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## Senate

The Senate met at 9:30 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, thank You for the joy of Your surprises. You do more for us than we can ask or imagine.

Keep the hearts of our Senators steadfast toward You. Lord, lead them safely to the refuge of Your choosing, for we know You desire to give them a future and a hope. Today, provide them with the power to do Your will as they more fully realize that they are Your servants. Give them the wisdom to make Your Holy Word the litmus test by which they evaluate each action as they refuse to deviate from the path of integrity. May they maintain a conscious void of offense toward You or humanity.

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 MAJORITY LEADER

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

### TRIBUTE TO HAL ROGERS

Mr. MCCONNELL. Mr. President, this morning I would like to pay tribute to a fellow Kentuckian who has devoted much of his life to public service, my good friend Congressman HAL ROGERS of Kentucky's Fifth District. HAL, of

course, just won reelection in his district with a modest 100 percent of the vote. I imagine he will serve here in Congress for many years to come, but his term as chairman of the House Appropriations Committee is drawing to a close at the end of this 114th Congress. So I thought it fitting to say a few words about the extraordinary tenure of this remarkable man.

HAL has served on the Appropriations Committee for more than 30 years and was selected as the 31st chairman 6 years ago. To mark the end of his chairmanship, family and friends and several special guests assembled a few months back in the House Appropriations Committee hearing room to unveil his official portrait as chairman of the committee.

HAL's portrait hangs alongside those of former chairmen, including some who went on to become Speakers of the House and, in the case of James Garfield, President of the United States. Adding his portrait to this distinguished group is the continuation of a century-old tradition. Many of HAL's colleagues, including Speaker RYAN, were on hand to mark the occasion of a well-deserved tribute to a man I have been honored to serve alongside for many years and to have known for even longer.

I first met HAL ROGERS several decades ago and later worked with him during the 1971 Kentucky gubernatorial campaign. While the Republican candidate that year, Tom Emberton, did not win the race, it was clear to me after getting to know HAL that he was destined for great things. Born in the small town of Barrier, KY, HAL became first a country lawyer in the town of Somerset and then the Commonwealth attorney for the region. He was first elected to the Congress with the Reagan revolution back in 1980 and is now the dean of Kentucky's congressional delegation.

Chairman ROGERS is legendary in Congress and back home for his relent-

less focus on the concerns and priorities of the people of the Fifth District. Long before the issue of opioid abuse dominated national headlines, HAL played an instrumental role in highlighting and preventing the scourge of drug abuse that has impacted many in Eastern Kentucky.

He has helped bring jobs and hope to the people of Southeastern Kentucky, thanks to projects like PRIDE, which promotes environmental responsibility, Operation UNITE, which helps fight substance abuse, and the Southeast Kentucky Economic Development Corporation, which encourages economic development and growth.

Through the years, HAL spearheaded numerous educational initiatives for all ages: Forward in the Fifth, Rogers Scholars, Rogers Explorers, and the Rogers Entrepreneurial Leadership Institute, just to name a few.

HAL helped launch TOUR Southern and Eastern Kentucky in order to boost tourism in the region and the Center for Rural Development as a way to help transform the area's economy. He has helped secure millions for the Kentucky National Guard, in which he proudly served, and the U.S. Forest Service for marijuana eradication efforts, and he recently spearheaded the Shaping Our Appalachian Region, or SOAR, initiative as a way to unite Kentucky's Appalachian counties around a common vision for attracting jobs and economic development to the region. He has also supported the Appalachian Regional Commission, pushed back against the Obama administration's War on Coal, and has earned a reputation as a tireless advocate for a strong national defense. I am proud to have worked closely with HAL on these and many other projects on behalf of the Bluegrass State.

His constituents can also be proud of the work that he has done for his Nation in his role as Appropriations

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



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chair. Under his leadership, the Appropriations Committee responsibly refocused efforts on regular order, reviewing and approving all—I repeat all—12 annual government spending bills through the committee during his tenure. As chairman, HAL has made oversight of Federal spending a top priority, and his Appropriations Committee has held more than 600 hearings to ensure that Federal tax dollars were being spent properly. Under his leadership, the Appropriations Committee has gotten results, such as reducing wasteful spending by \$126 billion in total annual spending cuts since fiscal year 2010.

HAL is only the third Kentuckian to chair the House Appropriations Committee. The last was Congressman William Natcher, who held that position until 1994. He is, of course, the only Republican chairman from the Commonwealth. I know that becoming Appropriations Committee chairman was a great achievement for HAL and something he worked hard to earn.

Just on a personal note, I would like to add that HAL ROGERS is a great friend of mine. Elaine and I have always enjoyed spending time with him and his wife Cynthia. As the senior Republican in Kentucky politics, he has been a leader in getting things done for the benefit of the people of his district and of the Commonwealth for nearly four decades.

You can see his impact in many places. One can drive across the Hal Rogers Parkway in Southeastern Kentucky or visit one of the many institutions in service to Kentuckians. HAL is literally beloved in Southeastern Kentucky where he regularly wins reelection, as I indicated earlier, with an overwhelming majority of the votes.

HAL loves the people he serves. He is one of them. He is proud to champion their causes here in the Nation's Capital.

I thank Chairman ROGERS for his steady hand at the helm of the House Appropriations Committee for the last 6 years and for all he has done for Kentucky. Both Kentucky and the Nation are thankful for his service. As he turns his considerable energies to other important roles in Congress, I wish him the very best and look forward to partnering with him many more times in the future on behalf of the Commonwealth we both love.

Mr. REID. Mr. President, will my friend yield for a brief comment?

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, I am going to give a speech here in a minute regarding Senator MIKULSKI. But the reason I mention that is I want the record to reflect that Chairman ROGERS has been so nice to me whenever we have gone to public events and events dealing with the work of the Hill. He has been always a gentleman—I mean first class.

In meetings with just Democrats, I have heard Senator MIKULSKI talk about her great relationship with this

good man, so it has been pleasant for me to listen to the description of the relationship of the Republican leader and the chairman of the Appropriations Committee. I just wanted to take a minute and let everyone know that I have also been honored by his presence wherever it has been.

#### TRIBUTE TO DAVID VITTER

Mr. MCCONNELL. Mr. President, after two terms in the Senate and more than two decades of public service, our friend and colleague Senator DAVID VITTER will be leaving us at the end of his term. I would like to say a few words before he does.

Our friend from Louisiana is the first Republican Senator popularly elected from his home State. It is an impressive achievement that history will long record. But Senator VITTER had little opportunity to celebrate at the time. Hurricane Katrina hit just a few months after he took office. It was a catastrophic natural disaster that presented massive and immediate challenges for Louisiana.

Our colleague did not miss a beat. Back home, he and his team worked tirelessly to set up mobile offices. Here in the Senate he fought hard to bring aid to those in need. It underlined something we have all come to know about Senator VITTER: He is passionate about his home State. That has been a constant throughout his career. He simply loves Louisiana. He loves the richness of its history, loves the richness of its culture, loves the richness of its food, too—crawfish pie etouffee and several other things I can't pronounce. Senator VITTER loves it all.

He flies home just about every chance he gets. When he was younger, he turned down offers from Harvard and Yale to study law in the Pelican State. This is after he spent some time in Cambridge, MA, and Oxford, as a Rhodes Scholar, by the way—pretty impressive—so perhaps it was born of a simple lesson: You're just not going to find alligator sauce piquante anywhere else.

Nor are you likely to find many Saints fans, certainly none as enthusiastic as our colleague. You will find Senator VITTER glued to a TV every football Sunday. If the Senate is in session, he will watch between votes in the cloakroom behind me. He has been a diehard fan of the Black and Gold for as long as he can remember. It was not as though he had much choice, of course, growing up in the Big Easy, but he has stuck by his team through thick and thin—often thin. It is what made the Saints eventual Super Bowl win in 2010 that much sweeter. He called it a dream come true.

This tenacity and determination carries over to his political career as well. Whatever the issue, Senator VITTER's staff says he is always looking for solutions that can improve the lives of Louisianans. They say he is always ready to roll up his sleeves and stay

the course on legislation that will do just that.

Senator VITTER has worked hard to protect his constituents from the effects of hurricanes and floods before they occur and to rebuild when they do. He has taken the lead on important initiatives to reform the Army Corps of Engineers and improve our Nation's waterways.

Most recently, he helped to pass the first significant reform of the Toxic Substances Control Act in nearly four decades. Senator VITTER was a critical player throughout, working across the aisle with our late colleague Senator Lautenberg and then Senator Udall to steer this much needed legislation to passage and eventually law.

Senator VITTER says he believes his most important job is to keep an open-door policy for constituents who need help. I know he would tell you that, although it may not be the most publicized part of the job, he considers it the most fulfilling.

He still remembers the woman in desperate need of a liver transplant. With the help of his office, she got it. He still remembers the veteran who needed an operation to save his leg and his life. With the help of Team Vitter, he received that too.

Senator VITTER will never forget the countless families in need of assistance following Hurricanes Katrina and Rita, the oil spill, and recent flooding. He has seen firsthand the life-changing, even lifesaving impacts constituent casework can have. It is what inspired him to compile these powerful stories and best practices into a constituent service guidebook that will help guide his successor from day one.

Of course, none of this would have been possible without a great staff, and Senator VITTER has built a strong team that is as committed to the people of Louisiana as he is. It is tight-knit. It is loyal. It is a group of men and women who know they have a boss who takes genuine interest in their success, who trusts their judgment, and who is always eager for their input.

Senator VITTER awards a Reform Trophy each week to the staffer with the best new policy idea. He truly believes in a heavy dose of competition. That includes when his son Jack is in town. Staffers can expect to be enlisted in an entirely different competition then; it is called Office Olympics. Team Vitter knows to bring their A game when Jack is around. They also know to bring their sense of humor. It turns out Jack is a bit of a prankster. I hear you don't want Jack laying hands on a Post-it note or a roll of aluminum foil when he is in the office, but lifelong memories are often made when he does just that.

It is these relationships and it is this capacity to make a difference for the people of Louisiana through constituent service and the legislative process that I am sure our colleague will miss most when he leaves the Senate.

Senator VITTER may be retiring from his post in this Chamber, but we know he will continue to look for ways to serve the State he loves so much. Today we join with his team and his family in recognizing his many years of service. I know each of us is looking forward to seeing what else our colleague is able to achieve on behalf of Louisiana in the years to come.

Mr. VITTER. Mr. President, if the majority leader will yield for one moment, I want to thank the majority leader for his very kind words. Serving in the Senate for two terms has been the highest honor of my professional career. I have enjoyed it so much and have been honored by the relationship with all of my colleagues, certainly including the majority leader. I will have a few more reflections next Monday, but I sincerely thank him and also congratulate him for getting the Senate, particularly in the past 2 years, back to working order and some of its best practices. Not as a Member but as a cheerleader on the outside, I will be very much looking forward to even greater successes this coming Congress.

Mr. MCCONNELL. I thank my colleague.

I have one more statement, and then I will be through.

#### 21ST CENTURY CURES BILL

Mr. MCCONNELL. Mr. President, yesterday the House passed the 21st Century Cures bill with overwhelming bipartisan support, and I hope to see the same in the Senate. The medical innovation bill is one that can have a substantial impact for families across our country. It supports medical research, including promoting regenerative medicine. It provides real funding to help combat the prescription opioid epidemic that swept our Nation, particularly in places such as my home State of Kentucky. It improves mental health programs, among other bipartisan priorities.

I thank Senator ALEXANDER, chairman of the HELP Committee, for his tireless work in driving this critical legislation forward. We should also thank Senator HATCH, who worked with our Finance colleagues on a significant number of Medicare provisions in the package to protect care for America's seniors. I would like to note the great work by Senator CORNYN and Senator CASSIDY to incorporate key mental health reforms into the Cures legislation.

Let's work together to send it to the President's desk as soon as possible.

#### IRAN SANCTIONS EXTENSION BILL

Mr. MCCONNELL. Mr. President, later today we will have a chance to pass the Iran sanctions extension legislation that passed the House by a large margin.

Given Iran's continued pattern of aggression and the country's persistent

efforts to expand its sphere of influence across the region, preserving these sanctions is critical. This is even more important given how the current administration has been held hostage by Iran's threats to withdraw from the nuclear agreement and how it has ignored Iran's overall efforts to upset the balance of power in the greater Middle East.

The authorities extended by this legislation give us some of the tools needed to, if necessary, impose sanctions to hold the regime to account and to keep the American people safer. Next year I expect the new administration and new Congress will undertake a total review of our overall Iran policy. These authorities should remain in place as we address how best to deal with the Iranian missile test, their support for Hezbollah, and their support for the Syrian regime.

I urge all Senators to support this legislation later today.

#### RECOGNITION OF THE MINORITY LEADER

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

#### TRIBUTE TO BARBARA MIKULSKI

Mr. REID. Mr. President, at times it seems that Democrats and Republicans in the Senate don't agree on very much, but the one thing we all agree on without any exception is this: Our colleague BARBARA MIKULSKI of Maryland can turn a phrase better than anyone else. It is one of her many gifts. Just listen to some of the memorable lines we have heard her utter.

Running for her first term in the Senate, Barbara said:

I might be short, but I won't be overlooked.

Just prior to the 2013 government shutdown, she told Senate Republicans:

You can huff and puff for 21 hours, but you can't be the magic dragon that blows the Affordable Care Act away.

Earlier this year, she spoke of the Zika virus as follows:

The mosquitoes are coming. The mosquitoes are already here. You can't build a fence to keep them out, and the mosquitoes won't pay for it. The mosquitoes are here—this is not an Obama fantasy.

My personal favorite was something she said at a welcome reception for the 1986 class. We gathered in the Russell Building, and it was a festive occasion for Democrats. We had many new Democrats. It was a huge class—Daschle, SHELBY, Breaux, GRAHAM, Conrad, and Fowler. There were many Democratic Senators, but the day was stolen by BARBARA MIKULSKI. We were all asked to say a word. About her opponent, she stood and said: "I may be short, but it sure wasn't hard for me to slam dunk Linda Chavez," her opponent.

It is safe to say that with that quip, BARBARA immediately hit it off with all the Members of the Senate class.

From the moment she first set foot in the Senate, Senator MIKULSKI was determined to be herself—honest, disciplined, principled, undaunted, with an incredible wit and a fierce love of Maryland.

You will not find a Member of this body more devoted to her circumstances—and we will talk about those in a little bit—devoted to her constituents and her State than Senator BARBARA MIKULSKI. She served the State of Maryland for more than 50 years. A graduate of Mount Saint Agnes College and the University of Maryland, she made her name as a social worker and a political activist.

Her grandparents are well known, especially her grandmother. They ran a bakery. I have heard her talk about that bakery so many times, how the people in the neighborhood would come and wait for that bakery to open. Her grandparents went there very early, as bakers do. She speaks with nostalgia, warmth, and love of her grandparents.

Her own parents ran a little grocery store next to a steel mill. They would get there early in the morning, and the steelworkers would come and get their lunches and sometimes their breakfasts in that grocery store. Her parents were part of her life, as were her grandparents. She is so proud of them.

In 1966 the Baltimore City Council proposed building a large highway through the center of the city of Baltimore. There was a downside to the plan: It would have razed entire neighborhoods, African-American neighborhoods and especially immigrant neighborhoods. They would have to leave their homes.

The city's leaders, political bosses, and, of course, the wealthy real estate interests and many others—the power brokers of the State of Maryland, the city of Baltimore—knew this was a done deal, but the power brokers didn't count on a young social worker named MIKULSKI to fight for these families. It was her first political activism, and activism it was. It was her alone. Because of her magnetism, her warmth, and her ability to organize, she organized an effort to stop the highway. Everyone said it couldn't be done, but no one bothered to tell BARBARA. She rallied the citizens of Baltimore in opposing the highway, and what a rally it was—not one rally, not two, but many of them until it was determined that she had won and the power brokers had lost. These people got to keep their homes, and today there is no superhighway towering over the center of Baltimore. People remember BARBARA MIKULSKI for that.

BARBARA's fight against the highway made her a hero in Baltimore and propelled her to the city council in 1971. In 1976 BARBARA MIKULSKI fought her way to the Congress of the United States as a Member of the House of Representatives. After five terms in the House, BARBARA MIKULSKI ran for a seat in the Senate, in the one I just told you about. She slam-dunked her opponent,

making her the first Democratic woman in history to win seats in both the House of Representatives and the Senate of the United States. Today Senator MIKULSKI is the longest serving woman to serve in the U.S. Congress. For more than 40 years she has served the people of Maryland.

She is the first woman and first Marylander to chair the prestigious Senate Appropriations Committee. Her legislative record reflects her hard work for women and for equality. She worked with then-Senator JOE BIDEN to pass the first Violence Against Women Act in 1994. She was the architect of the Lilly Ledbetter Fair Pay Act. She was repeatedly in the forefront to fight for paycheck fairness, which determined that men and women who do the same work should be paid the same money.

When so many of us were duped by misinformation about the Iraq war, BARBARA MIKULSKI was not duped. She voted against the war.

BARBARA's career in the Senate has been historic, but I would be remiss if I failed to note her impact on my life and my career. As I said, we came to the Senate together. We served together. We got the same committees. We, of course, served together in the House, but that is a huge body—435 Members. Frankly, I served there two terms. I know the Presiding Officer served in the House. It is a huge body. When I left there after 4 years, I can remember a vote taking place. Where did these people come from? It is hard to get to know 435 people, but I knew BARBARA. Everybody knew BARBARA. But in the Senate we came together, served on the same committees, and we got to know each other very well early on. BARBARA MIKULSKI has always protected me, looked out for me.

One of my first memories took place right here in the well. I was new, she was new, and it was a very close vote. It was an issue that was her issue, and I couldn't vote her way. That happens here. It was a close vote. People were nudging me: You have to change. You are going to upset everybody. You are a Democrat; you can't do that.

I walked BARBARA MIKULSKI into this crowd. I was there. I was really kind of afraid, but she wasn't. She walked in. People moved away. She said: "Leave him alone. It is a matter of principle." People left me alone. That is who she is. Was she disappointed? I know she would have been disappointed had I not done what I believed in.

I served for 10 years with John Ensign, the Senator from Nevada. John and I had a unique relationship. In 1998 I won an election for the Senate between Ensign and REID by 428 votes. That was a close election. But as fate would have it, 2 years later he came to the Senate. Senator Bryan retired, and he came to the Senate.

Well, John had some personal issues. He hadn't been here very long at all and had some personal issues. I called

him at home, and he said: Yes, I have some problems here. I thought how I could help him. Here in the Senate we have the right to do what is called pair. Senator Ensign and I rarely voted alike anyway. So I said: Well, John, what I will do, so it won't affect your voting record, is that I will just pair with you and that way it won't show you have missed votes. So I agreed to do that, and for 2 weeks I told him I would do that.

Well, it worked out fine because we voted differently on everything, except there came an issue that affected Senator MIKULSKI. She came to me and said: Why are you voting that way? I told her: Senator Ensign has a personal issue, and I told him I would pair with him. She said: If you had done anything else—and I won't use her exact language—you would have been a fool. I wasn't a fool in her mind. Even though it was not good for her, she was supportive of me. She would not have been satisfied that I had done something that was wrong in her mind, and she accepted my explanation and that I had to do what I did. We have always had a lot of respect for each other.

Senator David Pryor of Arkansas had a heart attack and became very, very ill. He was a wonderful Senator. Everyone liked him. But he announced he couldn't serve as secretary of the Democratic caucus, and that was something that I was interested in. But I also heard BARBARA MIKULSKI was interested in it. She had been so good to me so often that I immediately went to BARBARA, and with the two of us together, I said: BARBARA, do you want this secretary's job? She said: Yes. I said: You have it. That was the end of that. Nobody opposed her.

Well, surprisingly, a few years later, out of nowhere, Wendell Ford, who was the whip, decided he wasn't going to run for reelection. It was a surprise to everyone. He was assistant Democratic leader, and that was something I was interested in, but again there was MIKULSKI. I didn't say a word. The word was out there that I was interested in it. So as fate would have it, I was walking from my office in the Hart Building over toward the Russell Building, and she was coming in the other direction. Those of us who know BARBARA know that a lot of times she is a person of few words. She is not a gadfly. Sometimes she talks a lot, but sometimes she doesn't want to talk. We were passing each other in the hall, and she said: I want to talk to you for a minute. She said: You took care of me in the Senate; the whip's job is yours. That ended it. It was all over. When that was done, I had a clear route to be the whip of the Senate—the Democratic Senate.

That is the relationship I have with BARBARA MIKULSKI. So she is as responsible as anyone for my years in Democratic leadership. Without her friendship and her loyalty my last 20 years in the Senate would have been much, much different. Working with BARBARA MIKULSKI is one of the highlights of my

congressional career. Just hearing her speak is a privilege.

