guidance, documents, policies, and training materials publicly available, including through any webpage developed under subparagraph (E).

''(4) STRATEGIC IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary submits the strategy required under paragraph (1), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives an implementation plan for each of the components and offices of the Department with responsibilities under the strategy.

''(B) CONTENTS.—The implementation plan required under subparagraph (A) shall include an integrated master schedule and cost estimate for activities and programs contained in the implementation plan, with specificity on how each such activity and program aligns with near-term, mid-term, and long-term goals specified in the strategy required under paragraph (1).

''(g) ANNUAL REPORT.—Not later than April 1, 2017, and annually thereafter, the Assistant Secretary shall submit to Congress an annual report on the Office for Partnerships Against Violent Extremism, which shall include the following:

''(1) A description of the status of the programs and policies of the Department for countering violent extremism in the United States.

''(2) A description of the efforts of the Office for Partnerships Against Violent Extremism to cooperate with and provide assistance to other Federal departments and agencies.

''(3) Qualitative and quantitative metrics for evaluating the success of such programs and policies and the steps taken to evaluate the success of such programs and policies.

''(4) An accounting of—

''(A) grants and cooperative agreements awarded by the Department to counter violent extremism; and

''(B) all training specifically aimed at countering violent extremism sponsored by the Department.

''(5) An analysis of how the Department's activities to counter violent extremism correspond and adapt to the threat environment.

''(6) A summary of how civil rights and civil liberties are protected in the Department's activities to counter violent extremism.

''(7) An evaluation of the use of section 2003 and section 2004 grants and cooperative agreements awarded to support efforts of local communities in the United States to counter violent extremism, including information on the effectiveness of such grants and cooperative agreements in countering violent extremism.

''(8) A description of how the Office for Partnerships Against Violent Extremism incorporated lessons learned from the countering violent extremism programs and policies of foreign, State, local, tribal, and territorial governments and stakeholder communities.

''(h) ANNUAL REVIEW.—Not later than 1 year after the date of enactment of this section, and every year thereafter, the Office for Civil Rights and Civil Liberties of the Department shall—

''(1) conduct a review of the Office for Partnerships Against Violent Extremism activities to ensure that all of the activities of the Office related to countering violent extremism respect the privacy, civil rights, and civil liberties of all persons; and

''(2) make publicly available on the website of the Department a report containing the results of the review conducted under paragraph (1).''; and

(2) in section 2008(b)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) to support any organization or group which has knowingly or recklessly funded domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code) or organization or group known to engage in or recruit to such activities, as determined by the Assistant Secretary for Partnerships Against Violent Extremism in consultation with the Administrator and the heads of other appropriate Federal departments and agencies.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135)is amended by inserting after the item relating to section 801 the following:

''Sec. 802. Office for Partnerships Against Violent Extremism.''.

(c) SUNSET.—Effective on the date that is 7 years after the date of enactment of this Act—

(1) section 802 of the Homeland Security Act of 2002, as added by subsection (a), is repealed; and

(2) the table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 802.

TITLE LXXII—DEPARTMENT ACCOUNTABILITY, EFFICIENCY, AND WORKFORCE REFORMS

SEC. 6201. DUPLICATION REVIEW.

(a) IN GENERAL.—The Secretary shall—

(1) not later than 1 year after the date of enactment of this Act, complete a review of the international affairs offices, functions, and responsibilities of the Department to identify and eliminate areas of unnecessary duplication; and

(2) not later than 30 days after the date on which the Secretary completes the review under paragraph (1), provide the results of the review to the congressional homeland security committees.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the congressional homeland security committees an action plan, including corrective steps and an estimated date of completion, to address areas of duplication, fragmentation, and overlap and opportunities for cost savings and revenue enhancement, as identified by the Government Accountability Office based on the annual report of the Government Accountability Office entitled ''Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits''.

(c) EXCLUSION.—This section shall not apply to international activities related to the protective mission of the United States Secret Service, or to the Coast Guard when operating under the direct authority of the Secretary of Defense or the Secretary of the Navy.

SEC. 6202. INFORMATION TECHNOLOGY STRATEGIC PLAN.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended by adding at the end the following:

''(c) STRATEGIC PLANS.—Consistent with the timing set forth in section 306(a) of title 5, United States Code, and the requirements under section 3506 of title 44, United States Code, the Chief Information Officer shall develop, make public, and submit to the congressional homeland security committees an information technology strategic plan, which shall include how—

''(1) information technology will be leveraged to meet the priority goals and strategic objectives of the Department;

''(2) the budget of the Department aligns with priorities specified in the information technology strategic plan;

''(3) unnecessarily duplicative, legacy, and outdated information technology within and across the Department will be identified and eliminated, and an estimated date for the identification and elimination of duplicative information technology within and across the Department;

''(4) the Chief Information Officer will coordinate with components of the Department to ensure that information technology policies are effectively and efficiently implemented across the Department;

''(5) a list of information technology projects, including completion dates, will be made available to the public and Congress;

''(6) the Chief Information Officer will inform Congress of high risk projects and cybersecurity risks; and

''(7) the Chief Information Officer plans to maximize the use and purchase of commercial off-the-shelf information technology products and services.''.

SEC. 6203. SOFTWARE LICENSING.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343), as amended by section 6202 of this Act, is amended by adding at the end the following:

''(d) SOFTWARE LICENSING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every 2 years thereafter, the Chief Information Officer, in consultation with Chief Information Officers of components of the Department, shall—

''(A) conduct a Department-wide inventory of all existing software licenses held by the Department, including utilized and unutilized licenses;

''(B) assess the needs of the Department for software licenses for the subsequent 2 fiscal years;

''(C) assess the actions that could be carried out by the Department to achieve the greatest possible economies of scale and cost savings in the procurement of software licenses;

''(D) determine how the use of technological advancements will impact the needs for software licenses for the subsequent 2 fiscal years;

''(E) establish plans and estimated costs for eliminating unutilized software licenses for the subsequent 2 fiscal years; and

''(F) consult with the Federal Chief Information Officer to identify best practices in the Federal Government for purchasing and maintaining software licenses.

''(2) EXCESS SOFTWARE LICENSING.—

''(A) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer determines through the inventory conducted under paragraph (1)(A) that the number of software licenses held by the Department exceed the needs of the Department as assessed under paragraph (1)(B), the Secretary, not later than 90 days after the date on which the inventory is completed, shall establish a plan for bringing the number of such software licenses into balance with such needs of the Department.

''(B) PROHIBITION ON PROCUREMENT OF EXCESS SOFTWARE LICENSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), upon completion of a plan established under subparagraph (A), no additional budgetary resources may be obligated for the procurement of additional software licenses of the same types until such time as the needs of the Department equals or exceeds the number of used and unused licenses held by the Department.

''(ii) EXCEPTION.—The Chief Information Officer may authorize the purchase of additional licenses and amend the number of needed licenses as necessary.

''(3) SUBMISSION TO CONGRESS.—The Chief Information Officer shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a copy of each inventory conducted under paragraph (1)(A), each plan established under paragraph (2)(A), and each exception exercised under paragraph (2)(B)(ii).''.

(b) GAO REVIEW.—Not later than 1 year after the date on which the results of the first inventory are submitted to Congress under subsection 703(d) of the Homeland Security Act of 2002, as added by subsection (a), the Comptroller General of the United States shall assess whether the Department complied with the requirements under paragraphs (1) and (2)(A) of such section 703(d) and provide the results of the review to the congressional homeland security committees.

SEC. 6204. WORKFORCE STRATEGY.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended to read as follows:

''SEC. 704. CHIEF HUMAN CAPITAL OFFICER.

''(a) IN GENERAL.—There is a Chief Human Capital Officer of the Department, who shall report directly to the Under Secretary for Management.

''(b) RESPONSIBILITIES.—In addition to the responsibilities set forth in chapter 14 of title 5, United States Code, and other applicable law, the Chief Human Capital Officer of the Department shall—

''(1) develop and implement strategic workforce planning policies that are consistent with Government-wide leading principles and in line with Department strategic human capital goals and priorities;

''(2) develop performance measures to provide a basis for monitoring and evaluating Department-wide strategic workforce planning efforts;

''(3) develop, improve, and implement policies, including compensation flexibilities available to Federal agencies where appropriate, to recruit, hire, train, and retain the workforce of the Department, in coordination with all components of the Department;

''(4) identify methods for managing and overseeing human capital programs and initiatives, in coordination with the head of each component of the Department;

''(5) develop a career path framework and create opportunities for leader development in coordination with all components of the Department;

''(6) lead the efforts of the Department for managing employee resources, including training and development opportunities, in coordination with each component of the Department;

''(7) work to ensure the Department is implementing human capital programs and initiatives and effectively educating each component of the Department about these programs and initiatives;

''(8) identify and eliminate unnecessary and duplicative human capital policies and guidance;

''(9) provide input concerning the hiring and performance of the Chief Human Capital Officer or comparable official in each component of the Department; and

''(10) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5, United States Code.

''(c) COMPONENT STRATEGIES.—

''(1) IN GENERAL.—Each component of the Department shall, in coordination with the Chief Human Capital Officer of the Department, develop a 5-year workforce strategy for the component that will support the goals, objectives, and performance measures of the Department for determining the proper balance of Federal employees and private labor resources.

''(2) STRATEGY REQUIREMENTS.—In developing the strategy required under paragraph (1), each component shall consider the effect on human resources associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services, including—

''(A) hiring projections, including occupation and grade level, as well as corresponding salaries, benefits, and hiring or retention bonuses;

''(B) the identification of critical skills requirements over the 5-year period, any current or anticipated deficiency in critical skills required at the Department, and the training or other measures required to address those deficiencies in skills;

''(C) recruitment of qualified candidates and retention of qualified employees;

''(D) supervisory and management requirements;

''(E) travel and related personnel support costs;

''(F) the anticipated cost and impact on mission performance associated with replacing Federal personnel due to their retirement or other attrition; and

''(G) other appropriate factors.

''(d) ANNUAL SUBMISSION.—Not later than 90 days after the date on which the Secretary submits the annual budget justification for the Department, the Secretary shall submit to the congressional homeland security committees a report that includes a table, delineated by component with actual and enacted amounts, including—

''(1) information on the progress within the Department of fulfilling the workforce strategies developed under subsection (c); and

''(2) the number of on-board staffing for Federal employees from the prior fiscal year;

''(3) the total contract hours submitted by each prime contractor as part of the service contract inventory required under section 743 of the Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117; 31 U.S.C. 501 note) with respect to—

''(A) support service contracts;

''(B) federally funded research and development center contracts; and

''(C) science, engineering, technical, and administrative contracts; and

''(4) the number of full-time equivalent personnel identified under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).''.

SEC. 6205. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended to read as follows:

''SEC. 883. WHISTLEBLOWER PROTECTIONS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'new employee' means an individual—

''(A) appointed to a position as an employee of the Department on or after the date of enactment of the DHS Accountability Act of 2016; and

''(B) who has not previously served as an employee of the Department;

''(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) of title 5, United States Code, against an employee of the Department;

''(3) the term 'supervisor' means a supervisor, as defined under section 7103(a) of title 5, United States Code, who is employed by the Department; and

''(4) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of section 2302(b) of title 5, United States Code.

''(b) ADVERSE ACTIONS.—

''(1) PROPOSED ADVERSE ACTIONS.—In accordance with paragraph (2), the Secretary shall propose against a supervisor whom the Secretary, 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 Department 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 Secretary determines that such evidence is not sufficient to reverse the proposed adverse action, the Secretary shall carry out the adverse action.

''(C) SCOPE OF PROCEDURES.—Paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513 of title 5, United States Code, and paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543 of title 5, United States Code, shall not apply with respect to an adverse action carried out under this subsection.

''(3) NO LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action, if the Secretary carries out an adverse action against a supervisor under another provision of law, the Secretary may carry out an additional adverse action under this subsection based on the same prohibited personnel action.

''(c) TRAINING FOR SUPERVISORS.—In consultation with the Special Counsel and the Inspector General of the Department, the Secretary shall provide training regarding how to respond to complaints alleging a violation of whistleblower protections available to employees of the Department—

''(1) to employees appointed to supervisory positions in the Department who have not previously served as a supervisor; and

''(2) on an annual basis, to all employees of the Department serving in a supervisory position.

''(d) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—

''(1) RESPONSIBILITIES OF SECRETARY.—The Secretary shall be responsible for—

''(A) the prevention of prohibited personnel practices;

''(B) the compliance with and enforcement of applicable civil service laws, rules, and regulations and other aspects of personnel management; and

''(C) ensuring (in consultation with the Special Counsel and the Inspector General of the Department) that employees of the Department are informed of the rights and remedies available to them under chapters 12 and 23 of title 5, United States Code, including—

''(i) information regarding whistleblower protections available to new employees during the probationary period;

''(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with regard to whistleblower protections; and

''(iii) 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 the Department, Congress, or other Department employee designated to receive such disclosures.

''(2) TIMING.—The Secretary shall ensure that the information required to be provided under paragraph (1) is provided to each new employee not later than 6 months after the date the new employee is appointed.

''(3) INFORMATION ONLINE.—The Secretary shall make available information regarding whistleblower protections applicable to employees of the Department on the public website of the Department, and on any online portal that is made available only to employees of the Department.

''(4) DELEGEES.—Any employee to whom the Secretary 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 paragraph (1).

''(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Department from requirements applicable with respect to executive agencies—

''(1) to provide equal employment protection for employees of the Department (including pursuant to section 2302(b)(1) of title 5, United States Code, and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note)); or

''(2) to provide whistleblower protections for employees of the Department (including pursuant to paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (5 U.S.C. 2301 note)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 883 and inserting the following:

''Sec. 883. Whistleblower protections.''.

SEC. 6206. COST SAVINGS AND EFFICIENCY REVIEWS.

Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Under Secretary for Management, shall submit to the congressional homeland security committees a report, which may include a classified or other appropriately controlled annex containing any information required to be submitted under this section that is restricted from public disclosure in accordance with Federal law, including information that is not publicly releasable, that—

(1) provides a detailed accounting of the management and administrative expenditures and activities of each component of the Department and identifies potential cost savings, avoidances, and efficiencies for those expenditures and activities;

(2) examines major physical assets of the Department, as defined by the Secretary;

(3) reviews the size, experience level, and geographic distribution of the operational personnel of the Department;

(4) makes recommendations for adjustments in the management and administration of the Department that would reduce deficiencies in the capabilities of the Department, reduce costs, and enhance efficiencies; and

(5) examines—

(A) how employees who carry out management and administrative functions at Department headquarters coordinate with employees who carry out similar functions at—

(i) each component of the Department;

(ii) the Office of Personnel Management; and

(iii) the General Services Administration; and

(B) whether any unnecessary duplication, overlap, or fragmentation exists with respect to those functions.

SEC. 6207. ABOLISHMENT OF CERTAIN OFFICES.

(a) ABOLISHMENT OF THE DIRECTOR OF SHARED SERVICES.—The position of Director of Shared Services in the Department is abolished.

(b) ABOLISHMENT OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 843(b)(1)(B) (6 U.S.C. 413(b)(1)(B)), by striking ''by—'' and all that follows through the end and inserting ''by the Secretary; and'';

(2) by repealing section 878 (6 U.S.C. 458); and

(3) in the table of contents in section 1(b) (Public Law 107–296; 116 Stat. 2135), by striking the item relating to section 878.

TITLE LXXIII—DEPARTMENT TRANSPARENCY AND ASSESSMENTS

SEC. 6301. HOMELAND SECURITY STATISTICS.

Section 478(a) of the Homeland Security Act of 2002 (6 U.S.C. 298(a)) is amended—

(1) in paragraph (1), by striking ''to the Committees on the Judiciary and Government Reform of the House of Representatives, and to the Committees on the Judiciary and Government Affairs of the Senate,'' and inserting ''the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the congressional homeland security committees''; and

(2) in paragraph (2), by adding at the end the following:

''(I) The number of persons known to have overstayed the terms of their visa, by visa type.

''(J) An estimated percentage of persons believed to have overstayed their visa, by visa type.

''(K) A description of immigration enforcement actions.''.

SEC. 6302. ANNUAL HOMELAND SECURITY ASSESSMENT.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 210G. ANNUAL HOMELAND SECURITY ASSESSMENT.

''(a) DEPARTMENT ANNUAL ASSESSMENT.—

''(1) IN GENERAL.—Not later than March 31 of each year beginning in the year after the date of enactment of this section, and each year thereafter for 7 years, the Under Secretary for Intelligence and Analysis shall prepare and submit to the congressional homeland security committees a report assessing the current threats to homeland security and the capability of the Department to address those threats.

''(2) FORM OF REPORT.—In carrying out paragraph (1), the Under Secretary for Intelligence and Analysis shall submit an unclassified report, and as necessary, a classified annex.

''(b) OFFICE OF INSPECTOR GENERAL ANNUAL ASSESSMENT.—Not later than 90 days after the date on which a report required under subsection (a) is submitted to the congressional homeland security committees, the Inspector General of the Department shall prepare and submit to the congressional homeland security committees a report, which shall include an assessment of the capability of the Department to address the threats identified in the report required under subsection (a) and recommendations for actions to mitigate those threats.

''(c) MITIGATION PLAN.—Not later than 90 days after the date on which a report required under subsection (b) is submitted to the congressional homeland security committees, the Secretary shall submit to the congressional homeland security committees a plan to mitigate the threats to homeland security identified in the report.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 210F the following:

''Sec. 210G. Annual homeland security assessment.''.

SEC. 6303. DEPARTMENT TRANSPARENCY.

(a) FEASIBILITY STUDY.—The Administrator of the Federal Emergency Management Agency shall initiate a study to determine the feasibility of gathering data and providing information to Congress on the use of Federal grant awards, for expenditures of more than $5,000, by entities that receive a Federal grant award under the Urban Area Security Initiative and the State Homeland Security Grant Program under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), respectively.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the congressional homeland security committees a report on the results of the study required under subsection (a).

SEC. 6304. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 319. TRANSPARENCY IN RESEARCH AND DEVELOPMENT.

''(a) REQUIREMENT TO PUBLICLY LIST UNCLASSIFIED RESEARCH & DEVELOPMENT PROGRAMS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall maintain a detailed list, accessible on the website of the Department, of—

''(A) each research and development project that is not classified, and all appropriate details for each such project, including the component of the Department responsible for the project;

''(B) each task order for a Federally Funded Research and Development Center not associated with a research and development project; and

''(C) each task order for a University-based center of excellence not associated with a research and development project.

''(2) EXCEPTIONS.—

''(A) OPERATIONAL SECURITY.—The Secretary, or a designee of the Secretary with the rank of Assistant Secretary or above, may exclude a project from the list required under paragraph (1) if the Secretary or such designee provides to the appropriate congressional committees—

''(i) the information that would otherwise be required to be publicly posted under paragraph (1); and

''(ii) a written certification that—

''(I) the information that would otherwise be required to be publicly posted under paragraph (1) is controlled unclassified information, the public dissemination of which would jeopardize operational security; and

''(II) the publicly posted list under paragraph (1) includes as much information about the program as is feasible without jeopardizing operational security.

''(B) COMPLETED PROJECTS.—Paragraph (1) shall not apply to a project completed or otherwise terminated before the date of enactment of this section.

''(3) DEADLINE AND UPDATES.—The list required under paragraph (1) shall be—

''(A) made publicly accessible on the website of the Department not later than 1 year after the date of enactment of this section; and

''(B) updated as frequently as possible, but not less frequently than once per quarter.

''(4) DEFINITION OF RESEARCH AND DEVELOPMENT.—For purposes of the list required under paragraph (1), the Secretary shall publish a definition for the term 'research and development' on the website of the Department.

''(b) REQUIREMENT TO REPORT TO CONGRESS ON CLASSIFIED PROJECTS.—Not later than January 1, 2017, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report that lists each ongoing classified project at the Department, including all appropriate details of each such project.

''(c) INDICATORS OF SUCCESS OF TRANSITIONED PROJECTS.—

''(1) IN GENERAL.—For each project that has been transitioned from research and development to practice, the Under Secretary for Science and Technology shall develop and track indicators to demonstrate the uptake of the technology or project among customers or end-users.

''(2) REQUIREMENT.—To the fullest extent possible, the tracking of a project required under paragraph (1) shall continue for the 3-year period beginning on the date on which the project was transitioned from research and development to practice.

''(3) INDICATORS.—The indicators developed and tracked under this subsection shall be included in the list required under subsection (a).

''(d) DEFINITIONS.—In this section:

''(1) ALL APPROPRIATE DETAILS.—The term 'all appropriate details' means—

''(A) the name of the project, including both classified and unclassified names if applicable;

''(B) the name of the component carrying out the project;

''(C) an abstract or summary of the project;

''(D) funding levels for the project;

''(E) project duration or timeline;

''(F) the name of each contractor, grantee, or cooperative agreement partner involved in the project;

''(G) expected objectives and milestones for the project; and

''(H) to the maximum extent practicable, relevant literature and patents that are associated with the project.

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

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

''(B) the Committee on Homeland Security of the House of Representatives; and

''(C) the Committee on Oversight and Government Reform of House of Representatives.

''(3) CLASSIFIED.—The term 'classified' means anything containing—

''(A) classified national security information as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order;

''(B) Restricted Data or data that was formerly Restricted Data, as defined in section 11y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

''(C) material classified at the Sensitive Compartmented Information (SCI) level as defined in section 309 of the Intelligence Authorization Act for Fiscal Year 2001 (50 U.S.C. 3345); or

''(D) information relating to a special access program, as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order.

''(4) CONTROLLED UNCLASSIFIED INFORMATION.—The term 'controlled unclassified information' means information described as 'Controlled Unclassified Information' under Executive Order 13556 (50 U.S.C. 3501 note) or any successor order.

''(5) PROJECT.—The term 'project' means a research or development project, program, or activity administered by the Department, whether ongoing, completed, or otherwise terminated.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 318 the following:

''Sec. 319. Transparency in research and development.''.

SEC. 6305. REPORTING ON NATIONAL BIO AND AGRO-DEFENSE FACILITY.

(a) IN GENERAL.—Section 310 of the Homeland Security Act of 2002 (6 U.S.C. 190) is amended by adding at the end the following:

''(e) SUCCESSOR FACILITY.—The National Bio and Agro-Defense Facility, the planned successor facility to the Plum Island Animal Disease Center as of the date of enactment of this subsection, shall be subject to the requirements under subsections (b), (c), and (d) in the same manner and to the same extent as the Plum Island Animal Disease Center.

''(f) CONSTRUCTION OF THE NATIONAL BIO AND AGRO-DEFENSE FACILITY.—

''(1) REPORT REQUIRED.—Not later than September 30, 2016, and not less frequently than twice each year thereafter, the Secretary of Homeland Security and the Secretary of Agriculture shall submit to the congressional homeland security committees a report on the National Bio and Agro-Defense Facility that includes—

''(A) a review of the status of the construction of the National Bio and Agro-Defense Facility, including—

''(i) current cost and schedule estimates;

''(ii) any revisions to previous estimates described in clause (i); and

''(iii) total obligations to date;

''(B) a description of activities carried out to prepare for the transfer of research to the facility and the activation of that research; and

''(C) a description of activities that have occurred to decommission the Plum Island Animal Disease Center.

''(2) SUNSET.—The reporting requirement under paragraph (1) shall terminate on the date that is 1 year after the date on which the Secretary of Homeland Security certifies to the congressional homeland security committees that construction of the National Bio and Agro-Defense Facility has been completed.''.

(b) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of and submit to Congress a report on the construction and future planning of the National Bio and Agro-Defense Facility, which shall include—

(1) the extent to which cost and schedule estimates for the project conform to capital planning leading practices as determined by the Comptroller General;

(2) the extent to which the project's planning, budgeting, acquisition, and proposed management in use conform to capital planning leading practices as determined by the Comptroller General; and

(3) the extent to which disposal of the Plum Island Animal Disease Center conforms to capital planning leading practices as determined by the Comptroller General.

SEC. 6306. INSPECTOR GENERAL OVERSIGHT OF SUSPENSION AND DEBARMENT.

Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department shall—

(1) audit the award of grants and procurement contracts to identify—

(A) instances in which a grant or contract was improperly awarded to a suspended or debarred entity; and

(B) whether corrective actions were taken following such instances to prevent recurrence; and

(2) review the suspension and debarment program throughout the Department to assess whether—

(A) suspension and debarment criteria are consistently applied throughout the Department; and

(B) disparities exist in the application of the criteria, particularly with respect to business size and category.

SEC. 6307. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454) is amended—

(1) in the section heading, by striking ''**YEAR**'' and inserting ''**YEARS**'';

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not later than 60 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives (referred to in this section as the 'appropriate committees') a Future Years Homeland Security Program that covers the fiscal year for which the budget is submitted and the 4 succeeding fiscal years.''; and

(3) by striking subsection (c) and inserting the following:

''(c) PROJECTION OF ACQUISITION ESTIMATES.—On and after February 1, 2018, each Future Years Homeland Security Program shall project—

''(1) acquisition estimates for the fiscal year for which the budget is submitted and the 4 succeeding fiscal years, with specified estimates for each fiscal year, for all major acquisitions by the Department and each component of the Department; and

''(2) estimated annual deployment schedules for all physical asset major acquisitions over the 5-fiscal-year period described in paragraph (1) and the full operating capability for all information technology major acquisitions.

''(d) SENSITIVE AND CLASSIFIED INFORMATION.—The Secretary may include with each Future Years Homeland Security Program a classified or other appropriately controlled document containing any information required to be submitted under this section that is restricted from public disclosure in accordance with Federal law or any Executive Order.

''(e) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to the appropriate committees under this section, other than information described in subsection (d).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 874 and inserting the following:

''Sec. 874. Future Years Homeland Security Program.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to each fiscal year beginning after the date of enactment of this Act.

SEC. 6308. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—Section 707 of the Homeland Security Act of 2002 (6 U.S.C. 347) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) review available capabilities and capacities across the homeland security enterprise and identify redundant, wasteful, or unnecessary capabilities and capacities from which resources can be redirected to better support other existing capabilities and capacities.''; and

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President is submitted to Congress under section 1105 of title 31, United States Code, for the fiscal year after the fiscal year in which a quadrennial homeland security review is conducted under subsection (a)(1), the Secretary shall submit to Congress a report on the quadrennial homeland security review.''; and

(B) in paragraph (2)—

(i) in subparagraph (H), by striking ''and'' at the end;

(ii) by redesignating subparagraph (I) as subparagraph (L); and

(iii) by inserting after subparagraph (H) the following:

''(I) a description of how the conclusions under the quadrennial homeland security review will inform efforts to develop capabilities and build capacity of States, local governments, Indian tribes, territories, and private entities, and of individuals, families, and communities;

''(J) proposed changes to the authorities, organization, governance structure, or business processes (including acquisition processes) of the Department in order to better fulfil responsibilities of the Department;

''(K) if appropriate, a classified or other appropriately controlled document containing any information required to be submitted under this paragraph that is restricted from public disclosure in accordance with Federal law, including information that is not publicly releasable; and''.

SEC. 6309. REPORTING REDUCTION.

(a) OFFICE OF COUNTERNARCOTICS SEIZURE REPORT.—Section 705(a) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1704(a)) is amended by striking paragraph (3).

(b) ANNUAL REPORT ON ACTIVITIES OF THE NATIONAL NUCLEAR DETECTION OFFICE.—Section 1902(a)(13) of the Homeland Security Act of 2002 (6 U.S.C. 592(a)(13)) is amended by striking ''an annual'' and inserting ''a biennial''.

(c) JOINT ANNUAL INTERAGENCY REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.—Section 1907 of the Homeland Security Act of 2002 (6 U.S.C. 596a) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''once each year—'' and inserting ''once every other year—''; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''the previous year'' and inserting ''the previous 2 years''; and

(II) in clause (iii), by striking ''the previous year.'' and inserting ''the previous 2 years.''; and

(C) in paragraph (2), by striking ''once each year,'' and inserting ''once every other year,''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(B) in paragraph (1), by striking ''of each year,'' and inserting ''of every other year,''; and

(C) in paragraph (2), by striking ''annual'' and inserting ''biennial''.

SEC. 6310. ADDITIONAL DEFINITIONS.

Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (13) through (18) as paragraphs (17) through (22), respectively;

(2) by redesignating paragraphs (9) through (12) as paragraphs (12) through (15), respectively;

(3) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively;

(4) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

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

''(1) The term 'acquisition' has the meaning given the term in section 131 of title 41, United States Code.'';

(6) in paragraph (3), as so redesignated—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B) The term 'congressional homeland security committees' means—

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

''(ii) the Committee on Homeland Security of the House of Representatives;

''(iii) the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

''(iv) the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.'';

(7) by inserting after paragraph (4), as so redesignated, the following:

''(5) The term 'best practices', with respect to acquisition, means a knowledge-based approach to capability development that includes—

''(A) identifying and validating needs;

''(B) assessing alternatives to select the most appropriate solution;

''(C) clearly establishing well-defined requirements;

''(D) developing realistic cost assessments and schedules;

''(E) planning stable funding that matches resources to requirements;

''(F) demonstrating technology, design, and manufacturing maturity;

''(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

''(H) adopting and executing standardized processes with known success across programs;

''(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

''(J) integrating capabilities into the mission and business operations of the Department.'';

(8) by inserting after paragraph (10), as so redesignated, the following:

''(11) The term 'homeland security enterprise' means all relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, tribal, and territorial government officials, private sector representatives, academics, and other policy experts.''; and

(9) by inserting after paragraph (15), as so redesignated, the following:

''(16) The term 'management integration and transformation'—

''(A) means the development of consistent and consolidated functions for information technology, financial management, acquisition management, logistics and material resource management, asset security, and human capital management; and

''(B) includes governing processes and procedures, management systems, personnel activities, budget and resource planning, training, real estate management, and provision of security, as they relate to functions cited in subparagraph (A).''.

TITLE LXXIV—MISCELLANEOUS

SEC. 6401. ADMINISTRATIVE LEAVE.

(a) SHORT TITLE.—This section may be cited as the ''Administrative Leave Act of 2016''.

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

(1) agency use of administrative leave, and leave that is referred to incorrectly as administrative leave in agency recording practices, has exceeded reasonable amounts—

(A) in contravention of—

(i) established precedent of the Comptroller General of the United States; and

(ii) guidance provided by the Office of Personnel Management; and

(B) resulting in significant cost to the Federal Government;

(2) administrative leave should be used sparingly;

(3) prior to the use of paid leave to address personnel issues, an agency should consider other actions, including—

(A) temporary reassignment;

(B) transfer; and

(C) telework;

(4) an agency should prioritize and expeditiously conclude an investigation in which an employee is placed in administrative leave so that, not later than the conclusion of the leave period—

(A) the employee is returned to duty status; or

(B) an appropriate personnel action is taken with respect to the employee;

(5) data show that there are too many examples of employees placed in administrative leave for 6 months or longer, leaving the employees without any available recourse to—

(A) return to duty status; or

(B) challenge the decision of the agency;

(6) an agency should ensure accurate and consistent recording of the use of administrative leave so that administrative leave can be managed and overseen effectively; and

(7) other forms of excused absence authorized by law should be recorded separately from administrative leave, as defined by the amendments made by this section.

(c) ADMINISTRATIVE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

''§ 6329a. Administrative leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'administrative leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service; and

''(B) that is not authorized under any other provision of law;

''(2) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office; and

''(3) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

''(b) ADMINISTRATIVE LEAVE.—

''(1) IN GENERAL.—An agency may place an employee in administrative leave for a period of not more than 5 consecutive days.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to limit the use of leave that is—

''(A) specifically authorized under law; and

''(B) not administrative leave.

''(3) RECORDS.—An agency shall record administrative leave separately from leave authorized under any other provision of law.

''(c) REGULATIONS.—

''(1) OPM REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall—

''(A) prescribe regulations to carry out this section; and

''(B) prescribe regulations that provide guidance to agencies regarding—

''(i) acceptable agency uses of administrative leave; and

''(ii) the proper recording of—

''(I) administrative leave; and

''(II) other leave authorized by law.

''(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director of the Office of Personnel Management prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

''(d) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) OPM STUDY.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with Federal agencies, groups representing Federal employees, and other relevant stakeholders, 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 identifying agency practices, as of the date of enactment of this Act, of placing an employee in administrative leave for more than 5 consecutive days when the placement was not specifically authorized by law.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329 the following:

''6329a. Administrative leave.''.

(d) INVESTIGATIVE LEAVE AND NOTICE LEAVE.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

''§ 6329b. Investigative leave and notice leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office;

''(2) the term 'Chief Human Capital Officer' means—

''(A) the Chief Human Capital Officer of an agency designated or appointed under section 1401; or

''(B) the equivalent;

''(3) the term 'committees of jurisdiction', with respect to an agency, means each committee in the Senate and House of Representatives with jurisdiction over the agency;

''(4) the term 'Director' means the Director of the Office of Personnel Management;

''(5) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include—

''(i) an intermittent employee who does not have an established regular tour of duty during the administrative workweek; or

''(ii) the Inspector General of an agency;

''(6) the term 'investigative leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service;

''(B) that is not authorized under any other provision of law; and

''(C) in which an employee who is the subject of an investigation is placed;

''(7) the term 'notice leave' means leave—

''(A) without loss of or reduction in—

''(i) pay;

''(ii) leave to which an employee is otherwise entitled under law; or

''(iii) credit for time or service;

''(B) that is not authorized under any other provision of law; and

''(C) in which an employee who is in a notice period is placed; and

''(8) the term 'notice period' means a period beginning on the date on which an employee is provided notice required under law of a proposed adverse action against the employee and ending on the date on which an agency may take the adverse action.

''(b) LEAVE FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

''(1) AUTHORITY.—An agency may, in accordance with paragraph (2), place an employee in—

''(A) investigative leave if the employee is the subject of an investigation;

''(B) notice leave if the employee is in a notice period; or

''(C) notice leave following a placement in investigative leave if, not later than the day after the last day of the period of investigative leave—

''(i) the agency proposes or initiates an adverse action against the employee; and

''(ii) the agency determines that the employee continues to meet 1 or more of the criteria described in subsection (c)(1).

''(2) REQUIREMENTS.—An agency may place an employee in leave under paragraph (1) only if the agency has—

''(A) made a determination with respect to the employee under subsection (c)(1);

''(B) considered the available options for the employee under subsection (c)(2); and

''(C) determined that none of the available options under subsection (c)(2) is appropriate.

''(c) EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—

''(1) DETERMINATIONS.—An agency may not place an employee in investigative leave or notice leave under subsection (b) unless the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

''(A) pose a threat to the employee or others;

''(B) result in the destruction of evidence relevant to an investigation;

''(C) result in loss of or damage to Government property; or

''(D) otherwise jeopardize legitimate Government interests.

''(2) AVAILABLE OPTIONS FOR EMPLOYEES UNDER INVESTIGATION OR IN A NOTICE PERIOD.—After making a determination under paragraph (1) with respect to an employee, and before placing an employee in investigative leave or notice leave under subsection (b), an agency shall consider taking 1 or more of the following actions:

''(A) Assigning the employee to duties in which the employee is no longer a threat to—

''(i) safety;

''(ii) the mission of the agency;

''(iii) Government property; or

''(iv) evidence relevant to an investigation.

''(B) Allowing the employee to take leave for which the employee is eligible.

''(C) Requiring the employee to telework under section 6502(c).

''(D) If the employee is absent from duty without approved leave, carrying the employee in absence without leave status.

''(E) For an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

''(3) DURATION OF LEAVE.—

''(A) INVESTIGATIVE LEAVE.—Subject to extensions of a period of investigative leave for which an employee may be eligible under subsections (d) and (e), the initial placement of an employee in investigative leave shall be for a period not longer than 10 days.