I have seen and listened to good orators. When I was in the House—and my friend, the Democratic whip is here—we heard Jim Wright. Jim Wright was a great orator. He was the majority leader and the Speaker of the House. He was really good. Tom Lantos, an immigrant from Hungary, could speak. He was so dynamic, so good. Claude Pepper had a different style but was someone you listened to. Here in the Senate I have listened to some great orators. Back there was Dale Bumpers. I can still see him. He had a long cord here. He had an extra-long one, and he would walk up and down these aisles speaking. He was a great orator. I listened to him. George Mitchell, one of my predecessors, was so good, so articulate—and DICK DURBIN, from Illinois. They are all terrific orators.

But in my estimation, there is no better orator who I have come across in my congressional service than BARBARA MIKULSKI. We have talked about her one-liners, but I would like, just for a minute, to talk about a trip I took with a congressional delegation led by the very famous John Glenn—war hero, astronaut, and gentleman. We went to places in Europe. The Iron Curtain was down. We went to Poland. BARBARA MIKULSKI's heritage is Polish. They called in John Glenn to give a speech. Ted Stevens from Alaska was also on that trip. I said: We have someone here who is of Polish heritage. Let's listen to her. Oh, what a speech—I mean it was spellbinding. She talked about how she felt about who she was and about her grandparents and her parents.

So I know there is no better orator than BARBARA MIKULSKI. That is because she speaks from the heart. She is honest and so genuine. As the Baltimore Sun wrote: "People know authenticity when they see it, and there's nothing fake about BARBARA MIKULSKI, most especially her love of her job." That is pretty good, coming from the biggest newspaper in the State.

BARBARA has loved her job in the Senate, and the people of Maryland and the United States have loved having her as their advocate and defender. She leaves the Senate as she entered it, as a political activist and a fighter.

So, BARBARA, thank you very much for your guidance, your mentoring, your friendship. It has been an honor to work by your side. We are forever friends. Godspeed, BARBARA MIKULSKI.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

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

The Democratic whip.

SENIOR SENATOR FROM  
MARYLAND

Mr. DURBIN. Mr. President, let me just echo the comments of our Democratic leader, Senator REID, in relation to Senator MIKULSKI. I will save a few moments perhaps next week to speak my own tribute to her and give my own reminiscences. But I didn't want to abruptly change the subject without saying I am in total agreement with Senator REID in terms of the quality of service and friendship that we have had with the senior Senator from the State of Maryland.

DACA

Mr. DURBIN. Mr. President, I come to the floor this morning to talk about an issue that I have raised many times from this very spot, and it is an issue relative to the undocumented young people living in America—undocumented because they are not legally in this country. They were brought here—many of them as infants, toddlers, or children—by their families. They were not aware of the family decision, other than the fact that they were in a car and moving into the United States. They didn't really appreciate where they came from. Many of them never knew where they came from. Some of them don't even speak the language of the country of their birth. They were brought here as children. They believed from the beginning they were part of America. In most, except in extraordinary circumstances, they were not even told of their immigration status at an early age.

So they grew up going to school in America. They learned English. They pledged allegiance to the only flag they had ever known. They sang the national anthem of this country believing they were part of this country. At some point, though, there was this realization and disclosure that they were not. Legally, they weren't. They were undocumented.

So these children were raised in the shadow of uncertainty—uncertain as to whether a knock on the door at any time of day or night might change their world forever; whether or not their parents might be deported from this country and they would have to go with them; or, God forbid, that something would happen to them and they would be deported. They lived with that fear for a long time.

I came to understand it when a Korean girl in Chicago who was looking for an opportunity to go to college because of her musical skills, realized she was undocumented and might not be able to do it. So she came to our office, told us of her situation, and we tried to help.

So 15 years ago I introduced a bill called the DREAM Act. The DREAM Act said that for young people brought to this country under the age of 16 and

who have lived here successfully, completed school, and have no criminal record to disqualify them, we should give them a chance—give them a chance to become legal in America and give them a chance, from my point of view, to become citizens. I introduced the bill 15 years ago. It has been debated. The word DREAMer came out of it and has now become pretty well-known across America to describe this group of young people.

A few years ago, I prevailed on the President of the United States, Barack Obama, to give them a fighting chance to stay here. So by Executive action, he created something called DACA. DACA is the Deferred Action for Childhood Arrivals Program. This would allow these young people, undocumented, to step forward and disclose their status, come up with a filing fee of almost \$500, and go through a process where they were submitted to a criminal background check. If they cleared all the hurdles, they would be given a temporary—underline the word temporary—right to live in the United States without fear of deportation and to work in this country.

So over the years, since the President's Executive action, 744,000 young people have come forward. Their lives are amazing. I have told their stories over and over. Imagine, if you will, that you lived in fear of being deported tomorrow or fear that your family would be broken up and how that would weigh on you as a young person. So they did something that was maybe rash in the eyes of their parents but heroic in my eyes. They stepped forward, out of the shadows, and said: If the United States of America has set legal standards for us to follow to stay here, we will comply with them. Their parents warned them and their friends warned them: You are turning yourself in. You are telling this government who you are, where you are, and where they can find you. But they did it anyway, and I encouraged them to do it, and many others did as well, saying: If you show good faith in this country, good faith in this government, I will do everything in my power to make sure it isn't used against you.

Now we have reached a new stage in our history with a new President coming who has different views on immigration than the outgoing President. My concern, and a concern shared by millions across America, is this: What is going to happen to these young kids—744,000 of them—who are currently in college, in high school, in professional schools, such as medical schools and law schools? They are doing amazing things with their lives, and yet things could happen immediately to change their status.

I have talked to a number of my colleagues on the floor on both sides of the aisle about this, and there are pretty strong emotions about helping these young people. One of the leaders on this has been my friend and ally on immigration issues—on some immigra-

tion issues—and that is LINDSEY GRAHAM of South Carolina. He and I talked about introducing legislation that would give a temporary stay so these young people could be protected until Congress does its work and comes up with an immigration bill that addresses this issue and many more.

Senator GRAHAM and I discussed it again this morning, and we even hope to have this bill ready before we leave next week—a bipartisan effort to say to the new President: Give these young people a fighting chance. At least protect them until we have had a chance to act on the larger immigration issues before us. I hope that colleagues on both sides will join us.

There has been a lot of talk about what the next Congress will look like and what we will do, how we will tackle the biggest issues of our time. The Affordable Care Act, for example, which I was proud to support, is clearly controversial. There wasn't a single Republican Senator who voted for it. Some want to repeal it and replace it. Some are suggesting we will repeal it, but do it with 2 years in advance.

So 2 years from now there might be a new Affordable Care Act. That puts us in a responsible position of coming up with an alternative in that period of time. I don't know if that is how this conversation will end, but I would suggest the same logic could apply when it comes to immigration: At least give us the time to come up with an alternative on immigration, and during that period of time, let us protect these youngest people.

The stories I have told on the floor say more about this issue than any words I can express, and I want to tell another one of those stories this morning. This is about a young man from Illinois. His name is Asael Reyes. Here is his picture. He has his University of Illinois at Chicago T-shirt on. He is an interesting young man.

He came to the United States at the age of 5, brought here from Mexico. He grew up on the North Side of Chicago. He is a bright young man, but he learned he was undocumented early in life. He really got despondent over the thought that he could lose everything and have to be forced to leave America. His classes were a challenge to him, and with this fear in his mind he started doing very poorly. In fact, he dropped out of high school. He said it weighed heavily on his mind that he might have to leave.

He said:

I felt that because of my status, I had no future. As a result, my grades and attendance plummeted and I struggled to do anything productive.

Then, in 2012, President Obama announced DACA, and everything changed for Asael Reyes. Here is how he explains it:

DACA meant that I had a future worth fighting for, and because of that I returned to school and reignited my passion for study. Because of DACA, I want to do whatever I can to contribute to my country.

When Asael says “my country,” he means the United States of America—the only country he has ever known.

In his senior year in high school, this young man turned his life around because of DACA. He improved his grades, he was active in his community, he was head of his school’s fund raising committee, he volunteered in a mentoring program, and he worked full time to support himself and his family. You see, young people like him—undocumented—don’t qualify for any Federal assistance to go to college. If you want to go to college, you have to pay for it. For most of them, it means working pretty hard to come up with the money to do it.

Today Asael is in his sophomore year in the Honors College—the Honors College—at the University of Illinois at Chicago. He is a double major in psychology and political science, and he has a perfect 4.0 grade point average. Talk about a turnaround. He is involved with student government, leads a recreational bike club called College of Cycling. Every week he delivers food from the college dining halls on bike to a local homeless shelter. This effort has inspired other student groups to start similar initiatives. He mentors middle school students, and he is the youngest board member of the Erie Neighborhood House—a place I have visited many times—a social service agency that provides assistance to low-income families in the city of Chicago. In addition to all this, he works part time as a security guard at local events like Cubs baseball games and Bears football games.

Asael dreams of working in Chicago’s city government someday. He says: “I have a passion for my city, and I feel an obligation to do whatever I can to make it great by serving its communities.” This is one story—one story out of 744,000.

Will America be better if Asael Reyes is given his chance to stay here to make this a better nation? Of course, it will. At an early age, this young man was able to do a turnaround just on the hope that someday he might be able to live in this country legally.

There are so many stories just like his. In that same city of Chicago, at Loyola University School of Medicine, there are 28 students who are undocumented. The school opened up competition, and some of the brightest kids around America for the first time saw a chance for an undocumented student to be a doctor.

They have to sign up, incidentally—borrowing the money from the State of Illinois for their education—to serve a year of their lives as doctors in underserved areas of Illinois, in rural areas, and in the inner city, for each year they go to medical school. They willingly do it. They are prepared to give back. Asael is prepared to give back. The question is, Will we give them a chance?

I am not an expert in the area of social media, but yesterday we tweeted a

short message about this DACA challenge and what is going to happen to these 744,000 young people across America. The hashtag “save DACA” went out. My staff reports to me—and they are expert on this, I am not—in the span of 2 hours, we were trending across the United States of America. Six million people saw this hashtag over 10 million times. Think of that, 6 million people in 2 hours. It touched them what can happen to this young man and so many others.

So will Congress rise to this challenge? Will Democrats and Republicans come to the rescue of these young people who are asking for just a chance—brought to this country not by their decision but the decision of their parents—asking for a chance now to have a life? I hope we will. It will be good for them. It will sure be good for America.

#### TRIBUTE TO MARK KIRK

Mr. DURBIN. Mr. President, on January 3, there will be a new Senate sworn in. Members come down this aisle, to be sworn in over here by the Vice President of the United States, to become Members of the U.S. Senate. It will be the passing of the Senate seat in our State from Senator MARK KIRK to Senator-elect TAMMY DUCKWORTH. I would like to say a few words about my colleague MARK KIRK.

For the last 6 years, MARK and I have had a very positive professional relationship. The night he won the election, I was standing with his opponent Alexi Giannoulias when Alexi made the call to MARK KIRK to congratulate him. MARK asked that I take the phone, and I did.

He said: I want to work with you. I know we just competed against one another in the election, but we now have a responsibility together to represent the State of Illinois, and we started a positive working relationship—a relationship based on mutual respect. One of the things we did was to continue a tradition.

Since 1985, my mentor and colleague in the House, and my predecessor in the Senate, Paul Simon of Illinois, started a Thursday morning breakfast, inviting people from Illinois who were in Washington and those who wish they were from Illinois, to come in for free coffee and donuts at no taxpayer expense. It was an hour-long public meeting so we could talk about what was happening in the Senate and then answer any questions and pose for pictures if they wanted them. I asked MARK KIRK to continue this, even though we were of opposite political faith, and we did, for a long time. We worked together to make sure the people of Illinois felt welcomed. We often took differing views on issues—that is understandable—but we did it in a civil way. People said they thought it was one of the highlights of their trip to see two Senators from two different parties working together. We did—and not just on those Thursday mornings. We found reasons to do it on the floor.

In the vast majority of cases, when it came to filling Federal judicial vacancies, MARK KIRK and I worked together to agree. Rarely did we disagree on those who needed to be chosen. As a result, we have had a pretty good record of filling vacancies in the State of Illinois.

Then, of course, it was in 2012 that a disaster struck and MARK KIRK suffered a stroke. It was almost a life-ending experience. He is lucky—lucky—to be alive today. He knows it, and we all know it too. I primarily kept in touch with his staff, and with him, during the course of his rehabilitation after that stroke. It was a calendar year he had to give to rehabilitation, to learn how to walk again and speak again and do the basic things we take for granted. It was an extraordinary show of courage and determination on his part.

Finally, before he could return to the Senate, I visited with him and saw him some 10 months after the stroke and realized the devastation he weathered and how much he had managed to recover because of his sheer determination. The one thing he told me, though, was that he was determined to come back to the United States Senate and walk up those steps right into the Senate Chamber. He was working every single day on treadmills and with rehab experts to reach that day when he could get out of a car and walk up those steps. He asked me if I would ask other Senators to join him—especially his close friend JOE MANCHIN, a Democratic Senator from West Virginia, and we did. That day came and it was an amazing day. He started at the bottom of those steps and worked his way up, all the way into the Senate Chamber, to the applause of his colleagues—Democrats and Republicans—all the way up those steps. We realized what an amazing recovery he had made.

Our colleague Tim Johnson of the State of South Dakota had gone through a similar devastating experience. MARK KIRK said many times, when he was about to give up, he thought, Tim Johnson got back to the Senate. I can get back there if I work hard enough. He did just that.

He was an exceptional colleague of mine in the Senate. There were a lot of things we agreed on. One of them was Lake Michigan. As a Congressman from the 10th Congressional District, which is on the shores of Lake Michigan, he was always committed to that lake.

After the election, when the results didn’t come out as he wished, I sat down with him and said: MARK, what do you want me to do in memory of your commitment to public service?

He said: Do everything you can to protect Lake Michigan. And I am going to. I asked his successor TAMMY DUCKWORTH to join me in that effort, and we will in his name and in his memory.

I thank him for the service he has given to our State, the service he has given our Nation as an officer in the



Navy Reserve, and for the years he put in as a staff member to Congressman John Porter, for the work he did in the House of Representatives representing the 10th Congressional District, and for his term in the United States Senate. It has been a pleasure and an honor to serve with him. Despite our political differences, I count him as a friend, as an ally, and as a true champion for the State of Illinois.

I wish my colleague MARK KIRK the very best in his future endeavors.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. 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.

#### IRAN SANCTIONS EXTENSION BILL

Mr. MENENDEZ. Mr. President, I rise to voice my support of the extension of the Iran Sanctions Act, which I believe we must treat as just one step in our continued efforts to counter Iran's destabilizing and nefarious actions throughout the world. This bill merely extends the basis of our extensive sanctions network against Iran aimed at crippling the Ayatollah's deadly pursuit of a nuclear weapon for 10 years.

The Iran Sanctions Act, which is part of the extensive network of sanctions that I helped author for the United States and our allies to levy against the Iranian regime, serves as the basis of the economic leverage that brought Iran to the negotiating table in the first place. Throughout my tenure in Congress, I have authored and championed the foundation of our network of sanctions that crippled Iran's economy and kept its nuclear pursuits at bay. It has been my consistent position that the United States must address these nefarious activities apart from the nuclear portfolio. We need to send a signal to Iran that the United States, while meeting its obligations under the JCPOA, will continue to respond to other threatening and dangerous activities the Iranian regime has taken.

Throughout debate over the Joint Comprehensive Plan of Action, its proponents made a number of repeated claims. Among these were that it was crippling sanctions that brought Iran to the negotiating table and that in the event of a breach of the agreement, the United States and our implementing partners would have every authority to "snap back"—the term that was coined—the sanctions that have been lifted. If the sanctions architecture has expired, then we have no sanctions which we can snap back. These sanctions were in place when the JCPOA was authored and signed, and it follows that they should remain in place.

Many of the agreement's proponents argued that putting the JCPOA in

place would give the United States and our allies the opportunity to focus on countering Iran's more conventional threats to American security and regional stability. Since the nuclear agreement came into force, Iran has continued its efforts to destabilize the region and increase its power through proxy and terrorist networks.

Since we signed the nuclear agreement with Iran, Iran has been testing the agreement, testing our resolve, and quite literally testing long-range ballistic missiles. We have seen multiple ballistic missile tests in the past year and a half—in October and November of last year and in March and May of this year and one launch not far from U.S. naval vessels. We have seen American sailors humiliated and detained at gunpoint. Just this weekend, a vessel controlled by the IRGC—the Iranian Revolutionary Guard—pointed a weapon at a U.S. military helicopter in the Strait of Hormuz.

Iran continues to support a Houthi insurgency that toppled the legitimate Government of Yemen. It supports Shia militias in Iraq who seek to control the democratically elected Iraqi Government and bring it closer in line with Iran, threatening to return Iraq to civil war or worse. It supports Assad in Syria and continues to send millions of dollars and sophisticated weapons to Hezbollah and Hamas, threatening innocent civilians in Syria and Israel's security. It continues human rights violations and sustains an aging clergy who is losing touch with the hopes and dreams of young Iranians and moderates, an out-of-touch clergy who dominates the power structures and the security apparatus that restricts civil liberties and promotes its hegemonic regional destabilization. It has the largest inventory of ballistic missiles in the Middle East, capable of delivering weapons of mass destruction, chemical weapons, biological weapons, and continues to develop cyber war capabilities.

Iran continues its development of space-launch vehicles that can lead to a longer range missile capability. It has cooperated with North Korea on the transfer of ballistic missile technology. This is in addition to the fact that Iran has, by its own admission, violated the JCPOA itself. The International Atomic Agency reported that Iran has twice violated the terms of the agreement by producing more heavy water than the deal allows for. An excess stockpile of heavy water—a critical component of operating nuclear reactors—reduces Iran's nuclear breakout time. Yet, even with this violation, the United States and our implementing partners have upheld our end of the bargain.

As I have repeatedly said and which I outlined in the bill I authored earlier this year, we must take decisive action in response to Iran's behavior which is in violation, among other things, of the United Nations Security Council resolutions and threatens America's inter-

ests and regional stability. The United States must reserve the right to hold Iran accountable for all of its actions, and that is exactly what my legislation would do by imposing stricter sanctions tied to specific nefarious actions outside the nuclear portfolio.

After months of consultations with my colleagues in the Senate, outside experts, and constituents, I introduced a bipartisan bill, S. 3267, the Countering Iranian Threats Act, on July 14, just before Congress broke for recess. Its acronym, CITA, not only extends the Iran Sanctions Act, which we will do independently today, it also expands sanctions for ballistic missile development, support for terrorism, and other illicit Iranian actions, and it sanctions transfers of conventional weapons to or from Iran—the totality of Iran's dangerous behavior outside of the nuclear portfolio. Specifically, it requires the administration to identify the specific Iranians, persons, or entities that are engaged in these activities and then apply sanctions that freeze their assets and block their international travel and business interests. In this way, the sanctions are surgical and designed to avoid interference with the terms of the Iran nuclear deal.

We must provide leverage to seek necessary change in the conduct of the Iranian regime and hold Iran accountable for meeting its international obligations, including the terms of the JCPOA. We will improve the deplorable human rights situation in Iran and double down on our reassurances to Israel and American allies in the region of our full commitment to regional security.

The fact is, there is much we can do to ensure a bright future undimmed by a nuclear cloud. We must authorize the Iran Sanctions Act that I have authored so that, as flawed as the JCPOA was, in my view, the Iranians will know the consequences of any breach and we will deal with missile proliferation, terrorism, and regional destabilization that is just as dangerous and just as threatening to American security and to our ally, the State of Israel, and our other allies in the region. I hope we will get to that new phase in the next Congress.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### OPIOID EPIDEMIC

Mr. PORTMAN. Mr. President, I rise today on another topic that is affecting every single State represented here in this Chamber, and that is the opioid epidemic. This is heroin, prescription

drugs, and increasingly the synthetic heroin coming into our State and poisoning the people we represent, leading to a situation where we have about 120 people dying every day of overdoses—about 5 a day in my State of Ohio. Unfortunately, I have to report today that it is getting worse, not better.

I also believe that Congress is beginning to take the right steps to address that, and that is what I want to talk about today. This is the 28th time I have come to the floor to talk about this issue this year because it is one that affects every State, but particularly mine.

I come from Ohio. It is a State that recently, based on a new report, was named as one of the top States in the country for overdoses and, unfortunately, the tragedy of overdose deaths.

For those who die from overdoses, it is a tragedy, of course. But, frankly, it is the tip of the iceberg because there are so many people whose lives are shattered, whose lives are torn apart, who are not going to work and whose communities are facing more and more crime because of this issue.

It was addressed here in this Chamber recently by the legislation I want to talk about today, but it is something we must find a way to deal with immediately because of the urgency of the problem. To this Senator, it is much like other public health crises that we face as a country, whether it is a Zika virus or other issues that come up where Congress has said that we need to have immediate funding and immediate changes in policies to address it. What Congress has done already and the President has signed into law as of a couple of months ago is broad legislation called CARA, or the Comprehensive Addiction and Recovery Act, and that legislation is historic in the sense that it is the first time in over 20 years that Congress has taken a look at this issue and come up with a comprehensive approach. It focuses on education and prevention to help people make the right decision and not get into the funnel of addiction, particularly focusing on young people. But it also focuses on better treatment services and recovery.