''(B) NOTICE LEAVE.—Placement of an employee in notice leave shall be for a period not longer than the duration of the notice period.

''(4) EXPLANATION OF LEAVE.—

''(A) IN GENERAL.—If an agency places an employee in leave under subsection (b), the agency shall provide the employee a written explanation of the leave placement and the reasons for the leave placement.

''(B) EXPLANATION.—The written notice under subparagraph (A) shall describe the limitations of the leave placement, including—

''(i) the applicable limitations under paragraph (3); and

''(ii) in the case of a placement in investigative leave, an explanation that, at the conclusion of the period of leave, the agency shall take an action under paragraph (5).

''(5) AGENCY ACTION.—Not later than the day after the last day of a period of investigative leave for an employee under subsection (b)(1), an agency shall—

''(A) return the employee to regular duty status;

''(B) take 1 or more of the actions authorized under paragraph (2), meaning—

''(i) assigning the employee to duties in which the employee is no longer a threat to—

''(I) safety;

''(II) the mission of the agency;

''(III) Government property; or

''(IV) evidence relevant to an investigation;

''(ii) allowing the employee to take leave for which the employee is eligible;

''(iii) requiring the employee to telework under section 6502(c);

''(iv) if the employee is absent from duty without approved leave, carrying the employee in absence without leave status; or

''(v) for an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed;

''(C) propose or initiate an adverse action against the employee as provided under law; or

''(D) extend the period of investigative leave under subsections (d) and (e).

''(6) RULE OF CONSTRUCTION.—Nothing in paragraph (5) shall be construed to prevent the continued investigation of an employee, except that the placement of an employee in investigative leave may not be extended for that purpose except as provided in subsections (d) and (e).

''(d) INITIAL EXTENSION OF INVESTIGATIVE LEAVE.—

''(1) IN GENERAL.—Subject to paragraph (4), if the Chief Human Capital Officer of an agency, or the designee of the Chief Human Capital Officer, approves such an extension after consulting with the investigator responsible for conducting the investigation to which an employee is subject, the agency may extend the period of investigative leave for the employee under subsection (b) for not more than 30 days.

''(2) MAXIMUM NUMBER OF EXTENSIONS.—The total period of additional investigative leave for an employee under paragraph (1) may not exceed 110 days.

''(3) DESIGNATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Chief Human Capital Officers Council shall issue guidance to ensure that if the Chief Human Capital Officer of an agency delegates the authority to approve an extension under paragraph (1) to a designee, the designee is at a sufficiently high level within the agency to make an impartial and independent determination regarding the extension.

''(4) EXTENSIONS FOR OIG EMPLOYEES.—

''(A) APPROVAL.—In the case of an employee of an Office of Inspector General—

''(i) the Inspector General or the designee of the Inspector General, rather than the Chief Human Capital Officer or the designee of the Chief Human Capital Officer, shall approve an extension of a period of investigative leave for the employee under paragraph (1); or

''(ii) at the request of the Inspector General, the head of the agency within which the Office of Inspector General is located shall designate an official of the agency to approve an extension of a period of investigative leave for the employee under paragraph (1).

''(B) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency shall issue guidance to ensure that if the Inspector General or the head of an agency, at the request of the Inspector General, delegates the authority to approve an extension under subparagraph (A) to a designee, the designee is at a sufficiently high level within the Office of Inspector General or the agency, as applicable, to make an impartial and independent determination regarding the extension.

''(e) FURTHER EXTENSION OF INVESTIGATIVE LEAVE.—

''(1) IN GENERAL.—After reaching the limit under subsection (d)(2), an agency may further extend a period of investigative leave for an employee for a period of not more than 60 days if, before the further extension begins, the head of the agency or, in the case of an employee of an Office of Inspector General, the Inspector General submits a notification that includes the reasons for the further extension to the—

''(A) committees of jurisdiction;

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

''(C) Committee on Oversight and Government Reform of the House of Representatives.

''(2) NO LIMIT.—There shall be no limit on the number of further extensions that an agency may grant to an employee under paragraph (1).

''(3) OPM REVIEW.—An agency shall request from the Director, and include with the notification required under paragraph (1), the opinion of the Director—

''(A) with respect to whether to grant a further extension under this subsection, including the reasons for that opinion; and

''(B) which shall not be binding on the agency.

''(4) SUNSET.—The authority provided under this subsection shall expire on the date that is 6 years after the date of enactment of this section.

''(f) CONSULTATION GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Council of the Inspectors General on Integrity and Efficiency, in consultation with the Attorney General and the Special Counsel, shall issue guidance on best practices for consultation between an investigator and an agency on the need to place an employee in investigative leave during an investigation of the employee, including during a criminal investigation, because the continued presence of the employee in the workplace during the investigation may—

''(1) pose a threat to the employee or others;

''(2) result in the destruction of evidence relevant to an investigation;

''(3) result in loss of or damage to Government property; or

''(4) otherwise jeopardize legitimate Government interests.

''(g) REPORTING AND RECORDS.—

''(1) IN GENERAL.—An agency shall keep a record of the placement of an employee in investigative leave or notice leave by the agency, including—

''(A) the basis for the determination made under subsection (c)(1);

''(B) an explanation of why an action under subsection (c)(2) was not appropriate;

''(C) the length of the period of leave;

''(D) the amount of salary paid to the employee during the period of leave;

''(E) the reasons for authorizing the leave, including, if applicable, the recommendation made by an investigator under subsection (d)(1); and

''(F) the action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under subsection (d) or (e).

''(2) AVAILABILITY OF RECORDS.—An agency shall make a record kept under paragraph (1) available—

''(A) to any committee of Congress, upon request;

''(B) to the Office of Personnel Management; and

''(C) as otherwise required by law, including for the purposes of the Administrative Leave Act of 2016 and the amendments made by that Act.

''(h) REGULATIONS.—

''(1) OPM ACTION.—Not later than 1 year after the date of enactment of this section, the Director shall prescribe regulations to carry out this section, including guidance to agencies regarding—

''(A) acceptable purposes for the use of—

''(i) investigative leave; and

''(ii) notice leave;

''(B) the proper recording of—

''(i) the leave categories described in subparagraph (A); and

''(ii) other leave authorized by law;

''(C) baseline factors that an agency shall consider when making a determination that the continued presence of an employee in the workplace may—

''(i) pose a threat to the employee or others;

''(ii) result in the destruction of evidence relevant to an investigation;

''(iii) result in loss or damage to Government property; or

''(iv) otherwise jeopardize legitimate Government interests; and

''(D) procedures and criteria for the approval of an extension of a period of investigative leave under subsection (d) or (e).

''(2) AGENCY ACTION.—Not later than 1 year after the date on which the Director prescribes regulations under paragraph (1), each agency shall revise and implement the internal policies of the agency to meet the requirements of this section.

''(i) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) by redesignating clause (xii) as clause (xiii); and

(C) by inserting after clause (xi) the following:

''(xii) a determination made by an agency under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may—

''(I) pose a threat to the employee or others;

''(II) result in the destruction of evidence relevant to an investigation;

''(III) result in loss of or damage to Government property; or

''(IV) otherwise jeopardize legitimate Government interests; and''.

(3) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall report 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 on the results of an evaluation of the implementation of the authority provided under sections 6329a and 6329b of title 5, United States Code, as added by subsection (c)(1) and paragraph (1) of this subsection, respectively, including—

(A) an assessment of agency use of the authority provided under subsection (e) of such section 6329b, including data regarding—

(i) the number and length of extensions granted under that subsection; and

(ii) the number of times that the Director of the Office of Personnel Management, under paragraph (3) of that subsection—

(I) concurred with the decision of an agency to grant an extension; and

(II) did not concur with the decision of an agency to grant an extension, including the bases for those opinions of the Director;

(B) recommendations to Congress, as appropriate, on the need for extensions beyond the extensions authorized under subsection (d) of such section 6329b; and

(C) a review of the practice of agency placement of an employee in investigative or notice leave under subsection (b) of such section 6329b because of a determination under subsection (c)(1)(D) of that section that the employee jeopardized legitimate Government interests, including the extent to which such determinations were supported by evidence.

(4) TELEWORK.—Section 6502 of title 5, United States Code, is amended by adding at the end the following:

''(c) REQUIRED TELEWORK.—If an agency determines under section 6329b(c)(1) that the continued presence of an employee in the workplace during an investigation of the employee or while the employee is in a notice period, if applicable, may pose 1 or more of the threats described in that section and the employee is eligible to telework under subsections (a) and (b) of this section, the agency may require the employee to telework for the duration of the investigation or the notice period, if applicable.''.

(5) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329a, as added by this section, the following:

''6329b. Investigative leave and notice leave.''.

(e) LEAVE FOR WEATHER AND SAFETY ISSUES.—

(1) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, as amended by this section, is further amended by adding at the end the following:

''§ 6329c. Weather and safety leave

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) means an Executive agency (as defined in section 105 of this title); and

''(B) does not include the Government Accountability Office; and

''(2) the term 'employee'—

''(A) has the meaning given the term in section 2105; and

''(B) does not include an intermittent employee who does not have an established regular tour of duty during the administrative workweek.

''(b) LEAVE FOR WEATHER AND SAFETY ISSUES.—An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to—

''(1) an act of God;

''(2) a terrorist attack; or

''(3) another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location.

''(c) RECORDS.—An agency shall record leave provided under this section separately from leave authorized under any other provision of law.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including—

''(1) guidance to agencies regarding the appropriate purposes for providing leave under this section; and

''(2) the proper recording of leave provided under this section.

''(e) RELATION TO OTHER LAWS.—Notwithstanding subsection (a) of section 7421 of title 38, this section shall apply to an employee described in subsection (b) of that section.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6329b, as added by this section, the following:

''6329c. Weather and safety leave.''.

(f) ADDITIONAL OVERSIGHT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall complete a review of agency policies to determine whether agencies have complied with the requirements of this section and the amendments made by this section.

(2) REPORT TO CONGRESS.—Not later than 90 days after completing the review under paragraph (1), the Director shall submit to Congress a report evaluating the results of the review.

SEC. 6402. UNITED STATES GOVERNMENT REVIEW OF CERTAIN FOREIGN FIGHTERS.

(a) REVIEW.—Not later than 30 days after the date of enactment of this Act, the President shall initiate a review of known instances since 2011 in which a person has traveled or attempted to travel to a conflict zone in Iraq or Syria from the United States to join or provide material support or resources to a terrorist organization.

(b) SCOPE OF REVIEW.—The review under subsection (a) shall—

(1) include relevant unclassified and classified information held by the United States Government related to each instance described in subsection (a);

(2) ascertain which factors, including operational issues, security vulnerabilities, systemic challenges, or other issues, which may have undermined efforts to prevent the travel of persons described in subsection (a) to a conflict zone in Iraq or Syria from the United States, including issues related to the timely identification of suspects, information sharing, intervention, and interdiction; and

(3) identify lessons learned and areas that can be improved to prevent additional travel by persons described in subsection (a) to a conflict zone in Iraq or Syria, or other terrorist safe haven abroad, to join or provide material support or resources to a terrorist organization.

(c) INFORMATION SHARING.—The President shall direct the heads of relevant Federal agencies to provide the appropriate information that may be necessary to complete the review required under this section.

(d) SUBMISSION TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the President, consistent with the protection of classified information, shall submit a report to the appropriate congressional committees that includes the results of the review required under this section, including information on travel routes of greatest concern, as appropriate.

(e) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this section.

(f) DEFINITIONS.—In this section:

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

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

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

(C) the Committee on the Judiciary of the Senate;

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

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

(F) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(G) the Committee on Appropriations of the Senate;

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

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

(J) the Committee on the Judiciary of the House of Representatives;

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

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

(M) the Committee on Appropriations of the House of Representatives; and

(N) the Committee on Financial Services of the House of Representatives.

(2) MATERIAL SUPPORT OR RESOURCES.—The term ''material support or resources'' has the meaning given such term in section 2339A of title 18, United States Code.

SEC. 6403. NATIONAL STRATEGY TO COMBAT TERRORIST TRAVEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it should be the policy of the United States—

(1) to continue to regularly assess the evolving terrorist threat to the United States;

(2) to catalog existing Federal Government efforts to obstruct terrorist and foreign fighter travel into, out of, and within the United States, and overseas;

(3) to identify such efforts that may benefit from reform or consolidation, or require elimination;

(4) to identify potential security vulnerabilities in United States defenses against terrorist travel; and

(5) to prioritize resources to address any such security vulnerabilities in a risk-based manner.

(b) NATIONAL STRATEGY AND UPDATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall submit a national strategy to combat terrorist travel to the appropriate congressional committees. The strategy shall address efforts to intercept terrorists and foreign fighters and constrain the domestic and international travel of such persons. Consistent with the protection of classified information, the strategy shall be submitted in unclassified form, including, as appropriate, a classified annex.

(2) UPDATED STRATEGIES.—Not later than 180 days after the date on which a new President is inaugurated, the President shall submit an updated version of the strategy described in paragraph (1) to the appropriate congressional committees.

(3) CONTENTS.—The strategy required under this subsection shall—

(A) include an accounting and description of all Federal Government programs, projects, and activities designed to constrain domestic and international travel by terrorists and foreign fighters;

(B) identify specific security vulnerabilities within the United States and outside of the United States that may be exploited by terrorists and foreign fighters;

(C) delineate goals for—

(i) closing the security vulnerabilities identified under subparagraph (B); and

(ii) enhancing the ability of the Federal Government to constrain domestic and international travel by terrorists and foreign fighters; and

(D) describe the actions that will be taken to achieve the goals delineated under subparagraph (C) and the means needed to carry out such actions, including—

(i) steps to reform, improve, and streamline existing Federal Government efforts to align with the current threat environment;

(ii) new programs, projects, or activities that are requested, under development, or undergoing implementation;

(iii) new authorities or changes in existing authorities needed from Congress;

(iv) specific budget adjustments being requested to enhance United States security in a risk-based manner; and

(v) the Federal departments and agencies responsible for the specific actions described in this subparagraph.

(4) SUNSET.—The requirement to submit updated national strategies under this subsection shall terminate on the date that is 7 years after the date of enactment of this Act.

(c) DEVELOPMENT OF IMPLEMENTATION PLANS.—For each national strategy required under subsection (b), the President shall direct the heads of relevant Federal agencies to develop implementation plans for each such agency.

(d) IMPLEMENTATION PLANS.—

(1) IN GENERAL.—The President shall submit an implementation plan developed under subsection (c) to the appropriate congressional committees with each national strategy required under subsection (b). Consistent with the protection of classified information, each such implementation plan shall be submitted in unclassified form, but may include a classified annex.

(2) ANNUAL UPDATES.—The President shall submit an annual updated implementation plan to the appropriate congressional committees during the 10-year period beginning on the date of enactment of this Act.

(e) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this section.

(f) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

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

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

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

(4) the Committee on the Judiciary of the Senate;

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

(6) the Committee on Appropriations of the Senate;

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

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

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

(10) the Committee on the Judiciary of the House of Representatives;

(11) the Committee on Foreign Affairs of the House of Representatives; and

(12) the Committee on Appropriations of the House of Representatives.

SEC. 6404. NORTHERN BORDER THREAT ANALYSIS.

(a) DEFINITIONS.—In this section:

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

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on the Judiciary of the Senate;

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

(E) the Committee on Appropriations of the House of Representatives; and

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

(2) NORTHERN BORDER.—The term ''Northern Border'' means the land and maritime borders between the United States and Canada.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a Northern Border threat analysis that includes—

(1) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(A) to enter the United States through the Northern Border; or

(B) to exploit border vulnerabilities on the Northern Border;

(2) improvements needed at and between ports of entry along the Northern Border—

(A) to prevent terrorists and instruments of terrorism from entering the United States; and

(B) to reduce criminal activity, as measured by the total flow of illegal goods, illicit drugs, and smuggled and trafficked persons moved in either direction across the Northern Border;

(3) gaps in law, policy, cooperation between State, tribal, and local law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counter-terrorism, and anti-human smuggling and trafficking efforts, and the flow of legitimate trade along the Northern Border; and

(4) whether additional U.S. Customs and Border Protection preclearance and preinspection operations at ports of entry along the Northern Border could help prevent terrorists and instruments of terror from entering the United States.

(c) ANALYSIS REQUIREMENTS.—For the threat analysis required under subsection (b), the Secretary shall consider and examine—

(1) technology needs and challenges;

(2) personnel needs and challenges;

(3) the role of State, tribal, and local law enforcement in general border security activities;

(4) the need for cooperation among Federal, State, tribal, local, and Canadian law enforcement entities relating to border security;

(5) the terrain, population density, and climate along the Northern Border; and

(6) the needs and challenges of Department facilities, including the physical approaches to such facilities.

(d) CLASSIFIED THREAT ANALYSIS.—To the extent possible, the Secretary shall submit the threat analysis required under subsection (b) in unclassified form. The Secretary may submit a portion of the threat analysis in classified form if the Secretary determines that such form is appropriate for that portion.

SA 4501. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking ''2016'' and inserting ''2017''.

SA 4502. Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Mr. SULLIVAN, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. BALDWIN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. ELIGIBILITY OF CERTAIN INDIVIDUALS FOR INTERMENT IN NATIONAL CEMETERIES.

(a) IN GENERAL.—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(10) Any individual—

''(A) who—

''(i) was naturalized pursuant to section 2(1) of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note); and

''(ii) at the time of the individual's death resided in the United States; or

''(B) who—

''(i) the Secretary determines served with a special guerrilla unit or irregular forces operating from a base in Laos in support of the

Armed Forces of the United States at any time during the period beginning February 28, 1961, and ending May 7, 1975; and

''(ii) at the time of the individual's death—

''(I) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

''(II) resided in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

SA 4503. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1247. PROHIBITION ON REQUIRING UNITED STATES AIR CARRIERS TO COMPLY WITH AIR DEFENSE IDENTIFICATION ZONES DECLARED BY THE PEOPLE'S REPUBLIC OF CHINA.