Right now there are people who cannot access treatment, and part of the problem is that there is not adequate funding for that treatment. Part of the problem is that there is a stigma attached to addiction and people aren't willing to come forward. Our legislation, broadly speaking, addresses that as well because it says that addiction is a disease and ought to be treated as such, which should help to get people into treatment.

For the first time Congress is supporting not just treatment and detox but actually getting people into longer term recovery programs. Think of housing arrangements or other supportive recovery services that we found from our experience in doing the research around the country, which are much more successful in terms of help-

ing people to turn their lives around and to lead a productive life. What we have found in the last 3 years with five conferences here in Washington, DC, bringing experts in from all around the country, is that this is something that can actually help to turn the tide. It is the first time Congress has focused on that. We also focused on the issue of ensuring that the law enforcement community and first responders—our firefighters and others—have access to this miracle drug called Narcan or naloxone, which is able to reverse the effects of an overdose. There is a program to allow them to apply to get the Narcan they need to help save lives, and it is amazing. It was administered 16,000 times in Ohio last year. This year it will be a lot more than that. Those are lives that are saved. It is not the ultimate solution. The solution is getting people into treatment and the recovery they need, but it is necessary right now given the epidemic that we face.

There are other aspects of the legislation, as well, that help ensure that we get the prescription drugs off the shelves, which unfortunately are being abused by having more drug take-back programs. We provide more resources to ensure that people can get the help they need in terms of treatment and recovery.

I am happy to say that the legislation is beginning to be implemented. I would ask the administration again today to expedite that implementation. Of the seven larger programs that are part of this legislation, I think it is fair to say that two are being implemented at this point already, and we need to move forward with others as well. I know it takes a while. We need to be sure that the programs are properly implemented. But again, there needs to be an urgency about this issue.

Section 303 of the legislation is being implemented now by the Department of Health and Human Services, as one example. It expands access to medication-assisted treatment by allowing nurse practitioners and physician assistants to prescribe medication-assisted treatment to help treat an opioid use disorder. This is important. Back in my home State, I am hearing a lot from people who are already training people to be able to provide this assistance to those who are addicted and need to have this medication-assisted treatment using methadone, Suboxone or Vivitrol. To allow nurse practitioners and physician assistants to participate in this is incredibly important. This is progress, but we are pushing the administration to implement the law even more quickly.

CARA also deals with the growing demand for drugs, as I said, by improving access to longer term recovery. Recently, I was able to go to a recovery house in Canton, OH, called the Phoenix Recovery Home. I was able to talk to some of the recovering addicts there, in one case several times where

it had not been successful, but this longer term recovery was working for them. Again, this legislation is so important to implement the recovery aspect of it.

The funding for this has also been a work in progress. We have made some progress toward increasing the funding. This year there is a 47-percent increase in funding for the opioid crisis. In the CARA legislation there is an authorization for additional funding in the amount of \$181 million every single year. That is important. That \$181 million every year going forward is something that will be important in this comprehensive approach.

In the short term, we are working under a short-term spending bill right now called the continuing resolution. We were able to get funding of \$37 million that expires next week. We have to be sure that funding continues. That is adequate funding to implement the program now, but we need to ensure that we have short-term funding over the next period of time, whenever that is—some say it will be from now until March—to ensure we keep CARA implemented.

What I am pleased to report today is that the 21st Century Cures legislation, which the House has sent over to the Senate, includes a dramatic increase in funding for this issue. It is about \$500 million per year over the next 2 years of additional funding that will be block-granted to the States for prevention and treatment. This is incredibly important to my State of Ohio and other States. My understanding is that States that have a higher prevalence of overdoses will be given priority in terms of these funding dollars. I think that is appropriate. It will be helpful to those States hardest hit.

I wish that some of the parameters of the funding instructions had been a little broader to include this issue we talked about earlier having to deal with the recovery aspect. But we are working to ensure that, as this legislation is implemented, the States have maximum flexibility to address this problem.

This legislation will be bipartisan. I think you will see the vote to be very bipartisan next week when we take it up, and in part it is because of this legislation. So between CARA and this new legislation in the Cures Act, we are going to see additional funding and it is urgent that we see it.

The Kaiser Family Foundation recently released a report based on information from the Centers for Disease Control and Prevention that found that one in nine heroin deaths in the United States happened in our home State of Ohio. We have the most deaths from synthetic opioids, such as fentanyl and Carfentanil, that is coming into our communities. We are seeing unfortunately an increase not just in Ohio, but in other States around the country.

Every day I hear about this issue from Ohioans. Sometimes when I am back home at events that have nothing



to do with this substance abuse issue, people will come up to me, as they will this weekend, and talk about their personal stories.

Recently, I received a couple of letters. Just before Thanksgiving I got a letter from Elaine. She is from Cincinnati, my hometown. She wrote that her daughter was lost to a drug overdose in 2013 and her grandson from a drug overdose on August 1 of this year. She writes that her other son is now an active heroin addict. She went through a story about trying to get him into a detox center for treatment but she faced barriers. One of the barriers in her case was being able to afford it. The insurance initially wouldn't cover it. We tried to help her with that, but in the meantime, she is at her wit's end to do something now to save her son's life, having lost two other members of her family. Again, this legislation we are going to vote on early next week, the Cures Act will help with regard to Elaine's inability to find detox and treatment for her son.

Barbara in Columbus has been in touch with my office a lot. She lost her son Eric to an overdose in 2012. He was just a week shy of his 24th birthday. She writes that Eric wanted to go to rehab. His sister took him to every place in Columbus, and no one had room. There was no room at the inn. This is another issue we are finding across the country. Sometimes these resources are available in larger urban areas, but they are frankly oversubscribed given the issue of heroin and prescription drug addiction and the growing problem that we have. She writes:

We need to stop jailing people for drug use. We need to stop people from dying in the streets, and get them into treatment clinics. We need to recognize the difference between drug use and drug abuse. We need focus on creating a society where people do not feel the need to numb the pain of their existence through drug abuse.

I agree with her, and that is the focus of the legislation, the Comprehensive Addiction and Recovery Act.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PORTMAN. Mr. President, I ask for an additional 30 seconds.

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

Mr. PORTMAN. Mr. President, again, I am pleased that Congress has made so much progress in this area. I see my colleague from the Judiciary Committee is here, Senator LEAHY, who helped get this legislation through his committee, along with Senator GRASSLEY. It is called the Comprehensive Addiction and Recovery Act.

Now we have a chance with the Cures Act to put even more funding immediately against this problem. I encourage my colleagues to support that legislation. It is good legislation for other reasons, as well, but also because of the fact that this epidemic of opioid abuse must be addressed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the work of my colleague, and I am glad to work with him on this.

#### JUSTICE FOR ALL REAUTHORIZATION BILL

Mr. LEAHY. Mr. President, on another subject, each morning in this Chamber, we pledge allegiance to our flag. We end by declaring that we are "one Nation under God with liberty and justice for all." I believe in those words, but it is not enough just to say the words. It is our obligation to bring meaning to this promise.

Today I hope that Congress will finally take an important step forward by passing the bipartisan Justice for All Reauthorization Act. I have long championed the Justice for All Act to make our justice system more fair. Our bill will strengthen indigent defense and expand the rights of crime victims. It will improve the use of forensic evidence, including rape kits, to provide justice swiftly. It will help protect the innocent by increasing access to postconviction DNA testing. The Senate passed this bipartisan legislation in June, and the House approved a slightly modified version earlier this week. I am disappointed the House decreased authorizations for many programs I support. Still, the bill makes important changes and will improve the lives of many of our most vulnerable citizens. I urge my fellow Senators to consent to its immediate passage.

As a former prosecutor, I am dedicated to ensuring that our criminal justice system has integrity and the confidence of the public it serves. I started out on the front lines as State's attorney in Chittenden County, VT. And for the past 20 years, I have served as chairman or ranking member of the Senate Judiciary Committee. During that time, it has become clear to me that our system is deeply flawed—there is not always justice for all.

I have met many people who were wrongly convicted of crimes they did not commit. Kirk Bloodsworth—let me tell you a story about Kirk Bloodsworth, who is one such young man. He was just out of the Marines in 1984 when he was falsely convicted and sentenced to death for the rape and murder of a 9-year-old girl.

He always declared his innocence, but he was nearly executed, until DNA evidence proved he was innocent in 1993 and helped law enforcement find the person who actually committed the crime. He became the first death row inmate in the United States exonerated by DNA evidence.

I have always been impressed with his courage, but he was not the last. There were 149 innocent people exonerated just last year—in 1 year, 149—the highest number on record. Our justice system failed not only these innocent people, but also the victims of crime. Those of us who have been prosecutors

know what it means if you convict the wrong person, aside from the injustice to the person who was convicted. It means that somebody who committed the crime is still out there free and has not been arrested and has not been convicted. Our justice system failed not only these innocent people but also the victims of crime. We can and we must do more to fix this injustice.

I believe we should eliminate the death penalty entirely because I know the system gets it wrong. But until we do away with the death penalty, we must improve the integrity of our criminal justice system. That is why I joined with Kirk years ago to enact the Post-Conviction DNA Testing Grant Program. This was originally part of the Innocence Protection Act enacted in 2000, and it gives defendants like Kirk a chance to prove their innocence. That should not be too much to ask.

We can and we must do more to fix this injustice. We must do more to ensure that our justice system gets it right from the beginning. That means improving the quality of indigent defense. Our system too often fails to provide a lawyer for every person accused of a crime, even if they cannot afford one. Our Founding Fathers recognized that no system could be fair if accusations by a king or a government went unchallenged. Without a vigorous defense, it is impossible to determine who is actually guilty and who has been wrongly accused. This legislation requires the Department of Justice to provide technical assistance to States to improve their indigent defense systems, and it ensures that public defenders will have a seat at the table when States determine how to use their Byrne JAG criminal justice funding.

Improving systems of indigent defense will mean fewer innocent people behind bars. It is an outrage when an innocent person is wrongly punished. Of course, this injustice is compounded when the true perpetrator remains on the streets, able to commit more crimes. We lock up the wrong person, and the person who committed the crime is still out there to commit more crimes.

My brave friend Debbie Smith, a champion for victims of sexual assault, waited 6 years after being attacked before her rape kit was tested and the perpetrator, the criminal, was caught. Survivors like Debbie should not have to live in anguish, knowing their attacker remains free. Our bill provides resources for forensic testing. Specifically, it creates a new tracking system so testing can be done more efficiently. It will also expand access to forensic exams in rural areas and for underserved populations. Coming from a State like Vermont, I know how important that will be in rural areas.

Sexual assaults must be prevented wherever they occur, including in our Nation's prisons. That is why I strongly supported the Prison Rape Elimination Act when it was enacted in 2003. This bill imposes true accountability

by withholding Federal funds from States who do not implement protections to prevent sexual assaults in our prisons. It also protects grants designed to provide services for survivors of domestic and sexual violence.

Our legislation also builds on the landmark protections provided for victims of domestic violence in the 2013 Leahy-Crapo Violence Against Women Act. Imagine a woman living with an abusive partner in public housing, but her name is not on the lease. One night he beats her. She calls the police. The man is arrested. The woman believes she is finally safe. But then the landlord says she has to leave immediately because the man is being evicted and she has no right to stay. The Justice for All Act will allow this woman time to remain there while she either finds another place to live or she can demonstrate she is eligible to remain under her own name. No person should be forced to choose between abuse and a place to live.

And finally, our bill expands rights for victims of all crime. It builds upon the success of the Crime Victims' Rights Act by making it easier for crime victims to have an interpreter present during court proceedings and to obtain court-ordered restitution.

It has been my great honor to serve as the most senior Democrat on the Senate Judiciary Committee since 1997. During that time, I have worked with Senators from both sides of the aisle to craft solutions to some of the most important problems of our time. I am proud to join with my good friend the Senator from Texas, Mr. CORNYN, on this legislation and the many advocates who have helped guide our work. I especially appreciate the work of the Innocence Project, the Rape, Abuse & Incest National Network, the National Domestic Violence Hotline, the Consortium of Forensic Science Organizations, Just Detention International, the National Criminal Justice Association, the National District Attorneys Association, Legal Aid DC, the National Network to End Domestic Violence, the Joyful Heart Foundation, the ACLU, the National Juvenile Justice Network, and the National Center for Victims of Crime.

Senator CORNYN and I have proved this is not a Republican or Democratic issue; this is a justice for all issue. That is why so many in both parties have joined, along with so many people around the country.

As we consider legislation next Congress, we must remember that we have an obligation to look out for all victims and to create fairness in our criminal justice system. While we made some improvements this year, including passing the bipartisan Comprehensive Addiction and Recovery Act and the Sexual Assault Survivors' Rights Act, I am disappointed the Republican-led Congress failed to even allow a vote on bipartisan criminal justice reform legislation despite its strong support. As we look to the new

Congress, I hope those who worked with me on this important issue will continue to support efforts to correct the costly mistakes of mandatory minimum sentences. I hope we can again build the same kind of broad bipartisan consensus in support of all victims of sexual assault and domestic violence as we did last Congress when we passed the Leahy-Crapo Violence Against Women Reauthorization Act through the Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### APPOINTMENTS AND VOTER RIGHTS

Mr. MERKLEY. Mr. President, it has now been 23 days since the election—3 weeks and 2 days. Certainly it has been a time of great frustration and anxiety for Americans across the board, anticipating what our government will look like, what our executive branch will look like under the leadership of President-Elect Donald Trump.

The early signs have been ones that have indeed given a great deal of concern to many groups across America, beginning with the appointment by Mr. Trump of a White nationalist as his Chief Strategist, an individual, Steve Bannon, who has run a Web site, Breitbart, that specialized in hate, specialized in division.

It certainly reverberated in the campaign, but to bring that into the White House was something very few people anticipated would occur. It has been followed up by other appointments that were certainly a cause of deep concern. Just yesterday, there was the nomination of Steve Mnuchin, a Wall Street banker being assigned to the key post in our economy, the Treasury Secretary post—a post that will come before this Chamber for confirmation.

This is not just someone from Wall Street but someone who specialized in acquiring a bank that had been deeply involved in predatory lending, proceeded to foreclosure on thousands and thousands of families, was using robo-signing to accelerate that in violation of the law, was a specialist in turning people out of their homes, profited enormously in the strategy at the expense of working Americans seeking to have the fundamental comfort of owning their own home.

There is a list of other appointments, nominees who have certainly more than raised eyebrows, raised anxiety, other individuals who have specialized in hate and division, and other incidents such as the attack on the cast of "Hamilton" for proposing that individuals with a background of hate and division not be put into the Cabinet.

Then we have this from our President-elect. I quote his tweet: "In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally."

It is a straight falsehood. It has been debunked by every major analytical group, news organization in America. It is a complete fiction created in the middle of the night by our President-elect, but why? I think most people conclude that the fact he lost the popular vote is so disturbing to the President-elect because he wants to claim a mandate, but he cannot claim a mandate because the majority of Americans voted against him. They have voted against his strategy of division. They have voted against his strategy of incurring hate against Muslims, against immigrants, against women, against Hispanics, against African Americans.

No, Donald Trump, you did not get the popular vote, you lost it. You lost it straight out by more than 2 million votes and perhaps a great deal more.

No fiction you can stir up in the middle of the night can change that fundamental fact that you have no mandate in America for these politics of hate and division.

The fact is, the citizens' vote against Donald Trump would have been far larger except for a strategy of voter suppression. Voter suppression is a crime against the Constitution. Our Nation was founded on the vision of citizens being empowered to have a direct voice.

President Jefferson wrote a letter in which he referred to the mother principle of our democracy. He described the mother principle as we can only claim to be a democratic republic to the degree that our decisions reflect the will of the people. Then he went on and said and that will only happen if the people, each person, has an equal voice. Then he went on to say that the biggest factor in equal voice is the power to vote.

We know the original Constitution was incomplete in this vision, that it did not provide that full empowerment to women or to minorities—flaws that we have addressed over time in this vision and understanding that the power to vote is fundamental to a democracy.

Indeed, President after President over the course of our Nation has recognized the power of the individual to vote as fundamental to our democratic Republic.

LBJ said: "The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."

Of course, he was referring to race and the battle over the Voting Rights Act in 1965.

FDR said: "The ultimate rulers of our democracy are not a President and Senators and Congressmen and Government officials but the voters of this country."

Robert Kennedy put it this way: “Each citizen’s right to vote is fundamental to all the other rights of citizenship.”

These are not simply ideas that Democrats put forward, these are not simply ideas that our Founders put forward, these are ideas that Republican Presidents have put forward.

Let’s turn to Ronald Reagan, who said: “For this Nation to remain true to its principles, we cannot allow any American’s vote to be denied, diluted, or defiled.”

Ronald Reagan was right and that is why voter suppression is wrong. It is an attack on the vision of our Nation in which citizens are in charge, not powerful elites, powerful special interests. Citizens are in charge. When you deliberately set out to take away the vote from citizens, you really are trying to shred the Constitution.

So those in this Chamber who have been so engaged in promoting voter suppression and your attack on our Constitution—because it is simply wrong. As Ronald Reagan put it, it takes away the power of the individual, it denies, it dilutes, and it defiles. Quit denying, quit diluting, and quit defiling. Honor the vision of this Nation in which citizens are in charge.

Unfortunately, we have seen quite the opposite. We have seen a systematic Republican strategy to tear down the power to vote in our Nation, and this must end.

The Supreme Court set the stage for this by saying enough years have passed that the Voting Rights Act, which required areas and counties that had been active in voter suppression in the past, to get preapproval for changes in their law so they wouldn’t go back to defiling and denying the right to vote, said: Enough time has passed. We can now trust them.

That Supreme Court decision was clearly a mistake because, immediately, jurisdiction after jurisdiction proceeded to enact voter suppression laws, often carrying out a debate deliberately about how to keep minorities from voting. This wasn’t something hidden. This wasn’t sneaky. This was straight out: We don’t want those people to vote who might vote against us.

I tell you what I believe in. I believe in our Constitution. I believe in the power of citizens to vote, to be the rulemakers in our country, to have Jefferson’s vision, his mother principle of a democratic republic to make decisions in accordance with the will of the people, not the will of the powerful, special interests who are driving this voter suppression attack on Americans’ right to vote.

A study of nearly 400 counties in Alabama, Arizona, Texas, Louisiana, North Carolina, South Carolina, and Mississippi found more than 860 polling places were eliminated in those counties. In Arizona, almost every single county shut down voting locations. More than half the counties in Louisiana, Texas, and Alabama did so. They provided data to the researchers.

Let’s take a look at North Carolina, a State that passed a voter suppression law which included restrictive voter ID, ending same-day registration, requiring votes cast at the wrong polling location to be thrown out, and shrinking the time for early voting a week—and which did these things after debating directly how to suppress the right of minorities to vote. That is an evil crime against our Constitution and against citizens of the United States of America. The law targeted African-American voters with what the Fourth Circuit of Appeals described as almost surgical precision.

The law was overturned by the court, but that didn’t stop the North Carolina Republican Party’s very direct efforts to suppress the vote, to eliminate early voting days—especially on Sunday, to severely curtail the number and hours of voting places, of closing all but one early voting location in largely African-American counties, and leaving 27 fewer polling locations than in 2012.

This strategy, successful in Mecklenburg County, which includes Charlotte and has more than 15 percent of the State’s Black voters. The State reduced early voting sites from 22 to 4. In three North Carolina counties with large African-American populations, the Republican Party put out a piece of mail and challenged thousands of voter registrations and tried to get them stripped from the rolls until the Federal court ordered them to stop.

Long lines were the result at polling places that “put early voting totally out of reach for people without the time or resources to travel long distances to vote.”

It is a crime against the Constitution, it is a crime against the citizens, and it significantly reduced turnout. It was successful.

In 2008, 70 percent of African-American voters in North Carolina voted early. The rough estimates are that about 10 percent fewer ballots were cast in North Carolina in 2016, and at least a substantial share of that change has to be attributed to these voter suppression efforts that produced those long lines and made it so hard for individuals to vote.

We saw glaring examples of voter suppression in Wisconsin, which has one of the strictest voter photo ID laws in the country. It is a law that by lower courts was ruled to serve no legitimate purpose, to make it unnecessarily harder to vote, and designed to disenfranchise African Americans, Latino students, the elderly people with disabilities, and low-income residents. It is a pure, partisan crime against the Constitution, a partisan crime against the citizens of Wisconsin.

As a result of this law, Wisconsin saw its lowest voter turnout in two decades for an election decided by fewer than 30,000 votes in the Presidential election.

Neil Albrecht, executive director of the Milwaukee Election Commission,

said: “Some of the greatest declines were in districts we projected would have the most trouble with voter ID requirements.”

That is not all. There were online voter suppression strategies. In the final days before the election, there were a series of ads put out that were claiming to be from Secretary Clinton’s campaign and basically said to folks “vote from home” by text message or online.

Well, of course, the law doesn’t allow people to vote by text message. It doesn’t allow people to vote online, although there may be a few exceptions around the country, the vast majority of places you cannot vote online.

We have come a long way technologically in this country, but by and large you still have to show up in person. You still have to vote your ballot. In Oregon, you have to fill out your ballot, drop it off or mail it in. In other places around the country, you have to show up in that voting booth, whether it be early voting or day-of voting.

An effort to mislead people is akin to the other voting suppression tactics where we have seen people put out messages that tell people the voting location has changed. People put out messages that the voting hours have changed. This—a new clever strategy—is saying: Don’t bother to go to the voting place, you can vote by text or you can vote online, encouraging people not to go to the polls.

When somebody does something like that, it should be a crime that puts them in jail for years, misleading voters about where to vote, the times to vote, or how you can legally vote. It should be a crime that puts people in jail for years. Why is that? Because it is an attack on the foundation of our democratic Republic, the right to vote.

It is this voter suppression strategy, a tactic which is completely at odds with the vision of a nation in which citizens are in charge—not powerful special interests, not powerful special interests like the Koch brothers who promised, in January of 2015, to put nearly a billion dollars into the 2016 election. The Koch brothers take credit for essentially controlling this Chamber. Indeed, their money played a key role in race after race after race. We saw it in 2014. We saw it this year in 2016.

What kind of Nation do we want? A nation where oil-and-coal billionaires control this Chamber, the Senate, or a nation in which the citizens control this Chamber, a nation in which we honor Jefferson’s mother principle or a nation in which we have handed over the keys to a few powerful special interests and billionaires.

Do we want a nation of, by, and for the people or a nation of, by, and for the powerful and the privileged? That is what is at stake here. A senior member of the Trump campaign publicly said: “We have three major voter suppression operations under way.”

One of those was Operation Project Alamo, the campaign’s custom online

database that contained detailed identity profiles on 220-million Americans. The point is, they used this information on more than 200 million Americans to target Secretary Clinton supporters with negative and misleading Facebook ads, the goal being voter suppression, as clearly stated by a senior member of the Trump campaign.

Well, let's go back to the principle laid out by President Ronald Reagan, and again I quote him: "For this Nation to be true to its principles, we cannot allow any American's vote to be denied, diluted or defiled."

So I call on my colleagues who have been the proponents of voter suppression, who have been the proponents of attacking the Constitution, who have been the proponents of government of, by, and for the most powerful and the most privileged rather than the people, to listen.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator's time has expired.

Mr. MERKLEY. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Madam President, I didn't hear how long.

The PRESIDING OFFICER. Two minutes.

Mr. CORNYN. No objection here.

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

Mr. MERKLEY. I thank the Chair.

Those words should continue to reverberate in this Chamber. Colleagues, set your sights on the vision of ending your denying, diluting, and defiling of the most fundamental right close to the hearts of Americans and the foundation of a government of, by, and for the people. Only then will we have a government that responds to the real issues Americans face rather than the special goals of the most powerful and the most privileged.

I thank the Chair.

The PRESIDING OFFICER. The majority whip.

#### 21ST CENTURY CURES BILL

Mr. CORNYN. Madam President, yesterday I spoke about the 21st Century Cures bill the House passed by a very large margin last night, and I am looking forward to taking up that legislation here in the Senate. I am particularly grateful that it includes some mental health reform legislation that I introduced here in the Senate. This represents the very first mental health reform in more than a decade, and it is high time we got it done. There are a lot of people who contributed to this effort, and I think it is something we can all be proud of.

With the mental health portion of the bill, we have two chief goals in mind—first, to help those who are mentally ill get the treatment they need, and secondly, to help law enforcement and first responders know how to respond to a potential mental health cri-

sis in order to keep the person they are responding to safe, as well as the first responders themselves.

It opens up existing funds so that they can be used for more outpatient treatment options. That way, local and State governments can help identify mentally ill offenders, assess their mental health needs, and get them in the right treatment to improve their condition, rather than sending them to jail, where they will be warehoused and their condition will likely just get worse and worse.

This legislation will also provide flexibility to State and local authorities so they can use what works in their communities to help mentally ill individuals in the criminal justice system get healthy. This could include things such as assisted outpatient treatments, where families can help their loved ones, with a backstop of court supervision so they will remain compliant with their doctors' orders and take their medication, which will allow them to lead productive lives.

This legislation will make available Federal grants so that our law enforcement officials have the resources to get the kind of training they need. When law enforcement officials are called to the scene of an incident with somebody suffering from a mental health crisis, it is very important that they know how to deescalate that crisis, both for the well-being of the individual suffering that crisis as well as the law enforcement officials responding.

It will allow the creation of more crisis-intervention teams comprised of law enforcement and first responders and even school officials, where appropriate, so they can rapidly respond to and counter a threat of violence in the community.

Yesterday I received messages from some of the people who have worked with us on this legislation and know all too well how mental illness can affect our families. One individual wrote:

After losing both [a] son and a husband to suicide, and having an adult son with bipolar disorder, I know only too well the frustrations of the mental health system. Thank you, Senator, for your determination and hard work to bring change to this broken system.

This is why these mental health reforms are so important. People need help and the mental health system needs reform, and that is why we need to pass the 21st Century Cures bill—for all the good it will do in addition to these important reforms in dealing with mental health challenges around the country. So I look forward to finishing the job next week and sending it to the President's desk.

#### MILITARY READINESS

Mr. CORNYN. Separately, Madam President, I come to the floor today to highlight a pressing national security concern that just doesn't get enough attention. Members often come to the floor to talk about specific military

threats that other nations pose to the United States, and that is good and right. For example, we have heard a lot about Iran this week as the Senate considers the Iran Sanctions Extension Act—a bill that will help ensure that President-Elect Trump and future Presidents will have the authority they need to reimpose sanctions on Iran, even in spite of President Obama's flawed nuclear deal which provided relief from these same types of sanctions and others without getting a whole lot of meaningful concessions from Tehran in return. This bill passed the House a few weeks ago with more than 400 votes, and I am glad there has been significant bipartisan support to move it forward here.

But today I want to talk about a problem that is partly of our own making, and that is threats to our long-term military readiness. It is no secret that our military leaders continually call on Congress to adequately fund the weapons programs that enable our troops to defend our Nation.

The major concern I have and one that is shared by leadership at the Pentagon is that our military's technological edge on the battlefield is being whittled away by other countries, such as China and Russia, that are working at breakneck speed, investing millions of dollars to erase our advantage in many areas of military capability. That means we have to wake up to the risks that are inherent in this situation and do more to invest in the next generation of weapons to meet the challenges on the battlefields of tomorrow. The nations that are most belligerent and hostile to America and our interests are not cutting back on their investment in military technology, so we simply do not have the luxury of being complacent.

Recently, I had a chance to meet with Under Secretary of Defense Frank Kendall, the Defense Department's top acquisitions person or top weapons buyer. He is charged with equipping our men and women in uniform, and he has been thinking long and hard about the need to get the next generation of our military the very best capabilities possible. As he has said publicly in speeches and in congressional testimony, he is concerned that our enemies are rapidly expanding and building out their technological innovations for military applications.

But it is important to understand that these countries aren't just building up their own militaries to simply defend themselves; countries such as China and Russia are doing all they can to invest in specific technologies to defeat our forces and to be used for purposes of aggressive activity, whether it is in the South China Sea or in Europe, where Russia continues to threaten the NATO alliance. Countries such as China and Russia are preparing not for next week but for the coming decades to effectively counter and defeat the U.S. militarily. That is a big concern of Secretary Kendall, and it

should be a major concern for all of us here in light of the responsibility of Congress to provide for our military.

I have a chart that helps explain where we are headed. Here we can see the research and development projections for the United States, China, and the European Union. It is not hard to see that China will soon outpace the United States.

This represents total research and development spending for the countries involved—not just in military R&D, but given the fact that a large percentage of research and development is spent on defense-related efforts, on military weaponry, it is a useful bellwether for understanding what the future holds in terms of Chinese and Russian military investment relative to our own. Clearly, we can see that China is on track to overtake the United States in this critical area in the next decade.

I should also point out that, according to one report, this isn't just because China is so committed to research and development; it is also because in recent years, due to austerity measures in our own country, U.S. investment in research and development is increasing at a historically low rate.

Why is this important? Well, it is important because China is using some of this R&D to make weapons that are designed to undermine interests of the United States in the Asia-Pacific region. One recent study made headlines just this week, highlighting that both China and Russia are developing high-speed, high-altitude weapons designed to penetrate traditional U.S. defensive systems, such as our ballistic missile defenses, to attack not only our allies but to potentially attack the mainland of the United States as well.

Reports continue to surface about Chinese cyber theft of top U.S. military and industry secrets. Once they have stolen our trade secrets, the Chinese military can create copycat or cloned weapons for their own use without having to invest the years and billions of dollars that we have to in this country for research and testing and development of those weapons. They can simply steal the blueprints and copy them, saving themselves a lot of money and a lot of time in producing those weapons.

So while nations like China are doing all they can to build their capabilities and research the next cutting-edge weapons, the U.S. military is extremely limited in the amount of money we are investing in our own future, instead having to spend that money to maintain the readiness of current forces. That is where the money has gone—to try to maintain the readiness of our current forces, not looking out to the next 5 and 10 years, to the growing threat of our adversaries having weapon systems that will have the capability not only to be used offensively but potentially to defeat American forces around the world.

We know we need a robust military budget in order to allow us to walk and

chew gum at the same time—to both maintain these world-class forces at high levels of readiness and ensure our troops have the cutting-edge weapons of tomorrow. Back in March, the Committee on Armed Services heard testimony by current Secretary of Defense Ash Carter. At the end of his prepared remarks, Secretary Carter made a point we all need to better understand. He said:

We don't have the luxury of just one opponent, or the choice between the current fight and future fights—we have to do both, and we have to have a budget that supports both.

He went on to explain that means being ready to fight the battles of today and train our current troops but also to develop the technologies and perfect the strategies to fight the wars of the future. And we know from Ronald Reagan's doctrine of peace through strength that military readiness is much more likely to make sure that we don't have to fight those battles because it deters the aggressive actions of our adversaries when America leads and when America is the strongest military in the world. But when our opponents see us pulling back, both in terms of our investment and in terms of American leadership, they are all too happy to fill the void left by that withdrawal.

Unfortunately, the Obama administration has apparently failed to see that national defense is the most critical function the Federal Government performs, and so every time we get into this discussion about how do we spend more money to keep the American people safe and secure, they want to enter into a discussion about how we can raise spending caps so we can spend more money on nondefense discretionary spending, and so it goes.

I believe that defense spending—making sure our men and women in uniform have the training and equipment they need for the current fight but also that we are preparing for the mid- and long-term so they will have the weapons and resources they need to fight the fights of the future—is job No. 1 for us here in the Congress.

It is not too late to eliminate some of these spending caps and to adequately fund the Department of Defense. I look forward to working with all of our colleagues to make sure we take care of job No. 1 before we then look to other priorities in our Federal budget.

We can't take for granted the fact that the U.S. military is the best in the world. We are the best in the world, but there is no certainty or guarantee that will always be the case, especially when our adversaries are making investments for the future and as America's leadership pulls back out of the world and allows others to fill that void. There are other nations at our heels spending a lot of money specifically to neutralize our military advantages and defeat us. The threat extends far beyond China. North Korea, for example, continues to threaten us and our allies with their nuclear weapons

and their missile tests. As I indicated earlier, Russia continues to make tremendous advancements in areas such as cyber and electronic warfare, working to render our most effective and advanced capabilities ineffective.

We don't have any time to waste, and we have to spend more time and more energy looking not just at the threats of today but those of tomorrow and beyond. Frankly, once the threat is upon us, it may be too late to do the sort of research and development and investment we need in order to be prepared.

So I am hopeful that the next Congress, working with the new administration, will be able to move the needle in the right direction. We certainly can't just cross our fingers and hope for the best. That is not fulfilling our responsibilities and doing our duty as Members of the Congress. If we want to maintain our position as the most capable military in the world, we have to continue to act, and act without delay.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### IRAN SANCTIONS EXTENSION BILL

Mr. BLUMENTHAL. Madam President, the Senate will soon act on a measure, the Iran Sanctions Extension Act, that I have long advocated, and I am proud to be a main cosponsor of this measure. It is a critical step toward deterring and impeding support of Iran's development of conventional weapons and weapons of mass destruction.

I am here to encourage my colleagues to support this 10-year reauthorization of the ISA, as it is known. We must act before it expires, before the end of the year. We really have no practical choice. The practical effect of the Iran nuclear agreement depends on our resolve and on our commitment to reliably and durably stop a nuclear-armed Iran by using sanctions and other means, if necessary. This measure should remove all doubt and dispel all question that we have that resolve and commitment to make sure the Iran nuclear commitment is enforced effectively. It must be enforced effectively not only for our own security but really the entire world's security. That is the reason I have championed efforts to stop a nuclear-armed Iran and make sure this agreement is both verifiable and enforceable.

I have long advocated for this renewal and most recently urged Leader MCCONNELL to prioritize passage of this measure in the waning days of this Congress. I was joined in this effort by Senators STABENOW, MERKLEY, WYDEN, KLOBUCHAR, HEINRICH, and SCHATZ. I thank Senator MCCONNELL for following through on this request and bringing this bill to the floor for a vote today.

This important bipartisan bill has already been approved by the House—in fact, overwhelmingly passed in November—and now the Senate must do the

same. It must leave no question or doubt that we have the resolve and commitment to continue bipartisan support for efforts to block a nuclear-armed Iran.

The ISA is essential to ensuring that the Joint Comprehensive Plan of Action continues to prevent Iran from realizing its nuclear ambitions. For the United States to maintain its unambiguous ability to immediately snap back sanctions in coming years, the ISA must be renewed—and I hope it will be by a strong and overwhelming bipartisan majority—or we will surrender this critical capability.

Reauthorization is a significant step that will send a strong signal to Iran that our Nation is fully and irrevocably committed to vigorously enforcing the nuclear agreement regardless of the administration and irrespective of the Congress. Future administrations need this ability to snap back existing sanctions—a step necessary for its enforcement, consistent with the agreement and anticipated by it. There is nothing inconsistent in what we do today with the agreement.

This strong message to Iran is that we are ready, willing, and able to hold Iran accountable. We can ill-afford to allow sanctions that deter and impede Iran's development of conventional weapons of mass destruction to expire, as they would expire at the end of the year. My hope is that as many as possible of my Senate colleagues will join in this effort today.

But holding Iran accountable will scarcely end here. We must confront Iran's maligned activities beyond its nuclear program, its continued pursuit of intercontinental missile development, its suppression of free speech and other vital civil liberties in its own country, and, of course, its sponsorship of terrorism around the world. We must fortify the security of our allies in the Middle East, most especially Israel, and our Nation. Our major strategic partner in that region is Israel. I look forward to working with my colleagues on the NDAA, which will provide additional missile defense capabilities to that great ally. And we must see what we do today in renewing the Iran sanctions agreement as part of an overall effort to secure the freedom and democracies that exist in that region insofar as they are always threatened and make sure we protect our Nation from a nuclear-armed Iran.

The Iran sanctions renewal sends a signal and a message, unmistakable to Iran and the world, that we are committed not just to the words of this agreement on paper but to the real enforcement of them and to making sure Iran is held accountable if it violates this agreement in the slightest way.

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

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

Mr. KIRK. Madam President, on December 1, 2011, the Senate voted 100 to 0 to pass the Menendez-Kirk amendment to impose crippling sanctions on the Central Bank of Iran. As this chart shows, the Menendez-Kirk amendment decreased the value of Iran's currency by 73 percent the following year.

On November 30, 2012, the Senate passed the second Menendez-Kirk amendment by a 94 to 0 vote. This amendment cut off Iran's energy and shipping sectors from international markets. It also restricted Iran's ability to barter in gold and other precious metals. These Iran sanctions played an indispensable role in forcing Iran to the negotiating table, but the administration wasted our powerful economic leverage when it agreed to a bad deal with Iran.

Since this disastrous deal, Iran's behavior has worsened. Iran has taken more American hostages, including Baquer Namazi and Reza Shahini. Iran received over \$100 billion in sanctions relief and has increased support to terrorists groups, such as Hezbollah and Hamas. In fact, Iran announced the creation of its own foreign service to cause problems in Yemen, Iraq, and Iran and those places. Iran has conducted multiple missile tests on October 15, 2015; October 21, 2015; March 8 and 9, 2016; April 19, 2016; and July 11, 2016.

In June of 2015, Senator MENENDEZ and I introduced S. 1682, a bill to renew the Iran Sanctions Act of 1996 for 10 more years. I am glad to see the Senate is again taking up a similar bill based on legislation by Congressman ED ROYCE that passed the House by 419 to 1.

I urge my colleagues to support the Iran sanctions bill with overwhelming numbers. President Obama should immediately sign the Iran Sanctions Extension Act into law.

I urge the next President to join with the Congress to do much more. Our children should never be asked to clean up a nuclear war in the Persian Gulf. Iran, which is the biggest sponsor of world terrorism, should not have nuclear weapons.

I thank the Presiding Officer and yield back my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I rise to express my support for legislation that the Senate is considering today that will extend the Iran Sanctions Act for 10 years before it expires in just 30 days.

I will be voting for this bill later today, and I am proud to have cosponsored similar legislation earlier this year. The Iran Sanctions Act, or ISA, is an important aspect of U.S. sanctions on Iran.

The ISA was enacted in 1996 to tighten sanctions on Iran in response to its

growing nuclear program and support for terrorist organizations, such as Hamas and Hezbollah. The ISA provides the legislative authority for many of the sanctions on Iran that were lifted but may be reimplemented if Iran violates the Joint Comprehensive Plan of Action, or JCPOA. These include sanctions on foreign investment in Iran's oil and gas fields, sales of gasoline to Iran, and transportation of Iranian crude oil. Even though these sanctions were suspended by the JCPOA, we need this legal framework to address any Iranian violations of the deal so that sanctions can be rapidly put back in place if necessary.

Additionally, this framework maintains some sanctions that were not lifted under the JCPOA. The ISA still requires the United States to sanction entities that assist Iran with acquiring or developing weapons of mass destruction—that provide “destabilizing numbers and types” of advanced conventional weapons or participate in uranium mining ventures with Iran.

These provisions remain in place, and it is absolutely critical that Congress not allow them to expire at the end of the year.

I believe the Iran Sanctions Act has been effective and must be renewed. Tough sanctions were absolutely critical to bringing Iran to the negotiating table—sanctions such as those in the ISA and the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, which I voted for as a Member of the U.S. House of Representatives.

The JCPOA is the result of these and other tough multilateral sanctions put in place through cooperation with international partners, but it is essential that the deal is strictly enforced.

Earlier this year, I led a letter to President Obama, along with 14 of my colleagues, to express our concern about the lack of technical details published by the International Atomic Energy Agency, or IAEA, in reports on Iran's compliance with the JCPOA.

While the IAEA is the watchdog responsible for monitoring Iran's compliance with the JCPOA, it is up to the United States and other parties of the JCPOA to respond to any violations.

To ensure strict compliance, the IAEA should also publish technical details, including the total quantity of low-enriched uranium in Iran and the amount produced in Natanz, specifics on Iran's centrifuge research and development, and progress made on converting Iran's nuclear facilities. These details will provide independent experts and Members of Congress conducting oversight of the JCPOA the opportunity to renew the data behind the IAEA's analysis.

Iran opposes what we are doing here today, and they will say that renewing the Iran Sanctions Act is a violation of the JCPOA. Well, let me say, that is simply not true. Reauthorization of the Iran Sanctions Act in no way violates the JCPOA. The Iran Sanctions Act has



been the law of the land since 1996. It was in place when the JCPOA was adopted, and it remains in effect today.

With our vote today, Congress will make clear that the United States will not hesitate to maintain sanctions on Iran and those that seek to provide the world's largest State sponsor of terrorism with weapons of mass destruction. We stand ready to impose rapid and strict punishments for any violation of the JCPOA. This sanctions regime is how we hold Iran accountable, strengthen our security, and deter Iranian hostility towards our allies, especially the State of Israel, which Iran has singled out as a target for destruction.

Diplomacy is always our preferred course of action, but it does not work in a vacuum. It only works if it is backed up with credible deterrence.

Today we show that the United States will continue our leadership against Iranian aggression—work that must continue in the years ahead.

Madam President, I yield the floor.

Mr. BROWN. Madam President, continued implementation of the Iran nuclear agreement, known as the Joint Comprehensive Plan of Action, JCPOA, is our best shot at stopping Iran from developing a nuclear weapon. And so far at least, that agreement has been working.

The Iranians are fulfilling their JCPOA commitments. And so we must also maintain our commitment both to the letter and to the spirit of this historic agreement. Assuming Iran continues to comply, the agreement can and should last for many years. I know many have noted President-Elect Trump's negative comments about renegotiating its terms or even scrapping it outright. I suspect—at least I hope—that once he learns more about the actual national security consequences of scrapping the agreement—of which we were all reminded yesterday by CIA Director John Brennan—he may reconsider.