The Administrator of the Federal Aviation Administration may not require, or provide instruction or guidance to, an air carrier that holds an air carrier certificate issued under chapter 411 of title 49, United States Code, to comply with any air defense identification zone declared by the People's Republic of China that is inconsistent with United States policy, overlaps with preexisting air identification zones, covers disputed territory, or covers a specific geographic area over the East China Sea or South China Sea.

SA 4504. Mr. HOEVEN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1655. IDENTIFICATION AND CORRECTION OF CAPABILITIES SHORTFALLS WITH RESPECT TO ENSURING THE SECURITY OF UNITED STATES INTERCONTINENTAL BALLISTIC MISSILE SITES.

(a) IDENTIFICATION OF CAPABILITIES SHORTFALLS.—Not later than 15 days after the date of the enactment of this Act, the Commander of the United States Strategic Command shall submit to the congressional defense committees a classified report that includes the following:

(1) A description of extant and potential threats to the security of United States intercontinental ballistic missile sites.

(2) A list of requirements for capabilities to ensure the security of all United States intercontinental ballistic missile sites.

(3) A description of capabilities shortfalls within the forces assigned, allocated, or otherwise provided to the United States Strategic Command as of the date of the report to ensure the security of all United States intercontinental ballistic missile sites.

(4) An assessment of the severity of risk associated with any shortfalls identified under paragraph (3).

(b) CORRECTION OF CAPABILITIES SHORTFALLS.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) take action to mitigate any capabilities shortfalls identified in the report required by subsection (a);

(B) begin a process, pursuant to section 2304 of title 10, United States Code, to procure UH–1N replacement aircraft for which contracts can be entered into by fiscal year 2018; and

(C) obtain a certification from the Commander of the United States Strategic Command that the action described in subparagraph (A) will effectively mitigate any capabilities shortfalls identified in the report required by subsection (a) until the helicopters described in subparagraph (B) can be procured and fielded.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions taken pursuant to paragraph (1).

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

SA 4505. Mr. DONNELLY (for himself, Mr. INHOFE, Mr. KAINE, Mr. HATCH, and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 663. REPORT ON MODIFICATION OF BASIC ALLOWANCE FOR SUBSISTENCE IN LIGHT OF AUTHORITY FOR VARIABLE PRICING OF GOODS AT COMMISSARY STORES.

Not later than March 31, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of modifying the amounts payable for basic allowance for subsistence (BAS) for members of the Armed Forces in light of potential changes in prices of goods and services at commissary stores pursuant to the authority granted by the amendments made by section 661. The report shall include the following:

(1) An assessment of the potential for increases in prices of goods and services at commissary stores by reason of such authority, set forth by locality.

(2) An assessment of the feasibility and advisability of modifications in the amounts payable for basic allowance for subsistence in light of such potential increases in prices, including paying basic allowance for subsistence at different rates in different locations.

SA 4506. Ms. WARREN (for herself, Mr. WHITEHOUSE, Mr. MARKEY, Ms. BALDWIN, Mr. MURPHY, Mr. LEAHY, Mrs. MURRAY, Mr. MERKLEY, Mr. CASEY, Ms. CANTWELL, Mr. SANDERS, Ms. STABENOW, and Ms. HIRONO) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, insert the following:

Subtitle J—SAVE Benefits Act

SEC. 1097. ONE-TIME SUPPLEMENTARY PAYMENT TO SOCIAL SECURITY BENEFICIARIES AND VETERANS.

(a) ONE-TIME SUPPLEMENTARY PAYMENT TO SOCIAL SECURITY BENEFICIARIES AND VETERANS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Subject to paragraph (4)(C), the Secretary of the Treasury shall disburse a payment equal to the amount described in subsection (e) to each individual who, for any month during the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act, is entitled to a benefit payment described in clause (i), (ii), or (iii) of subparagraph (B), or is eligible for a SSI cash benefit described in subparagraph (C).

(B) BENEFIT PAYMENT DESCRIBED.—For purposes of subparagraph (A):

(i) TITLE II BENEFIT.—A benefit payment described in this clause is a monthly insurance benefit payable (without regard to sections 202(j)(1) and 223(b) of the Social Security Act (42 U.S.C. 402(j)(1), 423(b))) under—

(I) section 202(a) of such Act (42 U.S.C. 402(a));

(II) section 202(b) of such Act (42 U.S.C. 402(b));

(III) section 202(c) of such Act (42 U.S.C. 402(c));

(IV) section 202(d)(1)(B)(ii) of such Act (42 U.S.C. 402(d)(1)(B)(ii));

(V) section 202(e) of such Act (42 U.S.C. 402(e));

(VI) section 202(f) of such Act (42 U.S.C. 402(f));

(VII) section 202(g) of such Act (42 U.S.C. 402(g));

(VIII) section 202(h) of such Act (42 U.S.C. 402(h));

(IX) section 223(a) of such Act (42 U.S.C. 423(a));

(X) section 227 of such Act (42 U.S.C. 427); or

(XI) section 228 of such Act (42 U.S.C. 428).

(ii) RAILROAD RETIREMENT BENEFIT.—A benefit payment described in this clause is a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

(I) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1));

(II) section 2(c) of such Act (45 U.S.C. 231a(c));

(III) section 2(d)(1)(i) of such Act (45 U.S.C. 231a(d)(1)(i));

(IV) section 2(d)(1)(ii) of such Act (45 U.S.C. 231a(d)(1)(ii));

(V) section 2(d)(1)(iii)(C) of such Act to an adult disabled child (45 U.S.C. 231a(d)(1)(iii)(C));

(VI) section 2(d)(1)(iv) of such Act (45 U.S.C. 231a(d)(1)(iv));

(VII) section 2(d)(1)(v) of such Act (45 U.S.C. 231a(d)(1)(v)); or

(VIII) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in clause (i) of this subparagraph.

(iii) VETERANS BENEFIT.—A benefit payment described in this clause is a compensation or pension payment payable under—

(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code;

(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code;

(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code; or

(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code, who received that benefit during any month within the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(C) SSI CASH BENEFIT DESCRIBED.—A SSI cash benefit described in this subparagraph is a cash benefit payable under section 1611 (other than under subsection (e)(1)(B) of such section) or 1619(a) of the Social Security Act (42 U.S.C. 1382, 1382h).

(2) NO DOUBLE PAYMENTS.—An individual shall be paid only 1 payment under this section, regardless of whether the individual is entitled to, or eligible for, more than 1 benefit payment described in paragraph (1).

(3) LIMITATION.—A payment under this section shall not be made—

(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if, for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);

(B) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(iii) if, for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), such individual's benefit under such paragraph was not payable, or was reduced, by reason of section 1505, 5313, or 5313B of title 38, United States Code;

(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if, for such most recent month, such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8);

(D) in the case of an individual who has been penalized under section 1129(a) of the Social Security Act (42 U.S.C. 1320–8(a)); or

(E) in the case of any individual whose date of death occurs before the date on which the individual is certified under subsection (b) to receive a payment under this section.

(4) TIMING AND MANNER OF PAYMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall commence disbursing payments under this section at the earliest practicable date but in no event later than 120 days after the date of enactment of this Act. The Secretary of the Treasury may disburse any payment electronically to an individual in such manner as if such payment was a benefit payment to such individual under the applicable program described in subparagraph (B) or (C) of paragraph (1).

(B) NOTICE.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide written notice, sent by mail to each individual receiving a payment under this section, explaining that the payment represents a one-time benefit increase to the benefit payment described in paragraph (1) to which the individual is entitled.

(ii) PUBLIC NOTICE.—The Secretary of the Treasury, in consultation with the Commissioner of Social Security and the Secretary of Veterans Affairs, shall publish on a public website information about the payments authorized under this subsection, including—

(I) information on eligibility for such payments;

(II) information on the timeframe in which such payments will be distributed; and

(III) other relevant information.

(C) DEADLINE.—No payments shall be disbursed under this section after September 30, 2017, regardless of any determinations of entitlement to, or eligibility for, such payments made after such date.

(b) IDENTIFICATION OF RECIPIENTS.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs shall certify the individuals entitled to receive payments under this section and provide the Secretary of the Treasury with the information needed to disburse such payments. A certification of an individual shall be unaffected by any subsequent determination or redetermination of the individual's entitlement to, or eligibility for, a benefit specified in subparagraph (B) or (C) of subsection (a)(1).

(c) TREATMENT OF PAYMENTS.—

(1) PAYMENT TO BE DISREGARDED FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—A payment under subsection (a) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(2) PAYMENT NOT CONSIDERED INCOME FOR PURPOSES OF TAXATION.—A payment under subsection (a) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(3) PAYMENTS PROTECTED FROM ASSIGNMENT.—The provisions of section 207 of the Social Security Act (42 U.S.C. 407) and section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)) shall apply to any payment made under subsection (a) as if such payment was a benefit payment to such individual under the applicable program described in subsection (a)(1)(B).

(4) TREATMENT UNDER SOCIAL SECURITY ACT.—

(A) NO EFFECT ON FAMILY MAXIMUM.—For purposes of section 203(a) of the Social Security Act (42 U.S.C. 403(a)), a payment under subsection (a) shall be disregarded in determining reductions in benefits under such section.

(B) PAYMENT NOT A GENERAL BENEFIT INCREASE.—For purposes of section 215(i) of the Social Security Act (42 U.S.C. 415(i)), a payment under subsection (a) shall not be regarded as a general benefit increase.

(5) PAYMENTS SUBJECT TO RECLAMATION.—Any payment made under this section shall, in the case of a payment by direct deposit which is made after the date of the enactment of this Act, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments).

(d) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

(1) IN GENERAL.—In any case in which an individual who is entitled to a payment under subsection (a) and whose benefit payment or cash benefit described in paragraph (1) of that subsection is paid to a representative payee or fiduciary, the payment under subsection (a) shall be made to the individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

(2) APPLICABILITY.—

(A) PAYMENT ON THE BASIS OF A TITLE II BENEFIT OR SSI BENEFIT.—Section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(i) or (1)(C) of subsection (a) in the same manner as such section applies to a payment under title II or XVI of such Act.

(B) PAYMENT ON THE BASIS OF A RAILROAD RETIREMENT BENEFIT.—Section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(ii) of subsection (a) in the same manner as such section applies to a payment under such Act.

(C) PAYMENT ON THE BASIS OF A VETERANS BENEFIT.—Sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(iii) of subsection (a) in the same manner as those sections apply to a payment under that title.

(e) PAYMENT AMOUNT.—The amount described in this subsection is the amount that is equal to 3.9 percent of the average amount of annual benefits received by an individual entitled to benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in calendar year 2015, as determined by the Commissioner of Social Security, rounded to the next lowest multiple of $1.

(f) APPROPRIATION.—Out of any sums in the Treasury of the United States not otherwise appropriated, the following sums are appropriated for the period of fiscal years 2016 through 2017, to remain available until expended, to carry out this section:

(1) For the Secretary of the Treasury, such sums as may be necessary for administrative costs incurred in carrying out this section.

(2) For the Commissioner of Social Security—

(A) such sums as may be necessary for payments to individuals certified by the Commissioner of Social Security as entitled to receive a payment under this section; and

(B) such sums as may be necessary to the Social Security Administration's Limitation on Administrative Expenses for costs incurred in carrying out this section.

(3) For the Railroad Retirement Board—

(A) such sums as may be necessary for payments to individuals certified by the Railroad Retirement Board as entitled to receive a payment under this section; and

(B) such sums as may be necessary to the Railroad Retirement Board's Limitation on Administration for administrative costs incurred in carrying out this section.

(4)(A) For the Secretary of Veterans Affairs—

(i) such sums as may be necessary for the Compensation and Pensions account, for payments to individuals certified by the Secretary of Veterans Affairs as entitled to receive a payment under this section; and

(ii) such sums as may be necessary for the Information Systems Technology account and the General Operating Expenses account for administrative costs incurred in carrying out this section.

(B) The Department of Veterans Affairs Compensation and Pensions account shall hereinafter be available for payments authorized under subsection (a)(1)(A) to individuals entitled to a benefit payment described in subsection (a)(1)(B)(iii).

SEC. 1098. SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.

(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A of the Internal Revenue Code of 1986 for the first taxable year beginning in 2016 an amount equal to $581 ($1,162 in the case of a joint return where both spouses are eligible individuals).

(b) ELIGIBLE INDIVIDUAL.—

(1) IN GENERAL.—For purposes of this section, the term ''eligible individual'' means any individual—

(A) who receives during the first taxable year beginning in 2016 any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986, and

(B) who does not receive a payment under section 1097 during such taxable year.

(2) IDENTIFICATION NUMBER REQUIREMENT.—

(A) IN GENERAL.—The term ''eligible individual'' shall not include any individual who does not include on the return of tax for the taxable year—

(i) such individual's social security account number, and

(ii) in the case of a joint return, the social security account number of one of the taxpayers on such return.

(B) EXCLUSION OF TIN.—For purposes of subparagraph (A), the social security account number shall not include a TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) issued by the Internal Revenue Service. Any omission of a correct social security account number required under this paragraph shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) of such Code to such omission.

(c) TREATMENT OF CREDIT.—

(1) REFUNDABLE CREDIT.—

(A) IN GENERAL.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986.

(B) APPROPRIATIONS.—For purposes of section 1324(b)(2) of title 31, United States Code, the credit allowed by subsection (a) shall be treated in the same manner as a refund from the credit allowed under section 36A of the Internal Revenue Code of 1986.

(2) DEFICIENCY RULES.—For purposes of applying section 6211(b)(4)(A) of the Internal Revenue Code of 1986, the credit allowable by subsection (a) shall be treated in the same manner as the credits listed in subparagraph (A) of section 6211(b)(4).

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

SEC. 1099. MODIFICATION OF LIMITATION ON EXCESSIVE REMUNERATION.

(a) REPEAL OF PERFORMANCE-BASED COMPENSATION AND COMMISSION EXCEPTIONS FOR LIMITATION ON EXCESSIVE REMUNERATION.—

(1) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) through (G) as subparagraphs (B) through (E), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 162(m)(5) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (E) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(B) Section 162(m)(6) of such Code is amended—

(i) by striking ''subparagraphs (B), (C), and (D) thereof'' in subparagraph (D) and inserting ''subparagraph (B) thereof'', and

(ii) by striking ''subparagraphs (F) and (G)'' in subparagraph (G) and inserting ''subparagraphs (D) and (E)''.

(b) EXPANSION OF APPLICABLE EMPLOYER.—Paragraph (2) of section 162(m) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) PUBLICLY HELD CORPORATION.—For purposes of this subsection, the term 'publicly held corporation' means any corporation which is an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c))—

''(A) the securities of which are registered under section 12 of such Act (15 U.S.C. 78l), or

''(B) that is required to file reports under section 15(d) of such Act (15 U.S.C. 78o(d)).''.

(c) APPLICATION TO ALL CURRENT AND FORMER OFFICERS, DIRECTORS, AND EMPLOYEES.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) by striking ''covered employee'' each place it appears in paragraphs (1) and (4) and inserting ''covered individual'', and

(B) by striking ''such employee'' each place it appears in subparagraphs (A) and (E) of paragraph (4) and inserting ''such individual''.

(2) COVERED INDIVIDUAL.—Paragraph (3) of section 162(m) of such Code is amended to read as follows:

''(3) COVERED INDIVIDUAL.—For purposes of this subsection, the term 'covered individual' means any individual who is an officer, director, or employee of the taxpayer or a former officer, director, or employee of the taxpayer.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 48D(b)(3)(A) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2017)'' after ''section 162(m)(3)''.

(B) Section 409A(b)(3)(D)(ii) of such Code is amended by inserting ''(as in effect for taxable years beginning before January 1, 2017)'' after ''section 162(m)(3)''.

(d) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Paragraph (4) of section 162(m), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR REMUNERATION PAID TO BENEFICIARIES, ETC.—Remuneration shall not fail to be applicable employee remuneration merely because it is includible in the income of, or paid to, a person other than the covered individual, including after the death of the covered individual.''.

(e) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) REGULATIONS.—The Secretary may prescribe such guidance, rules, or regulations, including with respect to reporting, as are necessary to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Paragraph (6) of section 162(m) of such Code is amended by striking subparagraph (H).

(f) TRANSFER TO SOCIAL SECURITY TRUST FUNDS.—For purposes of the amount of any increase in revenue to the Treasury by reason of the amendments made by this section, any such amount that is in excess of the total amount appropriated under section 1097(f) of this Act shall be, at such times and in such manner as determined appropriate by the Secretary of the Treasury (or the Secretary's delegate), deposited in the Trust Funds (as defined in subsection (c) of section 201 of the Social Security Act (42 U.S.C. 401)), with—

(1) 50 percent of such amount to be deposited in the Federal Old-Age and Survivors Insurance Trust Fund (as defined in subsection (a) of such section); and

(2) 50 percent of such amount to be deposited in the Federal Disability Insurance Trust Fund (as defined in subsection (b) of such section).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

SA 4507. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 764. REPORT ON HEARING LOSS, TINNITUS, AND NOISE POLLUTION DUE TO SMALL ARMS FIRE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that hearing loss, tinnitus, and noise pollution due to small arms fire has a detrimental impact on the readiness and budget of the Department of Defense.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives (and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives upon the request of either committee) and the President pro tempore of the Senate, a report on hearing loss, tinnitus, and noise pollution due to small arms fire.

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

(A) A verification and validation of the results included in published findings on hearing loss and tinnitus due to small arms fire (including the ''Clinical Study Design of Noise-Induced Hearing Loss in Marine Recruits'' published by E.A. Williams (née Edelstein)).

(B) A description of the impact on the Department of Defense of noise pollution and noise ordinance requirements, as set forth under title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.), for small arms fire (including the impact on training ranges, training schedules, operational readiness, and mission parameters).