We know Iran is a state sponsor of terrorism, that it destabilizes the region and violates the human rights of its people. That is why Western policymakers agreed to separate out and try to secure agreement on this one discrete issue. They knew an Iran with a nuclear weapon would be especially dangerous—to us, to Israel, and to the region.

In fact, it is important to keep in mind that this whole process began in the Bush administration, with a Republican President who was—in the wake of the Iraq War—willing to engage Iran diplomatically. The Bush administration laid the foundation for what eventually became the Iran Nuclear Agreement—sanctions relief in return for strict limits on Iran's nuclear program.

In June 2008, President Bush's National Security Adviser Condoleezza Rice signed a memorandum with the P5+1, which said that, in return for Iran doing key things to limit its nu-

clear program, the U.S. was ready to recognize Iran's right to nuclear energy for peaceful purposes; treat Iran's nuclear program like any nonnuclear weapons state party to the nonproliferation treaty, if international confidence in the peaceful nature of its program could be restored; provide technical and financial aid for peaceful nuclear energy; and work with Iran on confidence-building measures, begin to normalize trade and economic relations, and allow for civil aviation cooperation.

All of this should sound familiar because it was effectively the early outline of the Iran Nuclear Agreement.

As you know, the scope of the sanctions relief provided to Iran under the JCPOA is explicitly limited to nuclear-related sanctions. The United States continues to enforce vigorously a variety of nonnuclear sanctions against Iran, including for ballistic missile violations, human rights abuses, and acts of state-supported terrorism. Our primary trade embargo against Iran remains largely intact. Thus, our ability to maintain sanctions pressure on Iran has been preserved, even as we secured an agreement to prevent a state sponsor of terrorism from acquiring a nuclear weapon.

Today we are debating a simple 10-year extension of the Iran Sanctions Act. Strictly speaking, extension of the act is not legally necessary to continue to enforce our existing sanctions against Iran. As administration officials have testified before the Banking Committee and elsewhere, the International Emergency Economic Powers Act and other authorities provide all of the tools that we would need in order to keep the pressure on Iran—or even to ratchet up the pressure incrementally, if warranted.

But I believe that extending it today is important for two reasons. First, it is a signal of our resolve to keep the heat on Iran and its leaders and to ensure that, if they stray from the agreement through any significant violations, together with our partners in Europe, we would respond forcefully—including if necessary by immediately snapback sanctions on Iran. And second, today's action will make even clearer that we will continue to enforce the nonnuclear sanctions on Iran related to terrorism and ballistic missiles and human rights violations.

As we consider extension of the Iran Sanctions Act today, I hope that we will keep in mind what is truly necessary in order to maintain our current sanctions architecture. The JCPOA was a groundbreaking agreement designed to prevent Iran from obtaining a weapon of mass destruction—but it is also a relatively new and somewhat fragile agreement. We should be very careful, going forward, not to violate the terms of the JCPOA by simply imposing under another guise the old sanctions that were waived or suspended under the nuclear agreement. If that were to happen, our success in

preventing Iran from obtaining a nuclear weapon could be unwound in a matter of weeks—or even days. And then we would be isolated internationally, instead of Iran being isolated as the outlier by the international community, as it was under the JCPOA.

Our debate today sends an important signal to Iran: We resolve to continue our fight against terrorism worldwide, to counter Iran's moves to further destabilize the Middle East region, and to impose consequences for the grave human rights abuses that, sadly, continue in Iran to this day. Of course, in addition to renewing these sanctions and maintaining tough JCPOA oversight, Congress must also continue to support robust military and other aid to regional partners like Israel. We should focus both on ensuring strict implementation of the agreement and on the most effective ways to pressure Iran's leaders to change their destabilizing behaviors in the region.

There is no question of our willingness to maintain our current Iran sanctions architecture. We can and we will continue to vigorously enforce nonnuclear sanctions against Iran. And I believe we presently have all of the tools we need to do so. I urge my colleagues to support this measure.

Mr. PETERS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### 21ST CENTURY CURES BILL

Mr. ALEXANDER. Madam President, I come today to the Senate floor to offer congratulations to the U.S. House of Representatives because last night, in an overwhelming vote, they passed what Senate Majority Leader MITCH MCCONNELL has described as the single most important piece of legislation the Congress is likely to enact this year.

I am referring to the 21st Century Cures Act, combined with the mental health bill, which is the most significant set of reforms of major mental health programs in 10 years. The Cures package is the result of bipartisan work over the last 2 years. Its purpose is to move cures and treatments through the expensive development process and the extensive regulatory process and into the medicine cabinets and doctors' offices of America more rapidly and safely at the same time. That also helps to lower costs, and we hear a great deal of talk about the affordability of prescription medicines. If it takes more than 10 or 15 years and more than \$1 billion to develop a drug, such as a treatment for Alzheimer's, that all adds to the final cost. We would like to lower that cost and speed that time up as long as we continue to do it safely.

I wish to especially compliment the chairman of the House committee that worked on this, Chairman FRED UPTON, as well as Congressman PALLONE and Congresswoman DEGETTE, Democratic Members of the House of Representatives. They have worked with Senator MURRAY, the ranking Democrat on the Senate's HELP Committee, and with me for the last 2 years on a very complex but very important bill.

Part of the bill has to do with money, and one part of that is \$1 billion of funding for State grants for opioids. Now, I suspect one reason there was such a large vote in the House of Representatives yesterday—only 26 Members voted no and 392 voted yes—was because of this \$1 billion for opioids. At least in Tennessee—and I am sure it is true in most States of the country—there is no more urgent epidemic than opioid misuse. It is filling up the courts. It is filling up the jails. It is filling up the hospitals. It is causing tragedies in families all across America.

The Senate passed important legislation earlier this year on programs authorizing new money, but this is the money for State grants to Iowa, to Tennessee, to California, and to every State to help deal with the opioid epidemic abuse. So I suspect that one reason so many Members of the House voted yes yesterday and so few voted no would be that it would be pretty hard to explain a “no” vote against \$1 billion of State grants for opioid abuse.

There is also \$4.8 billion of funding for the National Institutes of Health, which Francis Collins, the distinguished Director, calls the “national institutes of hope.” and there is \$1.8 billion for the Cancer Moonshot led by Vice President BIDEN. There is \$1.4 for the Precision Medicine Initiative, or personalized medicine initiative, a special project of President Obama, and \$1.6 billion is for the BRAIN Initiative. There are remarkable advances being made in the ability to identify Alzheimer's before symptoms are evident and then to slow its progression. It is hard to imagine how much grief that would end and the billions it would save if we could do that. So those are other reasons why there are only 26 Members of the House of Representatives who voted no yesterday and 392 who voted yes.

The Mayo Clinic has sent a letter to me:

On behalf of the Mayo Clinic, I write in enthusiastic support of the 21st Century Cures Act and salute your strong, bipartisan leadership on this essential legislation.

We are pleased to see the inclusion of dedicated streaming funds for the Food and Drug Administration and National Institutes of Health. . . .

I ask unanimous consent that this letter be printed in the RECORD following my remarks.

So next Monday the Senate will have a chance to see whether we can do as well as the House of Representatives. I ask my colleagues to think long and

hard about a big vote. We need a big vote. Let me give my colleagues one reason especially why. This \$6.3 billion that is in the 21st Century Cures bill is designated for opioids, for precision medicine, for cancer, for brain, and for FDA, and it has to be approved every year by a vote. That is the way our appropriations process works. I would say to my Democratic friends as well as to my Republican friends that if you are concerned about whether the \$6.3 billion will be available next year and the next year, the best way to ensure that it is will be to cast a big vote on Monday for it this year, because it will be very hard to explain, if you vote for \$6.3 billion this year spread over the next few years, why you did not vote to support it next year and the following year.

The big vote in the House should give assurance to Democrats as well as Republicans in the Senate that these are real dollars, that they are provided in a fundamentally responsible way. To Republicans who look at the \$6.3 billion and say: I like the idea of funding opioids; I like the idea of improving funding for the National Institutes of Health, let me say that this is done in a responsible way.

Speaker RYAN, who everybody knows is a conservative budget hawk, created the mechanism for this funding. It was approved by TOM PRICE, the House Budget Committee chairman. It goes like this: \$6.3 billion over the next several years for these dedicated purposes. It can only be spent for those purposes. It has to be approved every year. It does not increase the overall spending of the budget by one penny because it is offset by reductions in mandatory spending on the other side. So \$6.3 billion up here and \$6.3 billion down there over the next 10 years.

So this is a compromise, but it is a magnificent compromise. It is, as Senator MCCONNELL has said, the most important piece of legislation we will deal with this year. The House passed it with a huge bipartisan vote: 392 to 26. I hope that we in the Senate do just as well next Monday because the real winners will be the American people as they look forward to treatments for Alzheimer's, for cancer, a vaccine for Zika, a non-addictive pain medicine that will help deal with the opioid misuse epidemic, and regenerative medicine, which may help restore hearts and perhaps even eyesight in miraculous ways.

This is truly an exciting time, and this is truly an effective piece of legislation that deserves our support by coming to the floor on Monday and then by passing it on Tuesday or Wednesday.

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

MAYO CLINIC,

Rochester, MN, November 30, 2016.

Sen. LAMAR ALEXANDER,  
Washington, DC.

DEAR SENATOR ALEXANDER: On behalf of Mayo Clinic, I write in enthusiastic support

of the 21st Century Cures Act and salute your strong, bipartisan leadership on this essential legislation.

Efforts to advance biomedical innovation and accelerate the development and delivery of cures are of great importance to Mayo Clinic and our patients. We are pleased to see the inclusion of dedicated funding streams for the Food and Drug Administration and National Institutes of Health—including funds for research efforts such as the President's Precision Medicine initiative, the Vice President's Cancer Moonshot, and the BRAIN initiative to speed diagnosis and treatment of conditions such as Alzheimer's disease.

In addition, provisions to promote administrative streamlining, telehealth efforts and mental health reform are also of critical importance in allowing Mayo Clinic physicians and researchers to provide the best possible care to patients.

Mayo Clinic is grateful for your leadership, wholeheartedly supports this comprehensive legislation and looks forward to this innovative effort being signed into law, and we pledge to be a committed partner in its implementation. Thank you.

With best regards,

JOHN H. NOSEWORTHY, M.D.,

President & CEO.

Mr. ALEXANDER. Madam President, I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### WASTEFUL SPENDING

Mr. COATS. Madam President, today marks the 54th version of “Waste of the Week”—54 times I have been down here in the Senate to highlight documented examples of waste, fraud, and abuse. When I first started this endeavor, I told my staff: I hope we can reach \$100 billion or so—some target. Do you think there is that much waste, fraud, and abuse floating around through the Federal Government?

Well, we hit that \$100 billion a long time ago—I think about the 20th week—and we now have moved to a pretty staggering number, which is more than one-third of a trillion dollars of waste that has been documented by independent agencies of the government that are supporting us with information as to why this money should not have been spent or how it was wasted or lost through fraud or abuse.

I have had a number of serious issues here that run into the billions of dollars that could easily be fixed. Some of them we started by pointing this out with legislation to try to fix these things, but it just keeps piling on here. So every once in a while, I throw in something so ridiculous, people will understand the fact that there may have been some benefit to that program—we don't understand what the benefit was—but surely these ridiculous examples of money spent, hard-

earned tax money spent, are not used for this purpose. Tell me it is not true. Unfortunately, it is true. So today I am adding two more examples of something where people say: How can this be possible? The total ends up at about another \$1.5 million.

One of the studies funded by grants from the National Science Foundation totaled \$1.3 million. The researcher's application stated they would use the grant funds to examine a variety of factors, one of which was, how does humidity affect the heat that we feel? So, you know, if you go to Florida and it is 90 degrees, you have to shower three times a day. You are sweating, and it feels like it is 110, but the temperature says 90. If you go to Arizona and it is 90 degrees, you don't have to take a shower at all because you can go out and take a run, and it is so dry, you don't feel that heat you would feel in Florida.

I have the same situation in Indiana. Northern Indiana is up near the Great Lakes. It is much cooler and has lower humidity than Southern Indiana, which lies down along the Ohio River. So it can be the same temperature down in southern Indiana as northern Indiana, but people really feel that it is different.

I think we all know this. We have all experienced this through summers, through dry days and through humid days. But, no, the National Science Foundation said: We need a study. Let's give a grant for someone who has made an application—\$1.3 million—to see if we can prove that humidity makes it feel as though it is a lot hotter.

So that is what they did. Folks, I can't make this up. This is true. In their initial study, they took beer cans and koozies. Do you know what koozies are? Koozies are those things that you wrap around a cold bottle of Coca Cola or a cold bottle of beer or a can of this or that in order to keep it cold. They put these beer cans in koozies to see if that would be successful in moderating the humidity or what it would do to it.

The researcher's initial round of testing was done in a basement bathroom, where researchers adjusted the temperature and humidity by turning on a hot-water shower and a space heater.

Now, you think, OK, NSF gave us \$1.3 million to try to put a study together. You would think they would go to some kind of lab and get sophisticated equipment and so forth. Instead, they went down into the basement bathroom, shut the door, and turned on the shower, hot water. That wasn't enough, so they put a space heater in there to heat it up. Guess what. The koozies worked.

Well, when you go buy a product this winter at Christmastime, everybody is going to go out and buy stuff. Companies will test something that they want to sell, that they think is going to be bought by the American people. They are successful. Do we have to provide a government grant to help deter-

mine whether this works? Can't we just go to the company and say: Hey, you developed this. What were your studies? What did you learn?

Anyway, that was \$1.3 million. I think we have a photo. Here it is. Here, essentially, is what \$1.3 million bought. They got a little something to measure with, and they put a can over this—looks like Gatorade or some kind of Powerade or whatever. I suppose the money went to buy some of this equipment here to test that. But does the taxpayer have to do this? Is \$1.38 million of money taken from taxpayers' paychecks—is that what it is used for? Well, I guess this is great news for beverage drinkers, but it is mind-boggling that we spend that kind of money.

The second thing I would highlight here is another study, this one by DARPA. DARPA is the Federal Defense Advanced Research Projects Agency. For over 50 years—and I admire this Agency—it has done a lot of good things. This little-known Agency states that it is held to a singular and enduring mission that is on their literature: to make pivotal investments in breakthrough technologies for national security purposes. That is a needed, essential use of Federal dollars, to make sure that our warfighters have the kind of equipment and have the kind of research backing up what they are doing. So that is a legitimate expenditure. But why did DARPA decide that understanding why coffee sometimes spills when you are walking is a matter of national security? Now, maybe if the coffee is hot and it gets on the soldier's hands or whatever—the Presiding Officer has had military experience. I am not sure that, as someone in command, you would authorize a study to see that if you were moving when you had a cup of coffee in your hand, you were more likely to spill the coffee than if you were standing still. Trust me, folks—that is what this study was all about. Here was the conclusion of the study: To prevent a spill, you need to pay attention to your coffee while you are walking because the movement might result in a spill.

Now, a confession here. On my way to work—I drive in from Virginia. I have to go by a bakery shop on Lee Highway. I slip in there every morning—it has now become a habit; I have gotten to know the people—for a donut and a cup of coffee. But I don't want to waste time trying to get to work, so I jump into the car and eat the donut and drink the coffee while I am trying to deal with traffic in Washington and get over the bridges and get to work. I have noticed over time that if I have to put the brakes on a little hard or start a little fast or make a quick turn, my coffee spills out of the cup. So all they would have had to do was to buy my coffee, and I could have proved to them that movement would require liquid to move also, and if they are worried about coffee spilling out of the cup, I could have proved that, and all they had to do was buy me a donut and a cup of coffee.

Where does all of this come down? Where this all comes down is the fact that we are nearly \$20 trillion in debt. We cannot balance our budget. We spend more every year than we take in. We have to go out and borrow that money, on which we then have to pay interest. By the way, interest rates are going up. When we are in this kind of a fiscal situation, can we not at least, as a body, stop this waste, fraud, and abuse and these stupid expenditures and ridiculous expenditures of taxpayer money?

This here is just a drop in the bucket. We have much bigger things to do to save taxpayers' dollars. But at the very least, could we not address the waste, abuse, and fraud that is taking place? I have offered legislation on a number of ways to do that.

I know the majority leader is moving to the floor here and I need to wrap up, so I will. At the end of 54 times down here on the Senate floor, we have a total of \$351,587,239,536 of documented, certified waste, fraud, and abuse. We wonder why the American people are fed up with the status quo of what is happening here in Washington.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2015

Mr. McCONNELL. Madam President, I ask the Chair to lay before the body the message to accompany H.R. 34.

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. 34) entitled "An Act to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes", with an amendment.

#### MOTION TO CONCUR

Mr. McCONNELL. Madam President, I move to concur in the House amendment to the Senate amendment to H.R. 34.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk on the motion to concur.

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 motion to concur in the House amendment to the Senate amendment to H.R. 34, an act to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes.

Mitch McConnell, Johnny Isakson, Bob Corker, Richard Burr, Pat Roberts,

Roy Blunt, Thom Tillis, Lindsey Graham, Lamar Alexander, John Cornyn, Chuck Grassley, Michael B. Enzi, John Barrasso, Shelley Moore Capito, John McCain, Bill Cassidy.

MOTION TO CONCUR WITH AMENDMENT NO. 5117

Mr. MCCONNELL. Madam President, I move to concur in the House amendment to the Senate amendment to H.R. 34, with a further amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to the Senate amendment to H.R. 34 with an amendment numbered 5117.

Mr. MCCONNELL. Madam 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:

At the end add the following:

“This Act shall take effect 1 day after the date of enactment.”

Mr. MCCONNELL. Madam President, I ask for the yeas and nays on the motion to concur with the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5118 TO AMENDMENT NO. 5117

Mr. MCCONNELL. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5118 to amendment No. 5117.

Mr. MCCONNELL. 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:

Strike “1 day” and insert “2 days”.

MOTION TO REFER WITH AMENDMENT NO. 5119

Mr. MCCONNELL. Madam President, I move to refer the House message on H.R. 34 to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith an amendment numbered 5119.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message on H.R. 34 to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with an amendment numbered 5119.

The amendment is as follows:

At the end add the following:

“This Act shall take effect 3 days after the date of enactment.”

Mr. MCCONNELL. Madam President, I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5120

Mr. MCCONNELL. Madam President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5120 to the instructions of the motion to refer H.R. 34.

Mr. MCCONNELL. 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:

Strike “3 days” and insert “4 days”.

Mr. MCCONNELL. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 5121 TO AMENDMENT NO. 5120

Mr. MCCONNELL. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 5121 to amendment No. 5120.

The amendment is as follows:

Strike “4” and insert “5”.

Mr. MCCONNELL. Madam President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the motion to concur occur at 5:30 p.m. on Monday, December 5.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### IRAN SANCTIONS EXTENSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 6297, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6297) to reauthorize the Iran Sanctions Act of 1996.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. ISAKSON. 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 bill clerk called the roll.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—99

Alexander	Fischer	Murphy
Ayotte	Flake	Murray
Baldwin	Franken	Nelson
Barrasso	Gardner	Paul
Bennet	Gillibrand	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Booker	Hatch	Reed
Boozman	Heinrich	Reid
Boxer	Heitkamp	Risch
Brown	Heller	Roberts
Burr	Hirono	Rounds
Cantwell	Hoeben	Rubio
Capito	Inhofe	Sasse
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Kaine	Scott
Cassidy	King	Sessions
Coats	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Sullivan
Corker	Lee	Tester
Cornyn	Manchin	Thune
Cotton	Markey	Tillis
Crapo	McCain	Toomey
Cruz	McCaskill	Udall
Daines	McConnell	Vitter
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Enzi	Mikulski	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	Wyden

NOT VOTING—1

Sanders

The bill (H.R. 6297) was passed.

#### TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2015—Continued

The PRESIDING OFFICER. The Senator from Georgia.

FILLING THE SUPREME COURT VACANCY

Mr. PERDUE. Mr. President, I rise to discuss the vacancy of the U.S. Supreme Court.

We have been on this issue and what needs to happen next year when our next President is sworn in. For months this year, I and other Members of this body held our ground in saying that the American people deserve a voice in this process. We talked about how the integrity of the advice and consent process, clearly outlined in article II, section 2 of the U.S. Constitution, was at stake. We outlined years of precedent against nominating and confirming a Supreme Court Justice during a Presidential election cycle.

The last time a vacancy arose and a nominee was confirmed in a Presidential election year was 1932, and 1888 was the last Presidential election year in which a Justice was nominated and confirmed by a divided government. Confirming a nominee to the U.S. Supreme Court should never be distorted by political theater of a Presidential election cycle. This is a bipartisan position. Both parties have said at different times in the past decade or so what I and many colleagues on this floor have said just this year.

Since day one, I have consistently said that no Supreme Court nominee

should be considered for the Supreme Court or considered by the Senate before the next President is sworn in. That also meant no consideration during the lameduck, either, no matter the outcome of the election. You can't have it both ways. This was my position before the election. This is still my position today. It was and is about the principle, not the individual. As an outsider to the political process, this was a logical and an easy position to take from the very beginning. The process for nominating and confirming a Justice to the U.S. Supreme Court is enshrined in our Constitution.