(C) Data on the severity and rates of noise-induced hearing loss and tinnitus experienced by personnel of the Department due to small arms fire in training and operational environments, including costs currently incurred by the health care systems of the Department of Defense and the Department of Veterans Affairs to treat noise-induced hearing loss and tinnitus.

(D) A description of alternative methods and strategies currently being employed by the Department of Defense, as well as alternative methods, technologies, and techniques being considered, for the mitigation of hearing loss, tinnitus, and noise pollution due to small arms fire.

(E) A description of current mitigation strategies available to reduce hearing loss, tinnitus, and noise pollution as a whole and not as separate issues.

SA 4508. Mr. BROWN (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MAXIMUM RATE OF INTEREST ON DEBTS INCURRED BEFORE MILITARY SERVICE.

Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. 3937) is amended—

(1) in subsection (a)(1)(A), by inserting ''student loan,'' after ''nature of a mortgage''; and

(2) in subsection (d), by adding at the end the following:

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(B) a student loan made pursuant to title VII or VIII of the Public Health Service Act (42 U.S.C. 292 et seq. and 296 et seq.); or

''(C) a private education loan, as defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).''.

SA 4509. Mr. NELSON (for himself, Mr. GARDNER, Mr. BENNET, Mr. SHELBY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1036 and 1037 and insert the following:

SEC. 1036. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.—Any competition for a contract for the provision of launch services for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(b) AWARD OF CONTRACTS.—In awarding a contract under subsection (a), the Secretary of Defense—

(1) subject to paragraph (2), shall award the contract to the provider of launch services that offers the best value to the Federal Government; and

(2) notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle, in order to ensure robust competition and continued assured access to space.

SA 4510. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title VIII, add the following:

SEC. 399C. MANAGEMENT OF CERTAIN LITIGATION ON BEHALF OF INDEMNIFIED PRIVATE CONTRACTORS.

(a) IN GENERAL.—In cases where litigation between an indemnified Department of Defense contractor and a member of the Armed Forces exceeds a period of two years without final judgement or settlement, and where the Department has a contractual right to take charge of the litigation on behalf of the contractor, the Department shall exercise that right. In doing so, the Department shall ensure the fiscal burden on taxpayers is minimized by avoiding lengthy and expensive litigation, while simultaneously resolving the claim in a way that meets the Department's obligations to members of the Armed Forces and their families in a fair and timely manner.

(b) INDEMNIFIED DEPARTMENT OF DEFENSE CONTRACTOR DEFINED.—In this section, the term ''indemnified Department of Defense contractor'' means a contractor that has been indemnified by the Department of Defense against civil judgments or liability for injuries, sickness, or death of members of the Armed Forces related to their work with the contractor.

SA 4511. Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. ENHANCED PENALTIES AND OTHER TOOLS RELATED TO MARITIME OFFENSES AND ACTS OF NUCLEAR TERRORISM.

(a) PENALTIES FOR MARITIME OFFENSES.—

(1) PENALTIES FOR VIOLENCE AGAINST MARITIME NAVIGATION.—Section 2280a(a)(1) of title 18, United States Code, is amended, in the undesignated matter following subparagraph (E), by inserting ''punished by death or'' before ''imprisoned for any term''.

(2) PENALTIES FOR OFFENSES AGAINST MARITIME FIXED PLATFORMS.—Section 2281a(a)(1) of such title is amended, in the undesignated matter following subparagraph (C), by inserting ''punished by death or'' before ''imprisoned for any term''.

(b) PENALTIES FOR ACTS OF NUCLEAR TERRORISM.—Section 2332i(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—Any person who violates this section shall be punished as provided under section 2332a(a).''.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATES.—

(1) MARITIME OFFENSES.—Section 2339A(a) of title 18, United States Code, is amended—

(A) by inserting ''2280a,'' after ''2280,''; and

(B) by inserting ''2281a,'' after ''2281,''.

(2) ACTS OF NUCLEAR TERRORISM.—Section 2339A(a) of such title, as amended by subsection (a), is further amended by inserting ''2332i,'' after ''2332f,''.

(d) WIRETAP AUTHORIZATION PREDICATES.—

(1) MARITIME OFFENSES.—Section 2516(1) of title 18, United States Code, is amended—

(A) in paragraph (p), by striking ''or'' at the end; and

(B) in paragraph (q), by inserting '', section 2280, 2280a, 2281, or 2281a (relating to maritime safety),'' after ''weapons)''.

(2) ACTS OF NUCLEAR TERRORISM.—Section 2516(1)(q) of such title, as amended by subsection (a)(2), is further amended by inserting '', 2332i,'' after ''2332h''.

SA 4512. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. IMPROVING MEDICAL REHABILITATION RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 452 of the Public Health Service Act (42 U.S.C. 285g–4) is amended—

(1) in subsection (b), by striking ''conduct and support'' and inserting ''conduct, support, and coordination'';

(2) in subsection (c)(1)(C), by striking ''of the Center'' and inserting ''within the Center'';

(3) in subsection (d)—

(A) by striking paragraph (1) and inserting the following: ''(1) The Director of the Center, in consultation with the Director of the Institute, the coordinating committee established under subsection (e), and the advisory board established under subsection (f), shall develop a comprehensive plan (referred to in this section as the 'Research Plan') for the conduct, support, and coordination of medical rehabilitation research.'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) include goals and objectives for conducting, supporting, and coordinating medical rehabilitation research, consistent with the purpose described in subsection (b).'';

(C) by striking paragraph (4) and inserting the following:

''(4) The Director of the Center, in consultation with the Director of the Institute, the coordinating committee established under subsection (e), and the advisory board established under subsection (f), shall revise and update the Research Plan periodically, as appropriate, or not less than every 5 years. Not later than 30 days after the Research Plan is so revised and updated, the Director of the Center shall transmit the revised and updated Research Plan to the President, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives.''; and

(D) by adding at the end the following:

''(5) The Director of the Center, in consultation with the Director of the Institute, shall, prior to revising and updating the Research Plan, prepare a report for the coordinating committee established under subsection (e) and the advisory board established under subsection (f) that describes and

analyzes the progress during the preceding fiscal year in achieving the goals and objectives described in paragraph (2)(C) and includes expenditures for rehabilitation research at the National Institutes of Health. The report shall include recommendations for revising and updating the Research Plan, and such initiatives as the Director of the Center and the Director of the Institute determine appropriate. In preparing the report, the Director of the Center and the Director of the Institute shall consult with the Director of NIH.'';

(4) in subsection (e)—

(A) in paragraph (2), by inserting ''periodically host a scientific conference or workshop on medical rehabilitation research and'' after ''The Coordinating Committee shall''; and

(B) in paragraph (3), by inserting ''the Director of the Division of Program Coordination, Planning, and Strategic Initiatives within the Office of the Director of NIH,'' after ''shall be composed of'';

(5) in subsection (f)(3)(B)—

(A) by redesignating clauses (ix) through (xi) as clauses (x) through (xii), respectively; and

(B) by inserting after clause (viii) the following:

''(ix) The Director of the Division of Program Coordination, Planning, and Strategic Initiatives.''; and

(6) by adding at the end the following:

''(g)(1) The Secretary and the heads of other Federal agencies shall jointly review the programs carried out (or proposed to be carried out) by each such official with respect to medical rehabilitation research and, as appropriate, enter into agreements preventing duplication among such programs.

''(2) The Secretary shall, as appropriate, enter into interagency agreements relating to the coordination of medical rehabilitation research conducted by agencies of the National Institutes of Health and other agencies of the Federal Government.

''(h) For purposes of this section, the term 'medical rehabilitation research' means the science of mechanisms and interventions that prevent, improve, restore, or replace lost, underdeveloped, or deteriorating function.''.

(b) REQUIREMENTS OF CERTAIN AGREEMENTS FOR ENHANCING COORDINATION AND PREVENTING DUPLICATIVE PROGRAMS OF MEDICAL REHABILITATION RESEARCH.—Section 3 of the National Institutes of Health Amendments of 1990 (42 U.S.C. 285g–4 note) is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—''; and

(2) by striking subsection (b).

SA 4513. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. MODIFICATION OF DISCRETIONARY AUTHORITY TO AUTHORIZE CERTAIN ENLISTMENTS IN THE ARMED FORCES.

Section 504(b)(2) of title 10, United States Code, is amended by striking ''if the Secretary'' and all that follows and inserting ''if—

''(A) the person is lawfully present in the United States at the time of enlistment; and

''(B) the Secretary determines that such enlistment is vital to the national interest.''.

SA 4514. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1227. ASSESSMENT OF INADEQUACIES IN INTERNATIONAL MONITORING AND VERIFICATION WITH RESPECT TO IRAN'S NUCLEAR PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, the Director of National Intelligence, and the heads and other relevant officials of agencies with responsibilities under section 1078 or 1226, submit to Congress a joint assessment report detailing existing inadequacies in the international monitoring and verification system, including the extent to which such inadequacies relate to the findings and recommendations pertaining to verification shortcomings identified within—

(1) the September 26, 2006, Government Accountability Office report entitled, ''Nuclear Nonproliferation: IAEA Has Strengthened Its Safeguards and Nuclear Security Programs, but Weaknesses Need to Be Addressed'';

(2) the May 16, 2013, Government Accountability Office report entitled, ''IAEA Has Made Progress in Implementing Critical Programs but Continues to Face Challenges'';

(3) the Defense Science Board Study entitled, ''Task Force on the Assessment of Nuclear Treaty Monitoring and Verification Technologies'';

(4) the report of the International Atomic Energy Agency (in this section referred to as the ''IAEA'') entitled, ''The Safeguards System of the International Atomic Energy Agency'' and the IAEA Safeguards Statement for 2010;

(5) the IAEA Safeguards Overview: Comprehensive Safeguards Agreements and Additional Protocols;

(6) the IAEA Model Additional Protocol;

(7) the IAEA February 2015 Director General Report to the Board of Governors; and

(8) other related reports on Iranian safeguard challenges.

(b) RECOMMENDATIONS.—The joint assessment report required by subsection (a) shall include recommendations based upon the reports referenced in that subsection, including recommendations to overcome inadequacies or develop an improved monitoring framework and recommendations related to the following matters:

(1) The nuclear program of Iran.

(2) Development of a plan for—

(A) the long-term operation and funding of increased activities of the IAEA and relevant agencies in order to maintain the necessary level of oversight with respect to Iran's nuclear program;

(B) resolving all issues of past and present concern with the IAEA, including possible military dimensions of Iran's nuclear program; and

(C) giving IAEA inspectors access to personnel, documents, and facilities involved, at any point, with nuclear or nuclear weapons-related activities of Iran.

(3) A potential national strategy and implementation plan supported by a planning and assessment team aimed at cutting across agency boundaries or limitations that affect the ability to draw conclusions, with absolute assurance, about whether Iran is developing a clandestine nuclear weapons program.

(4) The limitations of IAEA actors.

(5) Challenges in the region that may be too large to anticipate under applicable treaties or agreements or the national technical means monitoring regimes alone.

(6) Continuation of sanctions with respect to the Government of Iran and Iranian persons and Iran's proxies for—

(A) ongoing abuses of human rights;

(B) actions in support of the regime of Bashar al-Assad in Syria;

(C) procurement, sale, or transfer of technology, services, or goods that support the development or acquisition of weapons of mass destruction or the means of delivery of those weapons; and

(D) continuing sponsorship of international terrorism.

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

(d) PRESIDENTIAL CERTIFICATION.—Not later than 60 days after the joint assessment report is submitted under subsection (a), the President shall certify to Congress that the President has reviewed the report, including the recommendations contained therein, and has taken available actions to address existing gaps within the monitoring and verification framework, including identified potential funding needs to address necessary requirements.

SA 4515. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. TERMINATION OF LAWFUL PERMANENT RESIDENT STATUS OF CERTAIN ALIENS WHO RETURN TO AFGHANISTAN WITHOUT ADVANCE PERMISSION.

Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended—

(1) by redesignating paragraphs (10) through (16) as paragraphs (11) through (17), respectively;

(2) by inserting after paragraph (9), the following:

''(10) TERMINATION OF LAWFUL PERMANENT RESIDENCE UPON UNAUTHORIZED RETURN TO AFGHANISTAN.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall terminate the lawful permanent resident status of any alien granted such status under paragraph (9) who is outside the United States if the Secretary determines that the alien has visited Afghanistan without obtaining advance permission to travel pursuant to subparagraph (D)(ii).

''(B) SERVICE.—The termination of lawful permanent residence status under subparagraph (A) shall be effective on the date that is 3 days after the date on which the Secretary serves notice of such termination—

''(i) by publishing such notice in the Federal Register;

''(ii) by mailing such notice to the alien's most recent United States address, as provided to the Secretary under section 265 of

the Immigration and Nationality Act (8 U.S.C. 1305) or otherwise under the immigration laws; or

''(iii) through personal service on the alien abroad in accordance with applicable law.

''(C) CHALLENGE TO NOTICE OF TERMINATION.—

''(i) IN GENERAL.—An alien whose status is terminated pursuant to subparagraph (A) may challenge such termination by seeking admission as an immigrant at a designated United States port of entry not later than 180 days after the effective date of such termination.

''(ii) REMOVAL PROCEEDING.—If an alien challenges a termination in accordance with clause (i), the Secretary shall place the alien in a removal proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). For the purpose of such removal proceeding, the alien shall be considered to be an alien lawfully admitted for permanent residence who is seeking an admission into the United States. If the alien prevails in the removal proceeding, or on a petition for review of such proceeding under section 242 of such Act (8 U.S.C. 1252), the alien shall be admitted to the United States for lawful permanent residence. If the alien does not prevail in the removal proceeding, or on a petition for review of such proceeding, the alien shall be removed from the United States.

''(D) TRAVEL.—The Secretary of Homeland Security—

''(i) upon receiving a request from an alien challenging a notice of termination under subparagraph (C), shall authorize travel of the alien to a designated United States port of entry for the purpose of the removal proceeding described in subparagraph (C)(ii); and

''(ii) shall establish a process through which an alien granted lawful permanent residence under this section may apply in advance for permission to travel to Afghanistan.

''(E) JUDICIAL REVIEW.—Except as specifically provided under subparagraph (C), and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any determination made by the Secretary under this paragraph.

''(F) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed—

''(i) to authorize any alien whose status has not been terminated under this paragraph to travel to or to be admitted to the United States;

''(ii) to require the Secretary to terminate the status of an alien under this subsection so that the alien may travel to the United States for the purpose of a removal proceeding or for any other reason; or

''(iii) to limit the applicability of any no-fly list or other travel security or public health measure otherwise authorized by law.''; and

(3) in paragraph (14), as redesignated, by striking ''paragraph (12)(B)'' and inserting ''paragraph (13)(B)''.

SA 4516. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 945.

SA 4517. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 973.

SA 4518. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1049.

SA 4519. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1052.

SA 4520. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1194, line 24, strike ''committees'' and insert ''committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives''.

SA 4521. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1606.

SA 4522. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1633 and insert the following:

SEC. 1633. PROCESS FOR ENDING OF ARRANGEMENT IN WHICH THE COMMANDER OF THE UNITED STATES CYBER COMMAND IS ALSO DIRECTOR OF THE NATIONAL SECURITY AGENCY.

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

(1) the ending of the arrangement (commonly referred to as a ''dual-hat arrangement'') under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency needs to be carefully considered and done through conditions-based criteria; and

(2) until such arrangement is ended, it is important to ensure such arrangement does not impede the Director's service of national requirements.

(b) PROCESSES FOR ENDING OF CURRENT ARRANGEMENT.—The Secretary of Defense may not take action to end the arrangement described in subsection (a) until—

(1) the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that the end of that arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable in the national security interests of the United States; or

(2) the Director of National Intelligence determines and certifies to the appropriate committees of Congress that the continuation of that arrangement poses risks and impedes the appropriate prioritization of national requirements.

(c) CONDITIONS-BASED CRITERIA.—The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall develop criteria for assessing the military and intelligence necessity and benefit of the arrangement described in subsection (a). The criteria shall be based on measures of the operational dependence of the United States Cyber Command on the National Security Agency and the ability of each organization to accomplish their roles and responsibilities independent of the other. The conditions to be evaluated shall include the following:

(1) The sufficiency of operational infrastructure.

(2) The sufficiency of command and control systems and processes for planning, deconflicting, and executing military cyber operations, tools and weapons for achieving required effects.

(3) Technical intelligence collection and operational preparation of the environment capabilities.

(4) The ability to train personnel, test capabilities, and rehearse missions.

(5) The ability to meet national intelligence requirements.

(6) The ability to correctly and impartially conduct intelligence gain and loss assessments in scenarios with competing requirements.

(d) REPORTS.—Not later than 90 days of the date of the enactment of this Act and annually thereafter until a certification is made in accordance with subsection (b)—

(1) the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall submit

to the appropriate committees of Congress a report that describes which of the conditions set out under subsection (c) have not been met; and

(2) the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of the Director's continuing ability to meet national requirements and appropriately conduct intelligence gain and loss assessments in scenarios with competing requirements.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4523. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1207, line 13, strike ''**LIMITATION ON**'' and insert ''**PROCESS FOR**''.

On page 1207, line 18, insert ''ending of the'' after ''that the''.

On page 1207, beginning on line 21, strike ''is in the national security interests of the United States.'' and insert ''needs to be carefully considered and done through conditions-based criteria and, until such arrangement is ended, it is important to ensure such arrangement does not impede the Director's service of national intelligence requirements.''.

On page 1207, line 23, strike ''LIMITATION ON'' and insert ''PROCESS FOR''.

On page 1207, line 25, strike ''until'' and insert ''until—''.

Beginning on page 1207, line 25, strike ''the Secretary'' and all that follows through page 1208, line 6, and insert the following:

(1) the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that the end of that arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable in the national security interests of the United States; or

(2) the Director of National Intelligence determines and certifies to the appropriate committees of Congress that the continuation of that arrangement poses risks and impedes the appropriate prioritization of national intelligence requirements.

On page 1208, beginning on line 7, strike ''Secretary and the Chairman'' and insert ''Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence''.

On page 1209, strike lines 3 through 12, and insert the following:

(5) The ability to meet national intelligence requirements.

(6) The ability to correctly and impartially conduct intelligence gain and loss assessments in scenarios with competing requirements.

(d) REPORTS.—Not later than 90 days of the date of the enactment of this Act and annually thereafter until a certification is made in accordance with subsection (b)—

(1) the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall submit to the appropriate committees of Congress a report that describes which of the conditions set out under subsection (c) have not been met; and

(2) the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of the Director's continuing ability to meet national intelligence requirements and appropriately conduct intelligence gain and loss assessments in scenarios with competing requirements.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NATIONAL INTELLIGENCE.—The term ''national intelligence'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SA 4524. Mr. BURR (for himself, Mrs. FEINSTEIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1633 and insert the following:

SEC. 1633. PROCESS FOR ENDING OF ARRANGEMENT IN WHICH THE COMMANDER OF THE UNITED STATES CYBER COMMAND IS ALSO DIRECTOR OF THE NATIONAL SECURITY AGENCY.

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

(1) the ending of the arrangement (commonly referred to as a ''dual-hat arrangement'') under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency needs to be carefully considered and done through conditions-based criteria; and

(2) until such arrangement is ended, it is important to ensure such arrangement does not impede the Director's service of national intelligence requirements.

(b) PROCESSES FOR ENDING OF CURRENT ARRANGEMENT.—The Secretary of Defense may not take action to end the arrangement described in subsection (a) until—

(1) the Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that the end of that arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable in the national security interests of the United States; or

(2) the Director of National Intelligence determines and certifies to the appropriate committees of Congress that the continuation of that arrangement poses risks and impedes the appropriate prioritization of national intelligence requirements.

(c) CONDITIONS-BASED CRITERIA.—The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall develop criteria for assessing the military and intelligence necessity and benefit of the arrangement described in subsection (a). The criteria shall be based on measures of the operational dependence of the United States Cyber Command on the National Security Agency and the ability of each organization to accomplish their roles and responsibilities independent of the other. The conditions to be evaluated shall include the following:

(1) The sufficiency of operational infrastructure.

(2) The sufficiency of command and control systems and processes for planning, deconflicting, and executing military cyber operations, tools and weapons for achieving required effects.

(3) Technical intelligence collection and operational preparation of the environment capabilities.

(4) The ability to train personnel, test capabilities, and rehearse missions.

(5) The ability to meet national intelligence requirements.

(6) The ability to correctly and impartially conduct intelligence gain and loss assessments in scenarios with competing requirements.

(d) REPORTS.—Not later than 90 days of the date of the enactment of this Act and annually thereafter until a certification is made in accordance with subsection (b)—

(1) the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall submit to the appropriate committees of Congress a report that describes which of the conditions set out under subsection (c) have not been met; and

(2) the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of the Director's continuing ability to meet national intelligence requirements and appropriately conduct intelligence gain and loss assessments in scenarios with competing requirements.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NATIONAL INTELLIGENCE.—The term ''national intelligence'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SA 4525. Mr. BURR (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1242, line 4, strike ''committees'' and insert ''committees, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives,''.

SA 4526. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 829K. PREFERENCE FOR POTENTIAL DEFENSE CONTRACTORS THAT CARRY OUT CERTAIN STEM-RELATED ACTIVITIES.

In evaluating offers submitted in response to a solicitation for contracts, the Secretary of Defense shall provide a preference to any offeror that—

(1) establishes or enhances undergraduate, graduate, and doctoral programs in science, technology, engineering, and mathematics (in this section referred to as ''STEM'' disciplines);

(2) makes investments, such as programming and curriculum development, in STEM programs within elementary and secondary schools, including those that support the needs of military children;

(3) encourages employees to volunteer in schools eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in order to enhance STEM education and programs;

(4) makes personnel available to advise and assist faculty at colleges and universities in the performance of STEM research and disciplines critical to the functions of the Department of Defense;

(5) establishes partnerships between the offeror and historically Black colleges and universities (HBCUs) and other minority-serving institutions for the purpose of training students in scientific disciplines;

(6) awards scholarships and fellowships, and establishes cooperative work-education programs in scientific disciplines;

(7) attracts and retains faculty involved in scientific disciplines critical to the functions of the Department of Defense;

(8) conducts recruitment activities at universities and community colleges, including HBCUs, or offers internships or apprenticeships; or

(9) establishes programs and outreach efforts to strengthen STEM.

SA 4527. Mr. CASEY (for himself, Mr. INHOFE, Mr. BLUMENTHAL, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1180, strike lines 1 through 5 and insert the following:

(1) in paragraph (1)—

(A) by striking ''fiscal year 2016'' and inserting ''fiscal years 2016 and 2017''; and

(B) by striking ''the Government of Pakistan'' and all that follows and inserting ''any country that the Secretary of Defense, with the concurrence of the Secretary of State, has identified as critical for countering the movement of precursor materials for improvised explosive devices into Syria, Iraq, or Afghanistan.'';

(2) in paragraph (2), by striking ''the Government of Pakistan'' and inserting ''a country'';

(3) in paragraph (3), striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) listing each country identified pursuant to paragraph (1);

''(B) detailing the amount of funds to be used with respect to each country identified pursuant to paragraph (1) and the training, equipment, supplies, and services to be provided to such country;

''(C) evaluating the effectiveness of efforts by each country identified pursuant to paragraph (1) to counter the movement of precursor materials for improvised explosive devices; and

''(D) setting forth the overall plan to increase the counter-improvised explosive device capability of each country identified pursuant to paragraph (1).''; and

(4) in paragraph (4), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(c) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue and should increase interagency efforts to disrupt the flow of improvised explosive devices (IED), precursor chemicals, and components into conflict areas such as Syria, Iraq, and Afghanistan;

(2) the Department of Defense has made sizeable investments to attack the network, defeat the device, and facilitate protection of United States forces for many years and throughout the relevant theaters of operation; and

(3) it is essential that the continuing efforts of the United States to counter improvised explosive devices leverage all instruments of national power, including engagement and investment from diplomatic, economic, and law enforcement departments and agencies.

SA 4528. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle D of title V, add the following:

SEC. 554. REPORTS ON INCIDENTS OF SEXUAL ASSAULT MADE BY MEMBERS OF THE ARMED FORCES TO HEALTH CARE PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS TREATABLE AS DEPARTMENT OF DEFENSE RESTRICTED REPORTS.

(a) TREATMENT AT ELECTION OF MEMBERS.—Under procedures established by the Secretary of Veterans Affairs, a report on an incident of sexual assault made by a member of the Armed Forces while undergoing a Separation History and Physical Examination to such health care personnel of the Department of Veterans Affairs performing the examination as the Secretary shall specify for purposes of such procedures may, at the election of the member, be treated as a Restricted Report on the incident for Department of Defense purposes.

(b) TRANSMITTAL TO DEPARTMENT OF DEFENSE.—Under procedures jointly established by the Secretary of Veterans Affairs and the Secretary of Defense, a report on an incident of sexual assault treated as a Restricted Report pursuant to subsection (a) shall be transmitted by the Department of Veterans Affairs to such personnel of the Department of Defense who are authorized to access Restricted Reports on incidents of sexual assault as the Secretary of Defense shall specify for purposes of such procedures. The transmittal shall be made in a manner that preserves for all purposes the confidential nature of the report as a Restricted Report.

SA 4529. Mrs. MURRAY (for herself and Mr. KAINE) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 562 and insert the following:

SEC. 562. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

(a) SCOPE OF PROGRAM.—Subsection (a)(1) of section 2015 of title 10, United States Code, is amended by striking ''incident to the performance of their military duties''.

(b) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''under subsection (a) is accredited by'' and all that follows and inserting ''under subsection (a)—

''(A) is accredited by an accreditation body that meets the requirements in paragraph (2); or

''(B) meets requirements in paragraph (3) or (4).''; and

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

''(3) A credentialing program meets the requirements in this paragraph if—

''(A) the program results in a recognized postsecondary credential, including—

''(i) an industry recognized certificate or certification, including a credential recognized by employers within an industry or sector to meet employment requirements, or where appropriate, a credential endorsed by a nationally-recognized trade association or organization representing a significant part of the industry or sector;

''(ii) a certificate of completion of a registered apprenticeship; or

''(iii) a license recognized by a State or the Federal Government; or

''(B) the credential granted by the program meets standards established by a Federal agency.

''(4) A credentialing program meets the requirements in this paragraph if the program is provided by an eligible training provider under section 122 of the Workforce Innovation and Opportunity Act (Public Law 113–128).''.

(c) REGULATIONS.—Subsection (d)(3) of such section is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) With respect to the provision of credentials under this section that are accepted or preferred by employers within an industry or sector, mechanisms to verify that—

''(i) such credentials are in fact required or preferred for such employment (or advancement in such employment); and

''(ii) the provider of such credentialing programs meet quality assurance criteria as the Secretary concerned, in consultation with the Secretary of Labor, considers appropriate necessary to safeguard the integrity of the credentialing program and provide effective stewardship of Federal resources.''.

SA 4530. Mrs. GILLIBRAND (for herself and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. CLARIFICATION OF PRESUMPTIONS OF EXPOSURE FOR VETERANS WHO SERVED IN VICINITY OF REPUBLIC OF VIETNAM.

(a) COMPENSATION.—Subsections (a)(1) and (f) of section 1116 of title 38, United States Code, are amended by inserting ''(including its territorial seas)'' after ''served in the Republic of Vietnam'' each place such phrase appears.

(b) HEALTH CARE.—Section 1710(e)(4) of such title is amended by inserting ''(including its territorial seas)'' after ''served on active duty in the Republic of Vietnam''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on September 25, 1985.

SEC. 1098. TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE.

(a) IN GENERAL.—Section 411 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), as added by section 402(g) of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act (title IV of division O of Public Law 114–113), is amended—

(1) by amending to section heading to read as follows: ''**TEMPORARY VISA FEE FOR EMPLOYERS WITH MORE THAN 50 PERCENT FOREIGN WORKFORCE**''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) TEMPORARY L VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition filed under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)), except for an amended petition without an extension of stay request, shall be increased by $4,500 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act. This fee shall also apply to petitioners described in this subsection who file an individual petition on the basis of an approved blanket petition.

''(b) TEMPORARY H-1B VISA FEE INCREASE.—Notwithstanding section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) or any other provision of law, the filing fee required to be submitted with a petition under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), except for an amended petition without an extension of stay request, shall be increased by $4,000 for petitioners that employ 50 or more employees in the United States if more than 50 percent of the petitioner's employees are nonimmigrants described in subparagraph (H)(1)(b) or (L) of section 101(a)(15) of such Act.''.

(b) EFFECTIVE DATES.—The amendments made by subsection (a)—

(1) shall take effect on the date that is 30 days after the date of the enactment of this Act; and

(2) shall apply to any petition filed during the period beginning on such effective date and ending on September 30, 2025.

SA 4531. Mr. BOOKER (for himself, Mr. BLUMENTHAL, Mr. NELSON, Mr. SCHUMER, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. IMPLEMENTATION OF OUTSTANDING TRANSPORTATION SECURITY REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall, at a minimum, complete sections 1512 and 1517 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1162 and 1167).

SA 4532. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 877. COMPTROLLER GENERAL REPORT ON SOLID ROCKET MOTOR (SRM) INDUSTRIAL BASE FOR TACTICAL MISSILES.

(a) IN GENERAL.—Not later than March 31, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report on the solid rocket motor (SRM) industrial base for tactical missiles.

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

(1) A review of all Department of Defense reports that have been published since 2009 on the United States tactical solid rocket motor (SRM) industrial base, together with the analyses underlying such reports.

(2) An examination of the factors the Department uses in awarding SRM contracts and that Department of Defense contractors use in awarding SRM subcontracts, including cost, schedule, technical qualifications, supply chain diversification, past performance, and other evaluation factors, such as meeting offset obligations under foreign military sales agreements.

(3) An assessment of the foreign-built portion of the United States SRM market and of the effectiveness of actions taken by the Department to address the declining state of the United States tactical SRM industrial base.

SA 4533. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle J—Open Government Data

SEC. 1097. SHORT TITLE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Open, Public, Electronic, and Necessary Government Data Act'' or the ''OPEN Government Data Act''.

SEC. 1098. FINDINGS; AGENCY DEFINED.

(a) FINDINGS.—Congress finds the following:

(1) Federal Government data is a valuable national resource. Managing Federal Government data to make it open, available, discoverable, and useable to the general public, businesses, journalists, academics, and advocates promotes efficiency and effectiveness in Government, creates economic opportunities, promotes scientific discovery, and most importantly, strengthens our democracy.

(2) Maximizing the usefulness of Federal Government data that is appropriate for release rests upon making it readily available, discoverable, and usable—in a word: open. Information presumptively should be available to the general public unless the Federal Government reasonably foresees that disclosure could harm a specific, articulable interest protected by law or the Federal Government is otherwise expressly prohibited from releasing such data due to statutory requirements.

(3) The Federal Government has the responsibility to be transparent and accountable to its citizens.

(4) Data controlled, collected, or created by the Federal Government should be originated, transmitted, and published in modern, open, and electronic format, to be as readily accessible as possible, consistent with data standards imbued with authority under this subtitle and to the extent permitted by law.

(5) The effort to inventory Government data will have additional benefits, including identifying opportunities within agencies to reduce waste, increase efficiencies, and save taxpayer dollars. As such, this effort should involve many types of data, including data generated by applications, devices, networks, and equipment, which can be harnessed to improve operations, lower energy consumption, reduce costs, and strengthen security.

(6) Communication, commerce, and data transcend national borders. Global access to Government information is often essential to promoting innovation, scientific discovery, entrepreneurship, education, and the general welfare.

(b) AGENCY DEFINED.—In this subtitle, the term ''agency'' has the meaning given that term in section 3502 of title 44, United States Code, and includes the Federal Election Commission.

SEC. 1099. RULE OF CONSTRUCTION.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to require the disclosure of information or records that are exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

SEC. 1099A. FEDERAL INFORMATION POLICY DEFINITIONS.

Section 3502 of title 44, United States Code, is amended—

(1) in paragraph (13), by striking ''; and'' at the end and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

''(16) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

''(17) the term 'Enterprise Data Inventory' means the data inventory developed and maintained pursuant to section 3523;

''(18) the term 'machine-readable' means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

''(19) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

''(20) the term 'nonpublic data asset'—

''(A) means a data asset that may not be made available to the public for privacy, security, confidentiality, regulation, or other reasons as determined by law; and

''(B) includes data provided by contractors that is protected by contract, license, patent, trademark, copyright, confidentiality, regulation, or other restriction;

''(21) the term 'open format' means a technical format based on an underlying open standard that is—

''(A) not encumbered by restrictions that would impede use or reuse; and

''(B) based on an underlying open standard that is maintained by a standards organization;

''(22) the term 'open Government data' means a Federal Government public data asset that is—

''(A) machine-readable;

''(B) available in an open format; and

''(C) part of the worldwide public domain or, if necessary, published with an open license;

''(23) the term 'open license' means a legal guarantee applied to a data asset that is made available to the public that such data asset is made available—

''(A) at no cost to the public; and

''(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting; and

''(24) the term 'public data asset' means a collection of data elements or a data set maintained by the Government that—

''(A) may be released; or

''(B) has been released to the public in an open format and is discoverable through a search of Data.gov.''.

SEC. 1099B. REQUIREMENT FOR MAKING OPEN AND MACHINE-READABLE THE DEFAULT FOR GOVERNMENT DATA.

(a) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3522. Requirements for Government data

''(a) MACHINE-READABLE DATA REQUIRED.—Government data assets made available by an agency shall be published as machine-readable data.

''(b) OPEN BY DEFAULT.—When not otherwise prohibited by law, and to the extent practicable, Government data assets shall—

''(1) be available in an open format; and

''(2) be available under open licenses.

''(c) OPEN LICENSE OR WORLDWIDE PUBLIC DOMAIN DEDICATION REQUIRED.—When not otherwise prohibited by law, and to the extent practicable, Government data assets published by or for an agency shall be made available under an open license or, if not made available under an open license and appropriately released, shall be considered to be published as part of the worldwide public domain.

''(d) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, non-profit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the agency's public data asset in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law and regulation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, is amended by inserting after the item relating to section 3521 the following:

''3522. Requirements for Government data.''.

(c) EFFECTIVE DATE.—Notwithstanding section 1099G, the amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(d) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3522 of title 44, United States Code, as added by subsection (a).

SEC. 1099C. RESPONSIBILITIES OF THE OFFICE OF ELECTRONIC GOVERNMENT.

(a) COORDINATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT POLICY.—Section 3503 of title 44, United States Code, is amended by adding at the end the following:

''(c) COORDINATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT POLICY.—The Federal Chief Information Officer shall work in coordination with the Administrator of the Office of Information and Regulatory Affairs and with the heads of other offices within the Office of Management and Budget to oversee and advise the Director on Federal information resources management policy.''.

(b) AUTHORITY AND FUNCTIONS OF DIRECTOR.—Section 3504(h) of title 44, United States Code, is amended—

(1) in paragraph (1), by inserting '', the Federal Chief Information Officer,'' after ''the Director of the National Institute of Standards and Technology'';

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon; and

(B) by adding at the end the following:

''(C) oversee the completeness of the Enterprise Data Inventory and the extent to which the agency is making all data collected and generated by the agency available to the public in accordance with section 3523;'';

(3) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(6) coordinate the development and review of Federal information resources management policy by the Administrator of the Office of Information and Regulatory Affairs and the Federal Chief Information Officer.''.

(c) CHANGE OF NAME OF THE OFFICE OF ELECTRONIC GOVERNMENT.—

(1) DEFINITIONS.—Section 3601 of title 44, United States Code, is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(C) by inserting after paragraph (3), as so redesignated, the following:

''(4) 'Federal Chief Information Officer' means the Federal Chief Information Officer of the Office of the Federal Chief Information Officer established under section 3602;''.