The hyperpartisanship and politics of a Presidential election cycle should have absolutely no place in this process. Confirming any individual to a lifetime appointment to the U.S. Supreme Court must rise from that kind of political posturing. It must be above any political theater.

Furthermore, as I said previously, the American people deserved a voice in this process. Election day was not only about changing the direction of our country, but it was also a referendum on the ballots of the Supreme Court for generations to come.

Our decision to withhold consent on any Supreme Court nominee, until after a new President is sworn in, protected the integrity of the advice-and-consent process from political games in a heated Presidential campaign cycle. That decision was entirely within the rights and responsibilities of the Senate, as outlined in the Constitution.

We did our job, and next year we are going to continue to do that job of advice and consent as we consider the next nomination for the Supreme Court. With a new President sworn in, it will be time for the Senate to confirm a nominee to the U.S. Supreme Court. The election is over. The people have spoken. Americans have elected a new President. They chose a new direction.

I urge Members of this body to listen to them, and I urge this body to remember the integrity of the process. I also look forward to learning from whomever President-Elect Trump nominates to serve on the Supreme Court and having the opportunity to vote on his or her confirmation.

I yield my time.

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. MORAN. 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. MORAN. Mr. President, since my arrival in the U.S. Senate a few years ago, I have been a proponent and advocate and have attempted to champion an issue many in the Senate care about; that is, the desire to increase America's investment in medical research, increase the likelihood of out-

comes that are desirable in improving every American's well-being, and end the pain and heartache that comes with diagnoses that often end in difficult lives and ultimately death. We have worked hard as a Senate on this issue.

I serve on the Appropriations Committee with the Presiding Officer. I serve on the appropriations subcommittee that funds the National Institutes of Health, and from my vantage point, it is clear to me that we have made a significant investment in increasing the amount of dollars that taxpayers pay to try to find those cures for cancer, eliminate the onset of Alzheimer's, help with diabetes and mental health issues.

Leadership has been busy for a number of months, and that hard work will culminate with a vote next week on the 21st Century Cures Act. It is an important component of this medical innovation I find so necessary for the benefit of Kansans, Americans, and for people who live around the globe.

This Cures Act invests in the future of our country by providing a significant increase in Federal support for lifesaving biomedical research that will simply impact the life of every American—certainly every American family. These important investments range from increasing the funding at the National Institutes of Health, advancing the precision medicine initiative, funding important cancer research through the cancer Moonshot, and supporting the BRAIN Initiative to improve our understanding of diseases like Alzheimer's.

There are also provisions that will accelerate the FDA approval and drug development process as well as fight opioid abuse and suicides.

The subcommittee the Presiding Officer and I serve on in the Appropriations Committee, or the subcommittee that deals with agriculture and the Food and Drug Administration, wants to give the FDA the tools necessary to accelerate the process by which lifesaving drugs and devices are available for Americans and citizens around the globe.

Under the 21st Century Cures Act, the National Institutes of Health will receive a significant dollar investment increase over the next 10 years. We know that will drive research forward to develop a greater understanding of rare diseases. We often think about NIH as dealing with those major afflictions—cancer and Alzheimer's and diabetes—but many Americans unfortunately suffer from rare diseases, and we want to help find the treatments that are patient-centric that treat rare diseases as well.

This funding will send a message that we acknowledge the benefits of NIH research in a strong bipartisan way. This funding will also work in tandem with those increases that we have provided at NIH through the normal annual appropriations process.

We have always given NIH the ability to prioritize their research that could

result in the biggest bang for the buck, the most lifesaving opportunities, but obviously the more resources NIH has, the more opportunities they have to find those cures and advancements in treatments.

This effort also supports the best and brightest among us—those researchers and scientists. I want young Kansans to have a future, if they are interested in science and mathematics and engineering and research, and an opportunity to pursue those careers, hopefully in our State, but certainly in this country. We want the United States to continue to be at the forefront of medical research and within the realm of science and engineering as well. This is an economic engine for our Nation. It can be and is an economic engine for my State. The Cures Act accelerates those opportunities for young people and others across the country who want to devote their lives toward a noble cause of making life longer, greater longevity, but also with fewer challenges and afflictions that come to many people who encounter disease.

The burdens of diseases like Alzheimer's, cancer, stroke, and mental illness can be lessened through research. A long time ago, well before the Affordable Care Act and ObamaCare, I sat down and put my thoughts on paper as to what we should do to try to reduce the cost of health care in this country. What can we do to reduce the price people have to pay to be insured? That list is long. In my view, the way to do this is incremental, but one of those increments is to invest in medical research. The amount of money that we can save if we can find the cure for cancer, if we can find the delay for the onset of Alzheimer's, is certainly in the billions of dollars, and the investment in medical research helps us to save health care dollars, therefore helping us to make health insurance more affordable for all Americans. It certainly is an investment in economics, it is an investment in the ability to save money, as well as what we know about saving lives and making treatments available to people who otherwise would have less life enjoyment as a result of disease.

New scientific findings are what yields breakthroughs that enable us to confront the staggering challenges of disease and illness, and we can do that through the Cures Act and the efforts we have made over the last several years to make certain that NIH has additional resources.

When it comes to cancer, half of all men and a third of all women in the United States will develop cancer in their lifetime. This bill includes the Cancer Moonshot provision for \$1.8 billion of funding. It seeks to combat those statistics to reduce the chances that somebody encounters cancer in their lives and to reduce the costs associated with it. This research will focus on accelerating cancer research and make more therapies more available to

more people, to a wider range of patients, and improve our ability to detect cancers at earlier stages of its development and, hopefully, prevent that disease altogether.

So cancer is front and center with the Moonshot and the Cures Act.

For the Food and Drug Administration, an agency that I have learned more about in the last couple of years and have taken a greater interest in, we need to have reforms that are included in the Cures Act that target speeding up the FDA's approval of new medicines and medical equipment.

Pharmaceuticals have become a significant portion of how we treat disease. It used to be in the early days of my life, and certainly in my parents' lives, that you went to the doctor and you were examined and you may be admitted to the hospital. So often today you are examined, and you are given a prescription. It is a way now that we treat patients. We have today a wider variety of opportunities that pharmaceuticals provide, and we need to make certain that the FDA has the resources, has the right mentality, the mindset—is not a bureaucratic organization—that can advance the production of new drugs available to treat Americans with a wide array of options. This legislation brings a patient-focused view to drug development that will be so relevant in the process of bringing forward the things we need to cure and treat Americans.

Opioids have been a topic of conversation of this Senate for a number of months—for the last several years, in fact—and, unfortunately, millions across the country struggle with an addiction to opioids. It is a heartbreaking reality. The Presiding Officer and I come from rural States. We wish we could say that our States are immune, that it is a problem for folks in the cities or suburbs or someplace else. But, unfortunately, opioids and other drug addictions are a significant component of the challenges we face at home. We include in the Cures bill additional dollars to address the addiction issue, including prevention and treatment, prescription drug monitoring programs, and efforts to reform our current system.

It is important that this legislation pass as a followup to the Comprehensive Addiction and Recovery Act, which I voted for earlier this year, to try to stop the spread of opioid abuse in communities across the country.

I have started paying more attention to mental health issues at home as well, visiting our community mental health centers, visiting our State and mental health hospitals. We need to make certain that in our efforts to focus on health care, we have an appropriate prioritization of mental health as well. The 21st Century Cures Act takes steps forward in that regard in providing solutions for more than 11.5 million American adults who live with mental illness that is considered disabling. Important sections of the Help-

ing Families in Mental Health Crisis Act, which represents some of the most significant reforms to the mental health system in more than a decade, are included in the Cures Act. These efforts are aided by establishing a new Assistant Secretary for Mental Health and Substance Abuse at the Department of Health and Human Services, and we are hopeful that this person will help us coordinate direct funding and remove the regulatory barriers that hold back our abilities to find treatment and cures and care for people who suffer from mental illness.

Suicides are a significant problem. The Presiding Officer and I serve on the Veterans' Committee together, where suicides by veterans are an ever-present problem. Twenty-two veterans a day commit suicide. Our efforts at focusing research and treatment in regard to mental health can help save the lives of those who sacrificed so much for us and comfort their families and avoid disasters and tragedies that occur way too often.

There are a couple of provisions that were included in this legislation as it works its way through the Senate. I am supportive of many of those related to rural health care. For my time in Congress, I have been an active member of the rural health care caucus. I represent a State that has 127 hospitals in communities across our State. Those hospitals provide health care and jobs for people in rural America. Rural Kansans have paid into FICA and Social Security taxes and deserve to have the attention they need for treating individuals who choose to live in rural America, in keeping those hospital doors open, keeping physicians in our communities, and keeping the pharmacy open on Main Street. Those are things that matter greatly to me.

Unfortunately, the Centers for Medicare & Medicaid Services, a component of the Department of Health and Human Services, often creates rules and regulations that make no sense in the places that the Presiding Officer and I come from. So I am supporting a couple of things in particular that are included in this bill. We had a regulation that came from CMS—the Centers for Medicare & Medicaid Services—generally called physician supervision. Its enforcement is delayed 1 year in the Cures Act. I am the sponsor of legislation to rid us of that regulation permanently, but it is a benefit for us to have it out of the system for another year as we work to find that permanent solution. But the idea that there must be a physician present in certain circumstances—it is difficult for us to have a physician on site in a room with a patient in every circumstance, and our mid-levels and others are important to us in rural communities in particular. That delay is something we have worked hard on, and I am pleased to see that we were successful in getting it included in this legislation.

Many of those hospitals that I mentioned in Kansas—127 hospitals in our

State, 80-plus—90 or so—are what are called critical access hospitals, which is a special designation that allows them a so-called cost-based reimbursement. When I was in the House of Representatives, I authored legislation that created an opportunity to expand the critical access hospital designation to hospitals that are slightly larger and that wouldn't otherwise meet the criteria, which is 25 beds or less. There is a demonstration project, a pilot program that has been operating in the country for the last 5 years, trying to determine what cost-based reimbursement would mean for hospitals that are slightly larger than 25 beds. That demonstration project is expiring. Fortunately, language in the Cures Act extends that community health demonstration project—something, again, we have worked hard to make certain happens. I am pleased that the lead sponsors of this legislation were amenable to our request to include these provisions.

I would conclude by saying the United States has a responsibility to continue our leadership in providing medical breakthroughs that will help change the world, and certainly change people's lives, to develop those cures and treat diseases, and we must commit ourselves to significant support for research that is supported in legislation just like the 21st Century Cures Act. This legislation has the capacity to benefit millions of Americans suffering from chronic diseases. It can help our grandparents, our children, our lifelong best friends, and we can avoid the tragedy that comes with a diagnosis that often ends in death. People's lives depend upon the decisions we make, and this is a decision we can make that will benefit many Americans and their families.

Our researchers must be able to rely on consistent, sustainable funding support from Congress; otherwise we will lose the best and brightest, and we will lose men and women who think maybe they want to be a researcher and find a cure for a disease, but because of their uncertainty as to whether or not their research might get funded or whether the funding is going to be there next year—they get it, but they are uncertain as to whether it will continue. We don't want to lose those bright minds and noble colleagues, people across our country who might enter into the profession of medical research to help find ways to meet the needs of Americans and their health care.

NIH-supported research has raised life expectancy, improved the quality of life, and lowered overall health care costs. This legislation strengthens that circumstance and allows us to better remain globally competitive in the arena of medical research. The 21st Century Cures Act is a powerful statement by Congress, but, more important than being a statement, it is something that will actually make a difference in the future of the people that we care about.



I commend the efforts by many Senators and Members of the House to make certain that this legislation arrives here in the Senate before there is a recess for the holidays. It will be a strong statement, but, more importantly, we expect significant results and the improvement of people's lives across the Nation and around the globe.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### ANTI-SEMITISM AWARENESS ACT OF 2016

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 10, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 10) to provide for the consideration of a definition of anti-Semitism for the enforcement of Federal antidiscrimination laws concerning education programs or activities.

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

Mr. CASEY. Mr. President, I rise today, along with my colleague from South Carolina, to talk about a bill we have introduced entitled the "Anti-Semitism Awareness Act of 2016."

Let me say first that I wish we were living in a time where we would not have to introduce legislation like this, but unfortunately what we have seen over a long period of time—and I think a problem that is getting worse—is the rising tide of anti-Semitism in substantial sectors of our society. We have, in fact, a rise in the incidence of religious discrimination and religiously motivated hate crimes. To say that is unacceptable, even un-American, is an understatement.

We have to take action at long last to do what we can in the U.S. Senate, and I hope in the House as well, to not just speak out against anti-Semitism but to take action which will lead to a better strategy to deal with it. What do I mean by that? Well, it is simple. It is about definitions, and it is about making sure that Federal agencies, such as the Department of Education, do their job when it comes to combating anti-Semitism. We know that one piece of legislation is not somehow going to magically eradicate anti-Semitism. We don't have that naive hope. But what we do believe is that if we don't take action, this problem is only going to get worse.

Some of the problem, frankly, is on our college campuses, and I know that

is true, unfortunately and regrettably, in my home State of Pennsylvania. We don't have time to list every incident, every action, every terrible example of this, but I will just provide one for the record.

In September, students at Swarthmore College in Pennsylvania—one of our great institutions of higher education not only in Pennsylvania but across the country—Swarthmore is a great school, but here is what they found. They found swastikas spray-painted in a bathroom in the library. The college leadership did the right thing in swiftly condemning these actions and removing the graffiti, and I am glad they did that.

I can only try to imagine—and I can literally only try to understand because I have never been the victim of this kind of hate—the horror that was experienced by those students and their families. A person comes to a college or a university as a place where they are going to learn and grow and live in a community, and then there are people—for whatever reason, and I will never understand the reason anyone would do that—painting those images and using language and taking other actions that discriminate against people because of who they are. We have to be not just concerned about this, as I said, but we have to figure out a way to take action.

This particular piece of legislation is aimed at a terrible manifestation of this problem. When anti-Semitic views lead to discrimination against students of Jewish faith or Jewish ancestry, that is the result, and they are the victims of this. The intent here is simple and narrowly circumscribed to make sure we are getting at the problem as best we can to define anti-Semitism at long last—this hasn't been done before—to define anti-Semitism so that the Department of Education can effectively investigate allegations of discrimination motivated by anti-Semitism under the Civil Rights Act. The bill does not infringe on the First Amendment. It does not infringe on those rights of free speech. It is intended to help protect students from discrimination on the basis of their faith.

We all agree that religious discrimination has no place on campuses, has no place in our society, and we have to do more than just speak out against it. That is fundamental, but we can do more than just speak out; we can define it and thereby give in this case one Federal Government agency one tool it needs to deal with this issue. This is a bill which is timely not only because of what is happening on college campuses but unfortunately what has happened in too many parts of our society. We want to make sure the Department of Education has at least one of those tools to deal with this problem.

Because of the nature of this problem, we have people on both sides of the aisle here who are very concerned about it. I am particularly grateful

that I am joined by my colleague from South Carolina, Senator SCOTT, who is joining with me. We are a Democrat and a Republican from different parts of the country and a different point of view on a lot of issues. On this issue we are unified, and we have a solidarity about not just the problem, but there is a solidarity and a consensus about one of the things we can do to take action on this issue.

I am grateful to be joined by my colleague from South Carolina.

I yield the floor to him.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, I thank Senator CASEY for joining me on the floor.

There is no question that much of our country yearns for a day when Republicans and Democrats come together on issues that impact who we are as a nation. I am thankful that Senator CASEY has joined me in this objective of making sure hate is pushed out of this Nation every single day.

Today I come to speak about an alarming issue—the issue of hate. It truly tears at the very fabric of our great Nation and should inspire all of us to stand up and be counted on the side of justice, on the side of common sense, and on the side of making sure this great American family remains one Nation.

Over the past several years, there has been a sharp rise in religiously motivated hate crimes, particularly on our college and university campuses all over America. According to the FBI, close to 60 percent of these crimes were due to anti-Jewish sentiments. From 2014 to 2015, we saw the number of reported incidents double. Let me say that one more time. In a year, we saw a doubling of the incidence of religious discrimination on college campuses, and the vast majority of those issues and situations focused on the Jewish community. There were 90 anti-Jewish incidents reported at 60 schools last year, compared with 47 incidents on 43 campuses just the year before. These numbers are staggering.

Senator CASEY noted that there have been college campuses and buildings on college campuses where we have seen swastikas. We have heard protests that call for Zionists to leave the school, and we have heard references being made to burning in Auschwitz. I am stunned and saddened by the careless and hateful reminders of such an incredibly dark and daunting time in our world's history, but I also feel empowered and committed to taking a stand against hate. No one, not a single person should ever have to experience being singled out because of who they are or attacked based on the religion they choose to follow. There is simply no place in our country for this kind of intolerance, especially not in our country, the greatest country on Earth.

As citizens of this great Nation, it falls on us to stand up and do more to protect our students from being targeted by any form of hate and bigotry.

It is important that we work together to stamp out anti-Semitism and other forms of religious discrimination. Our students should be able to go to school, to grow, to learn, and to develop without having to worry about being discriminated against. Although the Department of Education's Office of Civil Rights has stated that they will not tolerate incidents such as these, there exists a lack of firm guidance on what constitutes anti-Semitic acts. That is why Senator CASEY and I stand before you today to introduce the bipartisan Anti-Semitism Awareness Act. We have come together to ensure that the U.S. Department of Education has the necessary tools at their disposal to investigate anti-Jewish discrimination.

Our proposed legislation uses the very definition of anti-Semitism adopted by the U.S. State Department's Special Envoy to monitor and combat anti-Semitism. This important clarification will provide necessary direction to assist officials and administrators to understand when anti-Semitic activities are occurring. By clarifying exactly what anti-Semitism is, we will leave no question as to what constitutes an illegal anti-Semitic incident.

As we seek to tackle this concerning issue, it is important to note that this act will in no way infringe on any individual right protected under the First Amendment of the Constitution. I think we have to emphasize that. Our legislation in no way, shape, or form infringes upon any individual rights protected under the First Amendment of the Constitution. It simply and specifically provides clarity on the definition that the Department of Education can and will use for defining anti-Semitic acts.

We must act now. This increase in religiously motivated hate crimes must be addressed. It must be addressed by the entire American family, and it ought to start here. We will come together because we will not allow others to tear us apart. We must hold to the ideals that our Nation was founded on and promote freedom of religion. We must protect that freedom and encourage it. We must—as a Nation, as an American family—call out hate wherever and whenever we see it.

I thank Senator CASEY for his involvement and leadership on such an important issue.

I yield the floor.

Mr. PORTMAN. Mr. President, I would like to thank Senators SCOTT and CASEY for their work on the anti-discrimination legislation, particularly as it relates to anti-Semitism. I support them in that effort and look forward to getting something done in Congress to help address the definition of anti-Semitism for the Department of Education.

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

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

The bill (S. 10) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 10

*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 "Anti-Semitism Awareness Act of 2016".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Title VI of the Civil Rights Act of 1964 (referred to in the section as "title VI") is one of the principal antidiscrimination statutes enforced by the Department of Education's Office for Civil Rights.

(2) Title VI prohibits discrimination on the basis of race, color, or national origin.

(3) Both the Department of Justice and the Department of Education have properly concluded that title VI prohibits discrimination against Jews, Muslims, Sikhs, and members of other religious groups when the discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics or when the discrimination is based on actual or perceived citizenship or residence in a country whose residents share a dominant religion or a distinct religious identity.

(4) A September 8, 2010 letter from Assistant Attorney General Thomas E. Perez to Assistant Secretary for Civil Rights Russlynn H. Ali stated that "[a]lthough Title VI does not prohibit discrimination on the basis of religion, discrimination against Jews, Muslims, Sikhs, and members of other groups violates Title VI when that discrimination is based on the group's actual or perceived shared ancestry or ethnic characteristics".

(5) To assist State and local educational agencies and schools in their efforts to comply with Federal law, the Department of Education periodically issues Dear Colleague letters. On a number of occasions, these letters set forth the Department of Education's interpretation of the statutory and regulatory obligations of schools under title VI.

(6) On September 13, 2004, the Department of Education issued a Dear Colleague letter regarding the obligations of schools (including colleges) under title VI to address incidents involving religious discrimination. The 2004 letter specifically notes that "since the attacks of September 11, 2001, OCR has received complaints of race or national origin harassment commingled with aspects of religious discrimination against Arab Muslim, Sikh, and Jewish students."

(7) An October 26, 2010 Dear Colleague letter issued by the Department of Education stated, "While Title VI does not cover discrimination based solely on religion, groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith. These principles apply not just to Jewish students, but also to students from any discrete religious group that shares, or is perceived to share, ancestry or ethnic characteristics (e.g., Muslims or Sikhs)."

(8) Anti-Semitism remains a persistent, disturbing problem in elementary and secondary schools and on college campuses.

(9) Jewish students are being threatened, harassed, or intimidated in their schools (including on their campuses) on the basis of their shared ancestry or ethnic characteristics including through harassing conduct that creates a hostile environment so severe, pervasive, or persistent so as to interfere

with or limit some students' ability to participate in or benefit from the services, activities, or opportunities offered by schools.