(2) OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER.—Section 3602 of title 44, United States Code, is amended—

(A) in the heading, by striking ''**Electronic Government**'' and inserting ''**the Federal Chief Information Officer**'';

(B) in subsection (a), by striking ''Office of Electronic Government'' and inserting ''Office of the Federal Chief Information Officer'';

(C) in subsection (b), by striking ''an Administrator'' and inserting ''a Federal Chief Information Officer'';

(D) in subsection (c), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(E) in subsection (d), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(F) in subsection (e), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(G) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking ''the Administrator shall'' and inserting ''the Federal Chief Information Officer shall''; and

(ii) in paragraph (16), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''; and

(H) in subsection (g), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''.

(3) CHIEF INFORMATION OFFICERS COUNCIL.—Section 3603 of title 44, United States Code, is amended—

(A) in subsection (b)(2), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer'';

(B) in subsection (c)(1), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer''; and

(C) in subsection (f)(3), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(4) E–GOVERNMENT FUND.—Section 3604 of title 44, United States Code, is amended—

(A) in subsection (a)(2), by striking ''the Administrator of the Office of Electronic Government'' and inserting ''the Federal Chief Information Officer'';

(B) in subsection (b), by striking ''Administrator'' each place it appears and inserting ''Federal Chief Information Officer''; and

(C) in subsection (c), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(5) PROGRAM TO ENCOURAGE INNOVATIVE SOLUTIONS TO ENHANCE ELECTRONIC GOVERNMENT SERVICES AND PROCESSES.—Section 3605 of title 44, United States Code, is amended—

(A) in subsection (a), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(B) in subsection (b), by striking '', the Administrator,'' and inserting '', the Federal Chief Information Officer,''; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer''; and

(II) by striking ''proposals submitted to the Administrator'' and inserting ''proposals submitted to the Federal Chief Information Officer'';

(ii) in paragraph (2), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(iii) in paragraph (4), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(6) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 36 of title 44, United States Code, is amended by striking the item relating to section 3602 and inserting the following:

''3602. Office of the Federal Chief Information Officer.''.

(B) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' and inserting ''Federal Chief Information Officer''.

(C) OFFICE OF ELECTRONIC GOVERNMENT.—Section 507 of title 31, United States Code, is amended by striking ''The Office of Electronic Government'' and inserting ''The Office of the Federal Chief Information Officer''.

(D) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—Section 305 of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' and inserting ''Federal Chief Information Officer''.

(E) CAPITAL PLANNING AND INVESTMENT CONTROL.—Section 11302(c)(4) of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' each place it appears and inserting ''Federal Chief Information Officer''.

(F) RESOURCES, PLANNING, AND PORTFOLIO MANAGEMENT.—The second subsection (c) of section 11319 of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' each place it appears and inserting ''Federal Chief Information Officer''.

(G) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—

(i) Section 2222(i)(6) of title 10, United States Code, is amended by striking ''section 3601(4)'' and inserting ''section 3601(3)''.

(ii) Section 506D(k)(1) of the National Security Act of 1947 (50 U.S.C. 3100(k)(1)) is amended by striking ''section 3601(4)'' and inserting ''section 3601(3)''.

(7) RULE OF CONSTRUCTION.—The amendments made by this subsection are for the purpose of changing the name of the Office of Electronic Government and the Administrator of such office and shall not be construed to affect any of the substantive provisions of the provisions amended or to require a new appointment by the President.

SEC. 1099D. DATA INVENTORY AND PLANNING.

(a) ENTERPRISE DATA INVENTORY.—

(1) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, as amended by section 1099B, is amended by adding at the end the following:

''§ 3523. Enterprise data inventory

''(a) AGENCY DATA INVENTORY REQUIRED.—

''(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director of the Office of Management and Budget, shall develop and maintain an enterprise data inventory (in this section referred to as the 'Enterprise Data Inventory') that accounts for any data asset created, collected, under the control or direction of, or maintained by the agency after the effective date of this section, with the ultimate goal of including all data assets, to the extent practicable.

''(2) CONTENTS.—The Enterprise Data Inventory shall include each of the following:

''(A) Data assets used in agency information systems, including program administration, statistical, and financial activity.

''(B) Data assets shared or maintained across agency programs and bureaus.

''(C) Data assets that are shared among agencies or created by more than 1 agency.

''(D) A clear indication of all data assets that can be made publicly available under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act').

''(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is currently available to the public.

''(F) Non-public data assets.

''(G) Government data assets generated by applications, devices, networks, and equipment, categorized by source type.

''(b) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency shall use the guidance provided by the Director issued pursuant to section 3504(a)(1)(C)(ii) to make public data assets included in the Enterprise Data Inventory publicly available in an open format and under an open license.

''(c) NON-PUBLIC DATA.—Non-public data included in the Enterprise Data Inventory may be maintained in a non-public section of the inventory.

''(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency—

''(1) shall make the Enterprise Data Inventory available to the public on Data.gov;

''(2) shall ensure that access to the Enterprise Data Inventory and the data contained therein is consistent with applicable law and regulation; and

''(3) may implement paragraph (1) in a manner that maintains a non-public portion of the Enterprise Data Inventory.

''(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

''(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

''(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

''(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, as amended by section 5, is amended by inserting after the item relating to section 3522 the following:

''3523. Enterprise data inventory.''.

(b) STANDARDS FOR ENTERPRISE DATA INVENTORY.—Section 3504(a)(1) of title 44, United States Code, is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B)(vi), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue standards for the Enterprise Data Inventory described in section 3523, including—

''(i) a requirement that the Enterprise Data Inventory include a compilation of metadata about agency data assets; and

''(ii) criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

''(I) the expectation of confidentiality associated with an individual data asset;

''(II) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

''(III) the cost and value to the public of converting the data into a manner that could be understood and used by the public;

''(IV) the expectation that all data assets that would otherwise be made available under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act') be disclosed; and

''(V) any other considerations that the Director determines to be relevant.''.

(c) FEDERAL AGENCY RESPONSIBILITIES.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(C), by striking ''security;'' and inserting the following: ''security by—

''(i) using open format for any new Government data asset created or obtained on the date that is 1 year after the date of enactment of this clause; and

''(ii) to the extent practicable, encouraging the adoption of open form for all open Government data created or obtained before the date of enactment of this clause;'';

(B) in paragraph (4), by striking ''subchapter; and'' and inserting ''subchapter and a review of each agency's Enterprise Data Inventory described in section 3523;'';

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) in consultation with the Director, develop an open data plan as a part of the requirement for a strategic information resources management plan described in paragraph (2) that, at a minimum and to the extent practicable—

''(A) requires the agency to develop processes and procedures that—

''(i) require each new data collection mechanism to use an open format; and

''(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data;

''(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability, recommendations for improvements, and complaints about adherence to open data requirements in accordance with subsection (d)(2);

''(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data;

''(D) requires the agency to update the plan at an interval determined by the Director;

''(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, that allow for the acquisition of innovative solutions from the public and private sector; and

''(F) prohibits the dissemination and accidental disclosure of nonpublic data assets.'';

(2) in subsection (c), by striking ''With respect to'' and inserting ''Except as provided under subsection (j), with respect to'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''shall'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''shall'' before ''ensure'';

(ii) in subparagraph (A), by striking ''sources'' and inserting ''sources and uses''; and

(iii) in subparagraph (C), by inserting '', including providing access to open Government data online'' after ''economical manner'';

(C) in paragraph (2), by inserting ''shall'' before ''regularly'';

(D) in paragraph (3)—

(i) by inserting ''shall'' before ''provide''; and

(ii) by striking ''; and'' and inserting a semicolon;

(E) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''may'' before ''not''; and

(ii) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(5) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required by subsection (b)(6); and

''(6) may engage the public in using open Government data and encourage collaboration by—

''(A) publishing information on open Government data usage in regular, timely intervals, but not less than annually;

''(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

''(C) assisting civil society groups and members of the public working to expand the use of open Government data; and

''(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data.''; and

(4) by adding at the end the following:

''(j) COLLECTION OF INFORMATION EXCEPTION.—Notwithstanding subsection (c), an agency is not required to meet the requirements of paragraphs (2) and (3) of such subsection if—

''(1) the waiver of those requirements is approved by the head of the agency;

''(2) the collection of information is—

''(A) online and electronic;

''(B) voluntary and there is no perceived or actual tangible benefit to the provider of the information;

''(C) of an extremely low burden that is typically completed in 5 minutes or less; and

''(D) focused on gathering input about the performance of, or public satisfaction with, an agency providing service; and

''(3) the agency publishes representative summaries of the collection of information under subsection (c).''.

(d) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices. The repository shall—

(1) include definitions, regulation and policy, checklists, and case studies related to open data, this subtitle, and the amendments made by this subtitle; and

(2) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(e) SYSTEMATIC AGENCY REVIEW OF OPERATIONS.—Section 305 of title 5, United States Code, is amended—

(1) in subsection (b), by adding at the end the following: ''To the extent practicable, each agency shall use existing data to support such reviews if the data is accurate and complete.'';

(2) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) determining the status of achieving the mission, goals, and objectives of the agency as described in the strategic plan of the agency published pursuant to section 306;''; and

(3) by adding at the end the following:

''(d) OPEN DATA COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with the Open, Public, Electronic, and Necessary Government Data Act and the amendments made by that Act.''.

(f) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, 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 that identifies—

(1) the value of information made available to the public as a result of this subtitle and the amendments made by this subtitle;

(2) whether it is valuable to expand the publicly available information to any other data assets; and

(3) the completeness of the Enterprise Data Inventory at each agency required under section 3523 of title 44, United States Code, as added by this section.

SEC. 8. TECHNOLOGY PORTAL.

(a) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by inserting after section 3511 the following:

''§ 3511A. Technology portal

''(a) DATA.GOV REQUIRED.—The Administrator of General Services shall maintain a single public interface online as a point of entry dedicated to sharing open Government data with the public.

''(b) COORDINATION WITH AGENCIES.—The Director of the Office of Management and Budget shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data published through the interface described in subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, as amended by this subtitle, is amended by inserting after the item relating to section 3511 the following:

''3511A. Technology portal.''.

(c) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall meet the requirements of section 3511A(a) of title 44, United States Code, as added by subsection (a).

SEC. 1099E. ENHANCED RESPONSIBILITIES FOR CHIEF INFORMATION OFFICERS AND CHIEF INFORMATION OFFICERS COUNCIL DUTIES.

(a) AGENCY CHIEF INFORMATION OFFICER GENERAL RESPONSIBILITIES.—

(1) GENERAL RESPONSIBILITIES.—Section 11315(b) of title 40, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) data asset management, format standardization, sharing of data assets, and publication of data assets;

''(5) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3523 of title 44;

''(6) ensuring that agency data conforms with open data best practices;

''(7) ensuring compliance with the requirements of subsections (b), (c), (d), and (f) of section 3506 of title 44;

''(8) engaging agency employees, the public, and contractors in using open Government data and encourage collaborative approaches to improving data use;

''(9) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

''(10) reviewing the information technology infrastructure of the agency and the impact of such infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

''(11) ensuring that, to the extent practicable, the agency is maximizing its own use of data, including data generated by applications, devices, networks, and equipment owned by the Government and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

''(12) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director of the Office of Management and Budget.''.

(2) ADDITIONAL DEFINITIONS.—Section 11315 of title 40, United States Code, is amended by adding at the end the following:

''(d) ADDITIONAL DEFINITIONS.—In this section, the terms 'data', 'data asset', 'Enterprise Data Inventory', and 'open Government data' have the meanings given those terms in section 3502 of title 44.''.

(b) AMENDMENT.—Section 3603(f) of title 44, United States Code, is amended by adding at the end the following:

''(8) Work with the Office of Government Information Services and the Director of the Office of Science and Technology Policy to promote data interoperability and comparability of data assets across the Government.''.

SEC. 1099F. EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.

(a) AGENCY REVIEW OF EVALUATION AND ANALYSIS CAPABILITIES; REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in subsection (b).

(b) REQUIREMENTS OF AGENCY REVIEW.—The report required under subsection (a) shall assess the coverage, quality, methods, effectiveness, and independence of the agency's evaluation research and analysis efforts, including each of the following:

(1) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(2) The extent to which the evaluations research and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(3) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability.

(4) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(5) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(6) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(c) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of

the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted pursuant to subsection (a) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

SEC. 1099G. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 4534. Mr. UDALL submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1086, between lines 18 and 19, insert the following:

''(D) Comprehensive evaluations of the short-term, medium-term, and, when appropriate, long-term effectiveness of initiatives to build partner capacities informed by the perspectives of the recipient countries on such effectiveness of such programs and activities, including regular evaluations of such initiatives in the geographic area of responsibility of each geographic combatant command, where applicable.

SA 4535. Mrs. ERNST submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. MEAT OPTIONS.

(a) IN GENERAL.—Dining facilities of the Department of Defense and the Department of Homeland Security, in the case of the Coast Guard when it is not operating as a service in the Navy, shall provide members of the Armed Forces on a daily basis with meat options that meet or exceed the nutritional standards established in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

(b) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be obligated or expended to establish or enforce ''Meatless Monday'' or any other program explicitly designed to reduce the amount of animal protein that members of the Armed Forces voluntarily consume.

SA 4536. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. EXTENSION OF DEADLINE FOR MILITARY TRAINING STATES.

(a) DESIGNATION SUBMISSION.—Notwithstanding any other provision of law, not later than October 26, 2024, in the case of a State in which an installation or activity of the Department of Defense (as defined in section 101(a)(6) of title 10, United States Code) is located, with respect to the final rule entitled ''National Ambient Air Quality Standards for Ozone'' (80 Fed. Reg. 65292 (October 26, 2015)) (referred to in this section as the ''2015 ozone standards)'', the Governor of each State, in accordance with section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) shall designate all areas, or portions of areas, of the State as attainment, nonattainment, or unclassified with respect to the 2015 ozone standards.

(b) DESIGNATION PROMULGATION.—Notwithstanding any other provision of law, not later than October 26, 2025, in the case of a State in which an installation or activity of the Department of Defense is located, the Administrator of the Environmental Protection Agency shall promulgate final designations under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) for all areas of the State with respect to the 2015 ozone standards, including any modification to a designation submitted under subsection (a).

(c) STATE IMPLEMENTATION PLANS.—Notwithstanding the deadline described in section 110(a)(1) of the Clean Air Act (42 U.S.C. 7410(a)(1)), not later than October 26, 2026, in the case of a State in which an installation or activity of the Department of Defense is located, the State shall submit to the Administrator of the Environmental Protection Agency an implementation plan required under that section with respect to the 2015 ozone standards.

(d) PRECONSTRUCTION PERMITS.—

(1) IN GENERAL.—In the case of a State in which an installation or activity of the Department of Defense is located, the 2015 ozone standards shall not apply to the review and disposition of a preconstruction permit application required under part C or D of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) if the Administrator or the State, local, or tribal permitting authority, as applicable—

(A) determines that the preconstruction permit application is complete before the date on which final designations are promulgated; or

(B) publishes a public notice of a preliminary determination or draft permit before the date that is 60 days after the date on which final designations are promulgated.

(2) GUIDANCE FOR IMPLEMENTATION.—In publishing any final rule establishing or revising a national ambient air quality standard, the Administrator shall, as the Administrator determines necessary to assist States, permitting authorities, and permit applicants, concurrently publish final regulations and guidance for implementing the national ambient air quality standard, including information relating to submission and consideration of a preconstruction permit application under the new or revised national ambient air quality standard.

(3) APPLICABILITY OF NATIONAL AMBIENT AIR QUALITY STANDARD TO PRECONSTRUCTION PERMITTING.—If the Administrator fails to publish the final regulations and guidance referred to in paragraph (2) that include information relating to submission and consideration of a preconstruction permit application under a new or revised national ambient air quality standard concurrently with the national ambient air quality standard, the new or revised national ambient air quality standard shall not apply to the review and disposition of a preconstruction permit application until the date on which the Administrator publishes the final regulations and guidance.

SA 4537. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 341. MITIGATION OF RISKS POSED BY ZIKA VIRUS.

(a) INSECT REPELLANT AND OTHER MEASURES TO PROTECT SERVICE MEMBERS FROM THE ZIKA VIRUS.—Funds authorized to be appropriated by this Act or otherwise made available for operation and maintenance, Defense-wide, shall be made available for the deployment of insect repellant and other appropriate measures for members of the Armed Forces and Department of Defense civilian personnel stationed in or deployed to areas affected by the Zika virus, as well as the treatment for insects at military installations located in areas affected by the Zika virus inside and outside the United States. The Department shall provide support as appropriate to foreign governments to counter insects at foreign military installations where members of the Armed Forces and Department of Defense civilian personnel are stationed in areas affected by the Zika virus.

(b) REPORT ON EFFORTS TO MITIGATE RISK TO SERVICE MEMBERS POSED BY THE ZIKA VIRUS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the risk members of the Armed Forces face of contracting the Zika virus and the mitigation efforts being taken by the Department of Defense in response. The report shall include a strategy to counter the virus should it become a long-term issue.

(c) AREAS AFFECTED BY THE ZIKA VIRUS DEFINED.—In this section, the term ''areas affected by the Zika virus'' means areas under a level 2 or level 3 travel advisory notice issued by the Centers for Disease Control and Prevention related to the Zika virus.

SA 4538. Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BROWN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 862.

SA 4539. Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BROWN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII of division A, insert the following:

SEC. 829K. PROHIBITION ON CONTRACTING WITH EMPLOYERS THAT ENGAGE IN WAGE THEFT BY STEALING EMPLOYEES' WAGES.

(a) IN GENERAL.—Notwithstanding section 829H, the Secretary of Defense may not enter into any contract described in subsection (b) with any person or business that the Labor Compliance Advisor of the Department of Defense determines to have owed, during the 3-year period preceding the request for proposals for the contract, employees, or individuals who are former employees, a cumulative amount of more than $100,000 in unpaid wages and associated damages resulting from violations of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) as determined by the Secretary of Labor or a court of competent jurisdiction.

(b) APPLICABLE CONTRACT.—A contract described in this subsection is any procurement contract for goods and services, including construction, in which the estimated value of the supplies acquired and services required exceeds $500,000.

SA 4540. Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BROWN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII of division A, insert the following:

SEC. 829K. PROHIBITION ON CONTRACTING WITH DISCRIMINATORY CONTRACTORS.

(a) IN GENERAL.—Notwithstanding section 829H, the Secretary of Defense may not enter into any contract described in subsection (b) with any person or business that the Labor Compliance Advisor of the Department of Defense determines to have engaged, during the 3–year period preceding the request for proposals for the contract, in serious, repeated, willful, or pervasive discrimination (as defined under Executive Order 13673 (79 Fed. Reg. 45309; relating to Fair Pay and Safe Workplaces)) on the basis of sex in the payment of wages in violation of section 6(d) of the Fair Labor Standards Act of 1938 (commonly known as the ''Equal Pay Act of 1963'') (29 U.S.C. 206(d)) or of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(b) APPLICABLE CONTRACT.—A contract described in this subsection is any procurement contract for goods and services, including construction, in which the estimated value of the supplies acquired and services required exceeds $500,000.

SA 4541. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 565. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE DEMOGRAPHIC COMPOSITION OF THE SERVICE ACADEMIES.

(a) 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 the Committees on Armed Services of the Senate and the House of Representatives a report on the demographic composition of the service academies.

(b) ELEMENTS.—The report required by subsection (a) shall include, for each service academy, the following:

(1) The gender and ethnic group (in this subsection referred as the ''demographic composition'') of the recruits in the four most recent matriculating classes.

(2) The demographic composition of the nominees in the four most recent matriculating classes.

(3) The demographic composition of the applicants in the four most recent matriculating classes.

(4) The demographic composition of the four most recent graduating classes.

(5) The number, demographic composition, and current grades of graduates on active duty of each graduating class that graduated 10 years, 20 years, and 25 years before the current graduating class.

(c) SERVICE ACADEMIES DEFINED.—In this section, the term ''services academies'' means the following:

(1) The United States Military Academy.
(2) The Naval Academy.
(3) The Air Force Academy.
(4) The Coast Guard Academy.
(5) The Merchant Marine Academy.

SA 4542. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. WATER RESOURCE AGREEMENTS WITH FOREIGN ALLIES AND ORGANIZATIONS IN SUPPORT OF CONTINGENCY OPERATIONS.

The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to enter into agreements with the governments of allied countries and organizations described in section 2350(a)(2) of title 10, United States Code, to develop land-based water resources in support of and in preparation for contingency operations, including water efficiency, reuse, selection, pumping, purification, storage, research and development, distribution, cooling, consumption, water source intelligence, training, acquisition of water support equipment, and water support operations.

SA 4543. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. NATIONAL LANGUAGE SERVICE CORPS.

Section 813(a)(1) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1913(a)(1)) is amended by striking ''may'' and inserting ''shall''.

SA 4544. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. ACCOMMODATIONS FOR THE WEARING OF ARTICLES OF FAITH ALONG WITH THE UNIFORM FOR MEMBERS OF THE ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to increase the efficiency of the process by which the Armed Forces address religious accommodation requests, the Department of Defense should—

(1) expeditiously and clearly define and publish a list of religious apparel considered ''neat and conservative'' for purposes of section 774 of title 10, United States Code, which list should include uniform standards for articles of faith such as those worn by observant Sikhs, orthodox Jews, and Muslims;

(2) modify the process for addressing religious accommodation requests in order to provide that decisions on such requests of current members of the Armed Forces are issued not later than 30 calendar days after the filing of the requests;

(3) for individuals accessing into the Armed Forces, provide that decisions on religious accommodation requests are made not later than the earlier of—

(A) 30 calendar days after of the filing of the requests; or

(B) the date on which such individuals access into the Armed Forces;

(4) provide that—

(A) any approval of a religious accommodation request of a member applies to the member throughout the member's service in the Armed Forces; and

(B) a new religious accommodation request be required of a member only if there is a significant change in the member's duties that raises issues of health and welfare;

(5) provide that members not be required to violate their religious beliefs while a religious accommodation request is pending in a manner such that—

(A) while a request is pending, the member concerned be permitted to wear articles of faith consistent with the member's beliefs; and

(B) individuals accessing into the Armed Forces be permitted to observe religious requirements, including requirements for religious apparel, grooming, and appearance, during the pendency of their requests;

(6) provide that religious accommodation requests be approved at the lowest level possible of command and, as appropriate, forwarded to the Secretary of the military department; and

(7) not require any unnecessary testing in connection with resolving religious accommodation requests.

(b) ANNUAL REPORTS ON RELIGIOUS ACCOMMODATION PROCESSES OF THE ARMED FORCES.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the next seven years, the

Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A description of the current process of each Armed Force for addressing religious accommodation requests.

(2) The number of religious accommodation requests submitted to each Armed Force during the one-year period ending on the date of such report.

(3) The average processing time of each Armed Force for religious accommodation requests during such period.

(4) A comparison of the number and nature of religious accommodation requests approved during such period with the number and description of grooming standard exemptions approved during such period, set forth by Armed Force.

(5) A description of the impact, if any, on members of the need for renewed religious accommodation requests in connection with promotion, new duties, or transition through commands during such period, set forth by Armed Force.

(c) RELIGIOUS ACCOMMODATION REQUEST DEFINED.—In this section, the term ''religious accommodation request'' means the request of a member of the Armed Forces to wear articles of faith consistent with the member's beliefs along with the uniform.

SA 4545. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. REPORT ON SUPPLIES OF HEAVY WATER FOR SCIENTIFIC AND COMMERCIAL RESEARCH.

Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report that addresses the options available to the Federal Government for meeting domestic requirements for supplies of heavy water for scientific and commercial research.

SA 4546. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1277. LIMITATION ON FUNDING FOR UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE.

None of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the United Nations Framework Convention on Climate Change, or subsidiary entities including the Green Climate Fund, as long as Palestine is recognized as a party to the Convention, as required by—

(1) section 410 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note); and

(2) section 414 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 287e note).

SA 4547. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1097. PROHIBITION ON DISCRIMINATION AGAINST CERTAIN SERVICEMEMBERS WITH RESPECT TO CREDIT TRANSACTIONS.

(a) IN GENERAL.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. 3931 et seq.) is amended by adding at the end the following:

''SEC. 209. PROHIBITION ON DISCRIMINATION IN CREDIT TRANSACTIONS.

''(a) PROHIBITION.—It shall be unlawful for any creditor to discriminate against a covered servicemember with respect to any aspect of a credit transaction because of the status of the covered servicemember as a covered servicemember.

''(b) ENFORCEMENT.—In addition to the enforcement authority under title VIII, the Bureau of Consumer Financial Protection shall be authorized to enforce the requirements of this section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered servicemember' means a service member as follows:

''(A) A servicemember on active duty, as defined in section 101(d)(1) of title 10, United States Code.

''(B) A servicemember on active duty for a period of more than 30 days, as defined in section 101(d)(2) of title 10, United States Code.

''(C) A servicemember on active Guard and Reserve duty, as defined in section 101(d)(6) of title 10, United States Code.

''(2) The term 'creditor' has the meaning given that term in section 702 of the Equal Credit Opportunity Act (15 U.S.C. 1691a).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.) is amended by inserting after the item relating to section 208 the following new item:

''Sec. 209. Prohibition on discrimination in credit transactions.''.

SA 4548. Mr. BROWN (for himself, Mr. BLUNT, Mrs. MCCASKILL, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXV, add the following:

SEC. 3503. FIRE-RETARDANT MATERIALS EXEMPTION.

Section 3503 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''2008, this section does not'' and inserting ''2028, this subsection shall not''; and

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by striking ''of this section'' and inserting ''under subsection (a)'';

(B) in subparagraph (A), by inserting ''and crew'' after ''prospective passengers'';

(C) in subparagraph (B), by inserting ''or crew member'' after ''passenger'';

(D) in subparagraph (C), by striking ''and'' at the end; and

(E) by striking subparagraph (D) and inserting the following:

''(D) the owner or managing operator of the vessel shall—

''(i) make annual structural alterations to at least 10 percent of the areas of the vessel that are not constructed of fire-retardant materials;

''(ii) provide advance notice to the Coast Guard regarding the alterations made pursuant to clause (i); and

''(iii) comply with any noncombustible material requirements prescribed by the Coast Guard; and

''(E) the requirements referred to in subparagraph (D)(iii) shall be consistent, to the extent practicable, with the preservation of the historic integrity of the vessel in areas carrying or accessible to passengers or generally visible to the public.''.

SA 4549. Mr. REED (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 4229 proposed by Mr. MCCAIN to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

SEC. 1513. OTHER OVERSEAS CONTINGENCY OPERATIONS MATTERS.

(a) ADJUSTMENTS.—Section 101(d) of the Bipartisan Budget Act of 2015 (Public Law 114–74; 129 Stat. 587) is amended—

(1) by striking paragraph (2)(B) and inserting the following:

''(B) for fiscal year 2017, $76,798,000,000.''; and

(2) by inserting after paragraph (2) the following:

''(3) For purposes authorized by section 1513(b) of the National Defense Authorization Act of 2017, $18,000,000,000.''.

(b) ADDITIONAL PURPOSES.—In addition to amounts already authorized to be appropriated or made available under an appropriation Act making appropriations for fiscal year 2017, there are authorized to be appropriated for fiscal year 2017—

(1) $2,000,000,000 to address cybersecurity vulnerabilities, which shall be allocated by the Director of the Office of Management and Budget among nondefense agencies;

(2) $1,100,000,000 to address the heroin and opioid crisis, including funding for law enforcement, treatment, and prevention;

(3) $1,900,000,000 for budget function 150 to implement the integrated campaign plan to counter the Islamic State of Iraq and the Levant, for assistance under the Food for Peace Act (7 U.S.C. 1721 et seq.), for assistance for Israel, Jordan, and Lebanon, and for embassy security;

(4) $1,400,000,000 for security and law enforcement needs, including funding for—

(A) the Department of Homeland Security—

(i) for the Transportation Security Administration to reduce wait times and improve security;

(ii) to hire 2,000 new Customs and Border Protection Officers; and

(iii) for the Coast Guard;

(B) law enforcement at the Department of Justice, such as the Federal Bureau of Investigation and hiring under the Community Oriented Policing Services program; and

(C) the Federal Emergency Management Agency for grants to State and local first responders;

(5) $3,200,000,000 to meet the infrastructure needs of the United States, including—

(A) funding for the transportation investment generating economic recovery grant program carried out by the Secretary of Transportation (commonly known as ''TIGER grants''); and

(B) funding to address maintenance, construction, and security-related backlogs for—

(i) medical facilities and minor construction projects of the Department of Veterans Affairs;

(ii) the Federal Aviation Administration;

(iii) rail and transit systems;

(iv) the National Park System; and

(v) the HOME Investment Partnerships Program authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.);

(6) $1,900,000,000 for water infrastructure, including grants and loans for rural water systems, State revolving funds, and funds to mitigate lead contamination, including a grant to Flint, Michigan;

(7) $3,498,000,000 for science and technology, including—

(A) $2,000,000,000 for the National Institutes of Health; and

(B) $1,498,000,000 for the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy research, including ARPA-E, and Department of Agriculture research;

(8) $1,900,000,000 for Zika prevention and treatment;

(9) $202,000,000 for wildland fire suppression; and

(10) $900,000,000 to fully implement the FDA Food Safety Modernization Act (Public Law 111–353; 124 Stat. 3885) and protect food safety, the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), the Individuals with Disabilities Education Act (20 U.S.C. 1400), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), and for college affordability.

SA 4550. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 575, after line 25, add the following:

(c) INAPPLICABILITY TO BERRY AMENDMENT.—Section 2533a(i) of title 10, United States Code, is amended by inserting ''and section 2375 of this title'' after ''title 41''.

SA 4551. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 709. EXCEPTION TO INCREASE IN COST-SHARING REQUIREMENTS FOR TRICARE PHARMACY BENEFITS PROGRAM FOR BENEFICIARIES WHO LIVE MORE THAN 40 MILES FROM A MILITARY TREATMENT FACILITY.

(a) IN GENERAL.—Notwithstanding paragraph (6) of section 1074g(a) of title 10, United States Code, as amended by section 702(a), the Secretary of Defense may not increase after the date of the enactment of this Act any cost-sharing amounts under such paragraph with respect to covered beneficiaries described in subsection (b).

(b) COVERED BENEFICIARIES DESCRIBED.—Covered beneficiaries described in this subsection are eligible covered beneficiaries (as defined in section 1074g(g) of title 10, United States Code) who live more than 40 miles driving distance from the closest military treatment facility to the residence of the beneficiary.

(c) REPORT ON EFFECT OF INCREASE.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the potential effect, without regard to subsection (a), of the increase in cost-sharing amounts under section 1074g(a)(6) of title 10, United States Code, on covered beneficiaries described in subsection (b).

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of how much additional costs would be required of covered beneficiaries described in subsection (b) per year as a result of increases in cost-sharing amounts described in such paragraph, including the average amount per individual and the aggregate amount.

SA 4552. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1008. REPORT ON EFFORTS OF THE UNITED STATES MILITARY TO DETECT AND MONITOR ILLEGAL DRUG TRAFFICKING.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Commander of the United States Southern Command and the Commander of the United States Northern Command, submit to the congressional defense committees a report setting forth the following:

(1) An assessment of the effectiveness of the efforts of the United States military to detect and monitor the aerial and maritime transit of illegal drugs into the United States.

(2) An identification of gaps in capabilities that may hinder the efforts of the United States military to detect and monitor the aerial and maritime transit of illegal drugs into the United States, and a description of any plans to address and mitigate such gaps.

(3) A description of any trends in the aerial and maritime transit of illegal drugs into the United States, include trafficking routes, methods of transportation, and types and quantities of illegal drugs being trafficked.

(4) An identification of opportunities and challenges relating to enabling or building the capacity of partner countries in the region to detect, monitor, and interdict trafficking in illegal drugs.

(5) Such other matters relating to the efforts of the United States military to detect and monitor illegal drug trafficking as the Secretary considers appropriate.

SA 4553. Mr. LEAHY (for himself, Mr. FLAKE, Mr. CARDIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1277. SAVINGS PROVISION RELATING TO STATIONING PERSONNEL AT UNITED STATES EMBASSIES.

Nothing in this title may be construed to prohibit or restrict the Secretary of Defense, the Secretary of State, or the head of any other United States Government department or agency from stationing personnel at any United States embassy for the purpose of carrying out their official duties.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 7, 2016, at 10 a.m., to conduct a hearing entitled ''Bank Capital and Liquidity Regulation.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 7, 2016, at 2:30 p.m., to conduct a hearing entitled ''Russian Violations of Borders, Treaties, and Human Rights.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. THUNE. 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 June 7, 2016, at 10 a.m., to conduct a hearing entitled ''Frustrated Travelers: Rethinking TSA Operations to Improve Passenger Screening and Address Threats to Aviation.''

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

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 7, 2016, at 10 a.m., in room

SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Deadly Synthetic Drugs: The Need to Stay Ahead of the Poison Peddlers.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2016, at 2:30 p.m., in room SH–216 of the Hart Senate Office Building.

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

SUBCOMMITTEE ON THE CONSTITUTION AND SUBCOMMITTEE OVERSIGHT, AGENCY ACTION, FEDERAL RIGHTS AND FEDERAL COURTS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, and Subcommittee on Oversight, Agency Action, Federal Rights, and Federal Courts, be authorized to meet during the session of the Senate, on June 7, 2016, at 1 p.m., in room SD–106 of the Dirksen Senate Office Building, to conduct a hearing entitled ''S. 2763, the Holocaust Expropriated Art Recovery Act—Reuniting Victims with Their Lost Heritage.''

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

SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 7, 2016, at 2:30 p.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Oversight of EPA Unfunded Mandates on State, Local, and Tribal Governments.''

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

PRIVILEGES OF THE FLOOR

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Jessica Armstrong, a legislative fellow from the Department of Defense and my military legislative assistant, be allowed floor privileges during the consideration of S. 2943, the Defense authorization bill.

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

Mr. COONS. Mr. President, I ask unanimous consent that Leah Rubin Shen, a science fellow in my office, be granted floor privileges for the remainder of the 114th Congress.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Elise Brown be granted privileges of the floor for the remainder of the day.

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

FEMALE VETERAN SUICIDE PREVENTION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 2487 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2487) to direct the Secretary of Veterans Affairs to identify mental health care and suicide prevention programs and metrics that are effective in treating women veterans as part of the evaluation of such programs by the Secretary, and for other purposes.

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

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

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

The bill (S. 2487) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2487

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 ''Female Veteran Suicide Prevention Act''.

SEC. 2. SPECIFIC CONSIDERATION OF WOMEN VETERANS IN EVALUATION OF DEPARTMENT OF VETERANS AFFAIRS MENTAL HEALTH CARE AND SUICIDE PREVENTION PROGRAMS.

Section 1709B(a)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: '', including metrics applicable specifically to women'';

(2) in subparagraph (D), by striking ''and'' at the end;

(3) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(F) identify the mental health care and suicide prevention programs conducted by the Secretary that are most effective for women veterans and such programs with the highest satisfaction rates among women veterans.''.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 119, which is at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 119) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

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

Mr. MCCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 119) was agreed to.

ORDERS FOR WEDNESDAY, JUNE 8, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 8; 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 resume consideration of S. 2943; further, that the Senate recess subject to the call of the Chair at 10:30 a.m.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 8:43 p.m., adjourned until Wednesday, June 8, 2016, at 9:30 a.m.