(10) The 2010 Dear Colleague letter cautioned schools that they "must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and its effects, and prevent the harassment from recurring," but did not provide guidance on current manifestation of anti-Semitism, including discriminatory anti-Semitic conduct that is couched as anti-Israel or anti-Zionist.

(11) The definition and examples referred to in paragraphs (1) and (2) of section 3 have been valuable tools to help identify contemporary manifestations of anti-Semitism, and include useful examples of discriminatory anti-Israel conduct that crosses the line into anti-Semitism.

(12) Awareness of this definition of anti-Semitism will increase understanding of the parameters of contemporary anti-Jewish conduct and will assist the Department of Education in determining whether an investigation of anti-Semitism under title VI is warranted.

**SEC. 3. DEFINITIONS.**

For purposes of this Act, the term "definition of anti-Semitism"—

(1) includes the definition of anti-Semitism set forth by the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State in the Fact Sheet issued on June 8, 2010, as adapted from the Working Definition of Anti-Semitism of the European Monitoring Center on Racism and Xenophobia (now known as the European Union Agency for Fundamental Rights); and

(2) includes the examples set forth under the headings "Contemporary Examples of Anti-Semitism" and "What is Anti-Semitism Relative to Israel?" of the Fact Sheet.

**SEC. 4. RULE OF CONSTRUCTION FOR TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.**

In reviewing, investigating, or deciding whether there has been a violation of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) on the basis of race, color, or national origin, based on an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, the Department of Education shall take into consideration the definition of anti-Semitism as part of the Department's assessment of whether the alleged practice was motivated by anti-Semitic intent.

**SEC. 5. CONSTITUTIONAL PROTECTIONS.**

Nothing in this Act, or an amendment made by this Act, shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States.

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

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

TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2015—Continued

TRIBUTE TO TRECIA BICKFORD MCEVOY

Mr. TESTER. Mr. President, I rise today, not a minute too late, not a minute too early but at the exact time I am scheduled to speak. That is because of a remarkable woman, my

scheduler Trecia Bickford McEvoy. Trecia has dedicated 25 years of her life to serving her country and the United States Senate. She has worked for a Republican, she has worked for an Independent, and she has worked for a Democrat, a true bipartisan public servant we can all learn a thing or two from.

As a farmer, the schedule is rigorous but simple: You plant, you harvest, and then everything else in between, but when I got to the Senate, I found Washington, DC, is not as cut and dry as the farm. Luckily for me, after Trecia served Vermont Senator Jim Jefford's office for over 15 years, she came to my office to help me and my staff find the bathrooms.

Since 2008, I have been lucky enough to have her in my office, and the State of Montana is better off for it. Thanks to her remarkable work, I have been able to see thousands of Montanans, in between thousands of committee hearings and briefings and runs to the airport, all because of an airtight schedule curated by Trecia.

At an all-staff meeting, one of my staffers was asked to draw a picture of what she believes Trecia does every day. With her trademark humility, Trecia said: "Well, that would be kind of boring," but what landed on that paper was a set of hands, a generous set of hands, that ensures that all Montanans can engage with the important policy decisions that shape our lives every day.

Trecia acts as the hands that carry Montanans from all across the State to see their Senator. It is not boring at all. In fact, it is really important. If scheduling was an art, my schedules would be enshrined not just on my Web site but also down the street at the National Gallery. Trecia would know exactly how many minutes it takes every day to drive from the Hill to the museum.

As my colleagues know, a good scheduler is hard to find and even harder to keep. Trecia has shown a staying quality that puts her in the Scheduler Hall of Fame, a hall that would be erected along the road from the Capitol to National Airport. Whether it is a call from my farm at 3 a.m. to tell her I am going to miss my flight because my truck can't make it through the snow or a text from the plane in Minneapolis asking which gate I need to get to for a tight connection, Trecia has always been ready and willing to answer the call.

After 25 years on the Hill, I know I am not the only one who can attest to Trecia's talents as a scheduler, as a friend, and as a person. She is a critical part of my office, not only because she keeps me on schedule, but she is also a relentless mentor to my younger staffers, always sharing in their joys and consoling them in their tougher times.

I will never forget that the first time I met Trecia is when I interviewed her for the job as my scheduler. A few months earlier, my wife and I had just

been on an airplane from Seattle to Washington National Airport. My wife sat in the middle seat in row 12, and I sat in the middle seat in row 27.

I said to Trecia: What is going to happen when you schedule me on a cross-country flight in a middle seat in the back of the plane and my wife in a middle seat in the front of the plane?

She looked at me and said: That ain't ever going to happen.

And it never has.

Her smarts, her generosity, and her quick wit not only make my life easier but also make the lives of other Senators' staffs and, most importantly, Montanans' easier. As one of my former chiefs of staff pointed out, whether it is a veteran from Columbia Falls, a high school student from Billings, or a mom from Havre, Trecia has played a vital role in improving the lives of everyday Montanans. They may not know who made that moment happen, but I do.

To me and to many others on the Hill and in the office, Trecia is more than just a scheduler. When I asked for the quintessential Trecia McEvoy story, one of her former bosses told a story—not about Trecia getting a meeting scheduled or pulling off an air traffic miracle, but they told a story about Trecia the coworker and friend. According to one of her former chiefs of staff, Trecia would give a secret heads-up to young, junior staff members any time their boss was coming by so that their pencils were sharpened and everything was on the up and up, even late on a Friday afternoon long after the Senator had flown home. This type of kindness, humor, and leadership shines through with Trecia's work every day.

Whether it is a bright-eyed intern from Helena looking for a place to live for the summer, the ambitious staff assistant looking for professional guidance, or the know-it-all executive assistant who thinks he knows best, Trecia has been there to give advice, to listen, and to keep all of us grounded in a town where often the only thing bigger than the monuments are the egos.

Despite a reputation as a miracle worker, her greatest accomplishment has been balancing the hectic profession of a scheduler with her critically important duties as a parent. When I call on Thursday night because a flight is delayed, it is not uncommon for me to hear in the background the cheer of a crowd from Ian's hockey game or a hushed whisper from an audience at one of Zachary's plays. Despite the long hours, frantic phone calls, and countless emails, Trecia's No. 1 priority has always been crystal clear: her family. Over the past 25 years, Trecia and her husband Jeff have made sure that their kids—Alexis, Zachary, and Ian—have everything they need to be able to succeed.

In the office and in life, Trecia is more than a scheduler. What has made Trecia a great scheduler over the years are the same qualities that have made her a great friend, counselor, and

mother. Trecia's generosity, sympathetic ear, sharp wit, and understanding nature have made her a phenomenal scheduler, a great friend, and, most importantly, an ideal mother.

On behalf of Montana, Vermont, countless staff members, and from this dirt farmer from Big Sandy, I thank Trecia for 25 years of service.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### OVERTIME RULE

Mr. FRANKEN. Mr. President, as we enter the holiday season, today should be a special day for 4.2 million working Americans, including 75,000 Minnesotans. That is because today was supposed to be the day that the overtime rule would go into effect to ensure that workers are paid overtime wages when they work more than 40 hours in a week. Instead, the rule has been blocked, meaning that many of these working people will not be able to benefit from this rule, which is especially unfortunate given that the holidays are coming upon us. Right now, these 4.2 million employees don't have to be paid at all for overtime work they perform. That is what we are trying to change.

As you know, we had a big election in which working people sent the clear message they are hurting. Yet less than a month later, Republicans have decided to attack a rule that would ensure that American workers are paid for every hour they work. This is exactly the type of policy we should all be able to agree on to help working people across the country.

During the campaign, President-Elect Trump repeatedly said he was for working people. One important action he could take immediately would be to go on his twitter account and express support for the overtime rule.

Here is why this rule matters so much. As our economy has changed in the past couple of decades, the rule on overtime pay has not kept pace at all. The last meaningful improvement for workers covered by this rule came in 1975, when the rule made 62 percent of so-called administrative and professional employees eligible for overtime pay. As a result of failing to keep the rule up-to-date and current with the rate of inflation, right now only 7 percent of employees in that category must be paid overtime.

The Obama administration's update to the overtime rule was intended to change the fact that under the standard right now, employers aren't required to pay overtime to these employees unless the employees earn less than \$23,000 a year. If you are paid on a salary basis and earn more than

\$23,000 a year, your employer can make you work more than 40 hours a week and not pay you anything at all for your extra hours. Twenty-three thousand dollars is simply too low of a threshold. A salary of \$23,000 a year is below the poverty line for a family of four. I believe workers and their families deserve better.

That is why the Obama administration instituted an update to the overtime rule, to lift the salary threshold to \$47,000 a year, bringing it closer to the original standard in place in 1975. It still wouldn't be as high as the comparable level in 1975, but it would be a vast improvement, and it would mean that 4.2 million more workers across the United States would qualify for overtime pay.

Consider a retail manager making a salary of \$40,000 a year at a big box store or fast-food chain. Right now, many employers are legally allowed to require such an employee to work 50, 60 or more hours in a week without paying him or her anything extra. This new rule would mean the employee would be paid extra when they work more than 40 hours a week.

Similarly, the rule would make sure a trucking dispatcher earning \$45,000 a year would not be forced to work late at night without compensation. The rule encourages his or her employer to send employees home to his or her family on time or else the employer will pay them for the overtime he or she works.

This is very important for working men and women in America. That is why many of my colleagues and I have been strong supporters of this rule. That is why it has been very disappointing to see so many of my Republican colleagues attack and ultimately try to dismantle this rule.

They have been attacking the rule ever since it was proposed. They have set out on a campaign to delay, to water down, or to block the rule entirely. In the Senate, 45 Republicans have signed on to a bill to block it. In the House, 202 Members have signed on to a companion measure to that bill. House Speaker PAUL RYAN claims the rule is an "absolute disaster," and Senator VITTER claims the rule will "reduce worker's opportunity for long-term advancement and increased pay."

Despite their attacks on this updated rule in the House and in the Senate, Republicans weren't able to block it through the legislative process. So they took their fight to the courts, where they used their old tactic of forum shopping, where they file a suit in the court they think is most likely to be favorable for their arguments. As a result, 9 days ago, they convinced a Texas judge to put the updated overtime rule on hold. The 4.2 million workers who today were scheduled to be paid for every hour they work above the 40 could continue to be forced to work overtime without the additional compensation they deserve.

As our economy has continued to recover from the Great Recession, too

much of the wealth in the last few years has accrued to the top 1 percent in this country and often the top one-tenth of 1 percent. While new data suggests the economy has improved a bit for middle-class workers since last year, the median household income in the United States remains lower than it was in the year 2000 in real dollars. Updating our overtime pay rule is one of the most effective steps we can take to put working people back on a more level economic playing field.

I hope my colleagues will join me today in pledging to fight in Congress, the executive branch, and the courts for a fairer system for all workers and for updating this incredibly outdated overtime rule. Let's hope that the postponement of the new rule today will be temporary. Let's join forces on behalf of American workers to stand strong in support of a fair overtime rule and to work together to build a stronger American middle class.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the comments made by my colleague from Minnesota. He has been a strong champion for America's workers and believes we should make this Nation and our economy work for working Americans. His leadership on this overtime rule is certainly much appreciated.

Today should be a day of celebration. It should be a day in which 4 million American workers who work overtime without getting paid but earn very modest salaries were going to get rewarded for their overtime work—get paid for their overtime work—but instead those 4 million Americans are getting scrooged.

You all remember the story of Ebenezer Scrooge. He made a lot of money as a very successful businessman. He enjoyed counting his coins while treating his workers in a terrible fashion and paying them as little as he could get away with. That is exactly what is at stake with this overtime rule. The vision of the overtime rule was that when you had a very well-paid manager who was clearly earning far more than they would if they were earning a more modest amount plus overtime, you could reduce the complexity of tracking their overtime hours and instead simply pay them a salary without compensation for overtime. The key to that was that it was a very well-paid worker or manager and not someone earning near the bottom of the scale and barely making more than minimum wage.

As I said, today should be a day of celebration with the overtime rule being modified so that it would catch up with inflation. Many decades have passed since it was put forward. It was supposed to be adjusted for inflation from here forward, but it was not adjusted.

This is not a day of celebration; it is a day in which approximately 4 million

Americans are getting scrooged, and that also means 40,000 Oregonians who were looking forward to finally getting compensated for the overtime they will be working during this coming holiday season will also be told: No go. No paycheck. No compensation for your overtime.

These folks earn as little as \$23,000 a year. Going into the holidays, a lot of retail workers are asked to work far more than 40 hours a week. They are asked to work 50, 60, 70, 80 hours a week without a dime of overtime, and that is wrong.

A whole lot of these workers are parents raising children. It is pretty hard to raise a child on \$23,000 a year. I don't think anyone in this Chamber—any one of the Senators here in this Chamber—has raised a child on \$23,000 a year. If they had attempted to do so, they would have an understanding of why they should be up here right now joining this fight for the overtime rule—which is hopelessly outdated and hopelessly unfair to America's workers—to be implemented in a timely fashion with legislation that we could pass today. Instead, Senators with their far larger salaries are very happily preparing for their holiday without considering that today is a day in which 4 million American workers are getting treated unfairly.

Since 1975, the salary of full-time workers who qualify for overtime has plummeted from 62 percent to 7 percent. That is a pretty dramatic reduction. For over a year now, millions of American workers have been looking forward to today when their long hours of overtime were finally going to be compensated, and it is only fair that they have that compensation. But just like Ebenezer Scrooge, the Republican Party, in coordination with 21 States, has said to those 4 million American workers: Bah humbug. You don't get compensated for your overtime. We are putting a lump of coal in your stocking, and it is too bad that you are trying to raise kids. This happened because States filed a lawsuit and got a preliminary injunction granted by a judge to take away the power of today's overtime rule, the modified overtime rule, to assist American workers.

I grew up in a blue-collar family. My dad was a mechanic, and my mother was a stay-at-home mom. My father, who had a basic blue-collar wage, was able to put food on the table, buy a three-bedroom ranch house with a garage, acquire a car, and have modest family camping vacations. It was a pretty square deal to provide a foundation for his children to thrive and have opportunities by working with his hands. Our blue-collar community was in much the same situation. When he worked overtime and stayed on the job because a machine needed to be repaired and finished in time for a client of the company to be able to put that heavy equipment to work to build highways, work in the forest, or work to build dams, he got paid for that

overtime, and it was right and fair that he did.

It is not right and fair that today America's workers are not getting paid for their overtime. They are working longer and harder only to see that extra wealth go to the CEO of the company. American workers are working longer hours, but their wages and paychecks are getting spread thinner and thinner. The overtime rule is a long overdue adjustment for those who are working those long hours. You don't get any help from this rule if you are not working more than 40 hours a week.

When President Franklin Roosevelt was talking about the importance of living wages to support families, he said: "By living wages I mean more than a bare subsistence level—I mean the wages of decent living." Isn't that what we are talking about, the wages of decent living?

Is there anyone who would contend that a parent raising a child on \$23,000 a year is making a wage that would allow them to have a decent living? I don't think so, at least not at the cost of what it is to exist in today's society, not when rent on a two-bedroom apartment is \$800 to \$900 in Portland, not when the cost of groceries is where it is, and not when the cost of health care is where it is. Franklin Roosevelt said that no one who works full time should live in poverty. He said that working Americans should make enough to raise and support a family and provide a foundation for their children to thrive. He meant that you should be able to earn enough to save up over time and retire with dignity. He meant that a working American should be able to earn enough to cover the basic necessities of life, such as food, clothes, and shelter, but for many Americans, those goals are out of reach even though they are working a lot of overtime, overtime in which they are not getting paid. We just haven't kept pace with the vision of families being able to earn, as Roosevelt put it, the wages of a decent living—the wages that enable you to live decently. This rule is critical to changing and fixing that.

While the courts tie up the process at the request of my Republican colleagues and State governments, we should instead have a bill here on the floor and simply pass this adjustment ourselves.

Has anyone noticed that we just had a Presidential campaign in which both candidates talked about making America work for working Americans? The candidate who won the vote in the electoral college but lost the popular vote, by the way, has claimed he is going to watch out for working Americans. Well, where is he today on the day 4 million Americans are getting scrooged? Where is Donald Trump today on the day that those who worked overtime are now told they will not get paid for that overtime? How about a tweet in the middle of the night saying: I get it.

If we return to the story of Ebenezer Scrooge, we remember the fact that he was resisting any effort to enable his employee, Bob Cratchit, to have Christmas Day off with his family or to be able to have a decent amount of food on the table on that day. His heart was a few sizes too small. The night before Christmas he had a dream, and in that dream ghosts of Christmas past, Christmas present, and Christmas future came to him and showed the poverty—the spiritual poverty of his life. They showed him the emptiness of his life. That life is not about building up treasures you can count coin by coin, but helping other families to thrive and succeed and share in their joy. When he woke up, he was a changed man. He woke up and said: Yes, my team—my workers—shouldn't be working on Christmas Day. Yes, I should pay them more. Yes, I should make sure they have bountiful food so they can care for their family. Yes, their son, Tiny Tim, should have the health care he needs so he can live a full and productive life. He took care of these things and personally went out and acquired the largest turkey he could for the Cratchit family.

Isn't today the day when my colleagues who have been playing the role of Ebenezer Scrooge and fighting fair compensation for overtime—isn't today the day when they should take a nap and go to sleep tonight and have a little bit of a dream about the circumstances of working Americans? Here we are, just coming off a campaign where everyone talked about the plight of working Americans. Maybe a little of that should reverberate in their dreams tonight so that they might think about how families are struggling across America and how hard it is to put food on the table, not just during the holiday season but throughout the year. They should think about how unfair it is for someone to work 80 hours a week and not get paid overtime because they are being paid only \$23,000 a year.

Do I hear a single colleague volunteer to work for 80 hours a week for a year and get paid \$23,000? I would love to hear that speech on this floor when someone says: I get it. I am all for the overtime rule of the past because I am willing to live on \$23,000 a year.

I don't think I have heard that from a single colleague. Colleagues here are paid many times that increment. Maybe it is a little hard to understand the plight of American workers when you are living in a bubble. Think about what it would be like to raise a family on \$23,000 a year, given the expenses you experience in today's society.

So tonight, let's have a few of our colleagues who have been such advocates of the Ebenezer Scrooge strategy of denying overtime to workers who are paid very little go to sleep and maybe get visited by the ghosts of the past and the present and the future. Maybe they will be able to put themselves in the same pair of shoes that

working Americans work in and place themselves in the same set of circumstances and financial challenges that American workers have. Maybe they can wake up tomorrow with a different vision—a vision of being a partner with working America—to make this Nation work for working America, make our economy work for working America. Maybe they can come to this floor and insist that we immediately pass a bill to take care of these workers so they are compensated for their overtime. That would be a Christmas story to celebrate.

Maybe, while we are at it, our President-elect can tweet tonight in the middle of the night that he had a dream and he was visited by the ghosts of the past and the present and the future and he saw a vision of treating workers fairly, and he wants the Senate to act tomorrow morning. Wouldn't that be a fabulous Christmas story—one that is completely consistent with the rhetoric we heard in the campaign about an economy that works for working Americans. I hope tomorrow morning that is exactly what we hear.

Thank you, Mr. President.

THE PRESIDING OFFICER. The Senator from Alaska.

#### THE ECONOMY

Mr. SULLIVAN. Mr. President, one of the things I have been focused on—and I know many of my colleagues have been as well, such as the Presiding Officer—in the last couple of years in the Senate is coming to the Senate floor and speaking about this issue, certainly one of the most important issues we can be focused on in the Congress, and that is the economy and the economic growth for the United States.

What we have here, shown by this chart, is really a lost decade of economic growth that we have had in America over the last 10 years—a lost decade. This chart reflects the gross domestic product, or GDP growth, in the United States over the last several decades. GDP is essentially really a measure of the health of the economy, the health of the opportunity that we have in this country. By any measure, over the last 10 years we have had a sick economy.

So if we look here at the 3-percent GDP growth, this is OK growth. It is not considered that great. The average rate of growth for the United States over the last 200 years—what really has made our country great—has been about 3.9 percent, almost 4 percent. Three percent is not great. It is certainly below average. But we have a President—President Obama—and an administration that is going to be the first President ever to never in 1 year, even once, hit 3 percent GDP growth ever.

Let me cite a couple of recent numbers. In the fourth quarter of 2015, we grew at 0.9 percent of GDP and did not even hit 1 percent. In the first quarter of 2016, it was 0.8 percent of GDP. In the second quarter of 2016, it was 1.1

percent GDP growth. It is true that the third quarter numbers came out estimated just a little above 3 percent for the quarter, but the year will be way off of even 3 percent.

Again, traditional levels of American growth are close to 4 percent.

So each quarter, when these numbers have come out—these dismal, anemic economic growth numbers—what I have tried to do is come to the Senate floor, talk about the issue, and then ask the question: Where is the Secretary of the Treasury? Where is the President of the United States? What is the plan? Is this really what we expect for Americans? We can't even hit 3 percent GDP growth.

Look at every other administration, including Kennedy, Johnson, Eisenhower, Nixon, Ford, Carter, Reagan—holy cow—6 percent, 5.5 percent; Bill Clinton, 4.5, 5 percent; even George Bush, well above 3 percent. Not once in 8 years—the lost decade of economic growth under President Obama. That is with low energy prices, and that is with super-low interest rates.

So when we ask what the plan is, what the administration is doing to grow the economy, they come back and say: Well, listen, the new normal is about 2 percent, 1.5 percent GDP growth. They don't say we are going to grow the economy. They just dumb down American expectations. Go google the term "new normal." Everybody uses it now in Washington. Essentially, they are saying that 1.5, 2 percent GDP growth is the best we can do.

I have a lot of respect for my colleague from Oregon, but if you want to talk about an Ebenezer Scrooge strategy—growing the U.S. economy at 1.5 percent and not even trying to grow at traditional levels of American growth—that is the ultimate Ebenezer Scrooge strategy because the entire country, especially middle class families, are hurt by it.

So this answer that, no, we can't even hit 3 percent, that the new normal is 1.5, 2 percent, that is an answer that we get from the Obama administration. The Secretary of the Treasury never comes out and tells us how we are going to get back to traditional levels of growth. That is an answer that consigns millions of Americans to lives where they no longer believe in economic opportunity, no longer believe in strong wages and in terms of growth for our wages, and no longer believe in a future in which their kids are going to do better than they did.

We talk a lot about stats, which are important to understand. So let me give my colleagues some of the numbers behind them. In the last 8 years, we have now had, in terms of people working in the workforce, the lowest labor-force participation rate since 1978. What does that mean? Again, that is a health issue of our economy. It means that millions of Americans have just quit looking for work. Can we imagine being that discouraged because the economy is not growing and so you just quit looking?

The percentage of Americans below the poverty line has grown by almost 4 percent over this period, where we see no growth. Real medium household income during this period sank by almost \$2,000. Food stamp participation in this period—again, 8 years—has soared by almost 40 percent. The percentage of Americans who own homes, which is one of the ultimate markers of the American dream, is the lowest it has been since 1965. So we were talking about Ebenezer Scrooge. My colleague was just talking about him. Those are Ebenezer Scrooge numbers, and those are Americans who are hurting because we can't grow the economy.

We need to change that. The Obama administration has not been focused on this issue. We never hear the Secretary of the Treasury come out—or even the President—and talk about how we get back to traditional levels of American growth, like every Republican and Democratic President has done for decades. They don't talk about it. They haven't been focused on it. But I think on November 8, we saw that the American people are very focused on this issue. Millions and millions of Americans rejected the idea that, because of these growth rates, they had to give up on the American dream and a strong U.S. economy and good jobs. They did not want to give up on it. We do not want to give up on that.

In essence, Americans saw that the idea of the new normal—which is this, peddled by the Obama administration—is a surrender, and they didn't want to surrender. We shouldn't surrender. We need to grow this economy.

So what now? Well, I find it very encouraging that the President-elect and his team, including his nominee for the Secretary of the Treasury, have been talking very regularly about this issue. We need to grow the economy—not at new normal rates of 1.5 percent or 2 percent but at 3, 3.5, or 4 percent GDP growth. That is what we need to do. We in this body need to help them do that because that is what the American people want. In fact, with the exception of having a strong military and keeping this country safe in terms of national defense, growing our economy, creating economic opportunity for all Americans is certainly one of the most important things we can do in the Senate. But we need a partner in the executive branch. We need a partner in the executive branch that is actually focused on the issue, that actually cares about these numbers, and we haven't had it in 8 years. So where do we start?

I think we need to start on this issue of the overregulation of our economy. Again, the incoming administration has talked a lot about this issue. When we ask people outside of Washington what is keeping our economy down, they refer to this. This chart is a chart of the cumulative number of Federal rules that have come out of this town onto American businesses, small businesses, and working-class families. That is what we see—pure growth, pure growth.

President Obama has enacted more than 600 new major regulations, totaling close to \$800 billion or \$2,300 per American. What is really interesting is that, despite the fact that the American people on November 8 said they want to grow the economy and they don't want to see this continue, this administration is putting its pedal to the metal on trying to see how many more regulations they can issue and promulgate to crush our economy and opportunity.

My State has been ground zero for a lot of these regulations. We are a resource development State in Alaska. The President just last week came out with a new regulation that said: I know that the vast majority of Alaskans want to responsibly develop their resources, but I am going to take the entire Outer Continental Shelf off the table for Alaska. Sorry, Alaska. Sorry, workers. Sorry, American energy independence. I am taking it all off the table. That was a regulation the President put on the table and issued last week that is going to hurt our economy, that is going to hurt American energy independence, that is going to hurt jobs, that is going to hurt our national security, and he did it anyway. There are no leases in my State because the President, in Executive order, issued that. That is not what the American people voted for on November 8.

So several Senators, led by Senator GARDNER, are going to be sending the President a letter very soon saying: Mr. President, the American people have spoken. The American people are tired of this. You are on your way out. Please, respect the results of the election and quit issuing these regulations that are stifling economic growth and crushing middle-class families. I hope he will abide by that. I hope he listens to us. I hope he listens to the American people. But, somehow, I think we are going to see even more of these in the next month or so.

I wish to conclude by noting something that I think most Americans understand intuitively. When it comes to our Nation and the comparative advantages that we have over other countries—and I am talking about the major countries in the world, whether it is China or Russia or the EU or Brazil or Japan—we have so many incredible comparative advantages relative to anyone. We have energy. We have great entrepreneurs. We have world class universities. We have agriculture and fisheries that literally feed the world. We have some of the brightest young people, like our pages here. We have a military that is the most professional and lethal in the world, by far. We have alliances all over the world where countries want to be close to the United States. Our adversaries and potential adversaries, such as China, Russia, North Korea, and Iran, have very few, if any, allies.

We have so many advantages, and yet the majority of Americans think we



are heading in the wrong direction. I believe they think that because we can't grow the economy. So what we need to do is for all of us to work closely with the new administration, and I would encourage all of my colleagues here in the Senate to focus back on this issue. We need to return to traditional levels of American economic growth, and we can do it with the right policies.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 579

Mr. GRASSLEY. Mr. President, Members of the Senate, I come to the floor to speak about and to propound a unanimous consent request in regard to the Inspector General's Empowerment Act. I would like to defer. I ask unanimous consent to not lose the floor but yield to Senator JOHNSON.

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

Mr. JOHNSON. Mr. President, I thank the Senator from Iowa for letting me speak to a very important issue. I also thank him for his leadership. Long before I came to the Senate, I know the Senator from Iowa was working tirelessly to make sure government was more efficient, more effective, and more accountable. He has done an awful lot of work to ensure that. Certainly he has relied on inspectors general to bolster his efforts.

So I am completely in support of S. 579, the Inspector General Empowerment Act of 2015. When I took over the chairmanship of the Senate Committee on Homeland Security and Governmental Affairs, the Senator from Iowa had been working long and hard on this act. I was happy—I was pleased to utilize our committee to move this bill through our committee unanimously.

The bill has 18 bipartisan cosponsors. It is just incredibly important. The Senator from Iowa will certainly fill us in on the details of what has happened and what has made this bill so important. I just want to spend a little bit of time on how important inspector generals are.

We, working together with the Senator from Iowa, asked the inspectors general, for example, to report back to us how many of their recommendations—off of their tireless work—have gone unimplemented. We just received that report. Over 15,000 recommendations from inspectors general have not been implemented. The total aggregate savings could be as high as \$87 billion. Even in this massive Federal Government, \$87 billion is real money. Of course, inspectors general need access to the records from their agencies,

from their departments, so they can determine what is happening so they can make these kind of recommendations.

We also have had and witnessed a real tragedy, for example, at the Tomah VA Medical Center. We had an inspector general who had inspected and investigated over 140 different instances, then issued reports on those inspections, investigations, and then buried those reports—did not make those reports public.

One of those had to do with the Tomah VA Center in terms of the overprescription of opioids. Because that report was not made public, we were unaware of the problems there, and the problems persisted. For over a decade, opioids were being overprescribed. The result was that veterans—the finest among us—some of them died because of overprescription.

It is not an overstatement to say that the work of the inspector general is crucial and that work—those reports, those inspections, those investigations—literally is the difference between life and death. Again, I am here supporting the Senator from Iowa in his tireless efforts to get this bill passed, the Inspector General Empowerment Act of 2015. I urge all of my colleagues to allow this to pass by unanimous consent so we can get this put on the President's desk and it can be signed into law as quickly as possible.

With that, I yield the floor.

Mr. GRASSLEY. Mr. President, while I am waiting for Senator McCAIN to come to the floor before I speak about the specific unanimous consent request I am going to make, I would like to point out, in a very general way, that the pursuit of what we are doing, in so many other ways, is part of Congress's constitutional responsibility and constitutional authority under the checks and balances of government to make sure the laws are faithfully executed.

There are several different tools that are used in that direction. They can be individual Senators. Any time an individual Senator wants to ask questions of whether the laws are being faithfully executed, that Senator can do it, that Member of the House of Representatives can do it, through the particular committees of the Senate and the House of Representatives, through both letter as well as open hearings about certain subjects of whether money being spent by the executive branch is according to Congressional intent or whether laws are being carried out the way Congress intended.

That is all part of congressional oversight, but there has also been seen a need, over a course of many years, for other ways to make sure it is done. One of those was the setting up of the Government Accountability Office that has authority, at the request of committees and request of individual Members of Congress, to investigate and do research on certain problems we have in the executive branch of government.

That predates, by a long time, the passage of the inspectors general law that we are dealing with, with this subject I have before the Senate now. The inspector general was set up for the purpose of being within the executive branch to see that the laws are faithfully executed and the money spent according to Congress. I see that Senator McCAIN has come to the floor. I would like to make my opening statement on the legislation. I thank Senator McCAIN for the courtesy he gives me to come and listen to my request. Whatever he decides to do with it will be his choice, but I want to tell him I appreciate the cooperation he has given me on so many different things.

To justify my unanimous consent request, I start out with some of the issues that are involved with the legislation, the Inspector General Empowerment Act. In 1978, Congress created inspectors general or IGs as they are often known, to be the eyes and ears within the executive branch.

These independent watchdogs are designed to keep Congress and the public informed about waste, fraud, and abuse in government. They also help agency leaders identify problems and inefficiencies they may not be aware of. IGs are a very critical part to good governance and to the rule of law.

In order for IGs to do their job, they need independent access to information. That is why, when Congress passed the Inspector General Act of 1978, we explicitly said IGs should have access to all records of the agency they are charged with overseeing.

However, since 2010, more and more agencies have refused to comply with this legal obligation. This obstruction has slowed down far too many important investigations, ranging from sexual assault in the Peace Corps to the FBI's exercise of anti-terrorism authority under the PATRIOT Act.

Those are just two of the things I have been involved in. Every one of the other 99 Senators would probably have to say that in their oversight work, somehow the executive branch agencies have not carried out the spirit of the 1978 legislation.

It got worse in July of 2016. The Justice Department's Office of Legal Counsel released a memo supporting this obstruction of congressional intent. Now, let me put this in a commonsense form that surely everybody ought to understand. In 1978, Congress passes the inspectors general law. It is voted on by a majority of the Congress. It is sent to the President. The President signs it. It has been law since that period of time, but we have a situation where 1 bureaucrat out of 2 million Federal employees sits and reads something into a piece of legislation that was never intended because the legislation says the inspector general should be entitled to all records, but the Office of Legal Counsel opinion says: Well, maybe not all. It kind of depends on the head of the department. There are some exceptions in the inspectors general law that ought to be there—those

are spelled out—some of them dealing with national security, some of them dealing with the Department of Defense, as just one example.

So we have this opinion in July of 2016. The memo argued that Congress did not mean what it very clearly said; that the IG gets access to all records. This is unacceptable. It undermines Congress's intent. It undermines the rule of law. It makes a mockery of government transparency. The public deserves a robust scrutiny of the Federal Government. Every eighth grade civics student understands what checks and balances is all about.

Congressional oversight is one of those checks. Since September 2015, a bipartisan group of Senators and I have been working to overturn the Justice Department's opinion through S. 579, the Inspector General Empowerment Act. Among other things, this bill further clarifies that Congress intended IGs to access all agency records, notwithstanding any other provision of law, unless—and this is a big unless—other laws specifically state that the IGs are not entitled to receive such access.

A lot of those fall into the area of national security and defense. The bill has a total of 20 cosponsors, including seven of my Democratic colleagues: MCCASKILL, CARPER, MIKULSKI, WYDEN, BALDWIN, MANCHIN and PETERS. At the Judiciary Committee hearing in August of last year, Senator LEAHY also agreed that this access problem needs to be fixed by legislation because it is "blocking what was once a free flow of information." Even the Justice Department witness at that hearing disagreed with the results of the Office of Legal Counsel opinion and supported legislative action to solve the problem.

As of today, a large majority of Senators, the Las Vegas Review Journal—and I say that for the benefit of Senator REID who at one time objected—the New York Times, the Washington Post, good governance groups like Project on Government Oversight and Citizens Against Government Waste, all support restoring the intent of that act through S. 579.

I want to emphasize that the intent of the act was destroyed by one bureaucrat writing a legal opinion that has been a crutch for a lot of people who don't want to cooperate with the inspector general.

Despite strong bipartisan and public support for the bill, we have not been able to pass the bill by unanimous consent. We attempted to pass the bill by unanimous consent September 2015 and again December 2015.

In December, the Armed Services Committee and the Intelligence Committee raised concerns about the bill. It is perfectly legitimate for them to do that. My cosponsors and I worked with our colleagues on those committees to address and resolve their concerns. Ultimately, Chairman MCCAIN and Chairman BURR lifted their holds, and in December 2015 the bill cleared

the Republican side with no objections. But when we tried to pass the bill on the floor by unanimous consent, Senator REID, as I previously said, objected on the Democratic side.

In the meantime, the House passed its own version of the bill. Since then, we have worked closely with the House to resolve minor differences between the House and Senate bills. Now it is time to press forward and finally pass this critical bill to ensure the effective oversight of waste, fraud, and abuse in government—in other words, to make very clear that when the act says they are entitled to all records, "all" means all.

There is one provision of the bill we had to remove from this version at the insistence of Senator LEAHY. It relates to testimonial subpoena authority for inspectors general.

First, let me be clear about why the testimonial subpoena authority is important to the ability of IGs to conduct effective investigations. When employees of the U.S. Government are accused of wrongdoing or misconduct, IGs should be able to conduct a full and thorough investigation. Unfortunately, employees who may have violated that trust are often able to evade the IG's inquiry simply by retiring from the government. Testimonial subpoena authority empowers IGs to obtain testimony about waste, fraud, and abuse from employees after they leave the agency.

Similarly, the subpoena authority helps IGs investigate entities that receive Federal funds. In other words, if you want to know what is wrong, follow the money. The subpoena authority enables IGs to require testimony from government contractors, subcontractors, grantees, and subgrantees. Currently, most IGs can subpoena documents from entities outside of their agency, but most cannot subpoena testimony. The ability to require witnesses outside the agency to talk to the IG can be critical in carrying out an inspector general's statutory duties or recovering wasted Federal funds.

Let me also be clear that when we learned of Senator LEAHY's concerns with this provision in November 2015, my bipartisan cosponsors and I worked in good faith for 12 months to address them. We offered at least half a dozen accommodations that would provide meaningful and appropriate limitations on the subpoena in question, but Senator LEAHY continued to demand the removal of that from the bill.

Despite a year of negotiation, we were unable to reach a resolution, so I proposed bringing the provision to the floor for debate. I offered Senator LEAHY the option of debating on the floor the merits of the testimonial subpoena authority so that the Senate could vote on whether to keep or remove the provision from the bill, but my colleague declined to agree to floor time so that we could have an open debate on the issue.

His continued refusal to debate and vote on the much needed testimonial

subpoena authority threatens to derail the entire bill, which has such substantial bipartisan public support.

Despite my strong belief that IGs need that subpoena authority, I also recognize that the IG bill contains many other critical provisions the IG needs to move forward with it, and now is the time to do that. We cannot afford to wait any longer for those provisions that empower the IG. This bill is still necessary to help IGs and to ensure to the American people that there is transparency and accountability within the government.

Before I ask unanimous consent, I wish to say for the benefit of the position that I think Senator MCCAIN is going to take that the Secretary, under existing law, may block an IG investigation if it is necessary to preserve the national security and interests of the United States and if the information the IG has requested concerns any one of five categories: sensitive operation plans, intelligence matters, counterintelligence matters, ongoing criminal investigations, or other matters that would constitute a serious threat to national security if they were to be disclosed.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 68, S. 579. I further ask that the Johnson substitute amendment be agreed to; the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I appreciate the hard work the Senator from Iowa and his staff have done. The Senator and I are old friends, and I know he is one of the most zealous advocates for government oversight and reform in the Senate. I am aware of the many years of hard work he has put into this legislation.

I believe we share the same goal of ensuring that inspectors general across the Federal Government have the authorities and support they need to do their vital work on behalf of the American people. At the same time, I have serious concerns about a few aspects of this regulation as written.

I have been working with the Senator from Iowa. I wish to continue working with him.

To tell you the truth, I say to my friend from Iowa, I don't know why we cannot reach agreement. What we are really talking about are a few words. For example, this legislation would substitute the words "under the nominal supervision of the head of the establishment involved"—that takes the place of the wording "under the general supervision of the establishment involved." I say to my friend from Iowa, what springs to mind is, why

would we want to change that wording unless there was some intent to do so? Isn't the "general supervision of the establishment involved"—we have to have "under the nominal supervision"? What is this wordsmithing stuff that, frankly, I can only assume has some underlying purpose? Why would you want to substitute "under the nominal supervision" for "under the general supervision" without some reason? I don't get it. There is no explanation for why this change is necessary. It is unclear what "nominal supervision" means. If "nominal" means literally "in name only"—that is what "nominal" means—then it would remove the IG from the supervisory authority of the agency or department head.

The legislation would impose further restrictions on the ability of the Secretary of Defense—which is the area of my responsibility—to supervise and support the inspector general of the Department of Defense, so it is a reach too far.

The legislation would also restrict the President from placing an inspector general in an involuntary nonduty status, either paid or not paid, except as narrowly defined, for cause. This is likely an unconstitutional restriction on the authority of the President, who has the authority to appoint and to remove his or her own appointees. Constitutionally appointed officers serve at the pleasure of the President. Constitutionally appointed officers serve at the pleasure of the President, some subject to advice and consent of the Senate, some not. In other words, us saying what a Member of Congress can do to put someone on nonduty status is not the responsibility or the authority of the Congress of the United States.

It would limit the President's authority to place an inspector general in an involuntary, paid or unpaid, nonduty status for more than 14 days, unless the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency, a well-known organization, submits to the President a written recommendation for additional time, which is acted upon by the President, and the decision is communicated immediately to both Houses of Congress. That is a further restriction on Presidential power by a committee of the Council of the Inspectors General on Integrity and Efficiency—by the way, an organization whose existence I was unaware of.

The people expect the President to have both control and responsibility over employees and officers in the executive branch, subject to advice and consent—the constitutional authorities of the Senate of the United States. It is clearly outlined in the Constitution.

The people expect the President to have both control and responsibility over employees and officers in the executive branch. The Founders believed that this design ensured effective government but, most importantly, protected our liberty from rogue government agents who might accrue vast

power but be responsive and responsible to no elected, accountable authority. We just saw a dramatic example of that, as I know my colleague from Iowa understands, in the Dodd-Frank legislation, which created agencies of government that have no accountability whatsoever, even to the appropriations process.

The legislation would also undermine congressional oversight of the IGs. For example, with this language, a congressional investigation conducted by committees into complaints that the IG has violated whistleblower protections could be labeled as "interfering with the independence of the IG" if the committee is communicating with an agency or department as part of that investigation.

While I appreciate the effort to provide exemptions to the Department of Defense from this legislation, that exemption only relates to certain subsections and sentences of the overall Inspector General Act. Thus, many of these new rules and requirements would apply to the Department of Defense. For example, the new "timely access to information" requirement is included in the legislation, but there is no exemption for DOD from that requirement. It is unclear that existing exemptions would apply.

The Senate Armed Services Committee conducts a regular, stringent oversight of the Department of Defense, including its inspector general. The committee and the Congress pass defense legislation on an annual basis, and this will be the 55th year we will do so. I do not believe there is any problem at present in the DOD IG that requires the solution this legislation would require, and in the event the Senate Armed Services Committee uncovers problems in the course of our oversight work, we will address those issues in our annual authorization legislation.

Look, I have great affection for my friend from Iowa. It is obvious that this issue is important to him. It is obvious he has been working on it for years. If I could make a suggestion to my friend from Iowa, let's set a time tomorrow to sit down with our staffs, find out what the problem is, see if we can get it resolved, and then that will give us 24 hours to try to resolve these issues.

I understand what the Senator from Iowa is seeking and trying to do. I support the intent of that legislation. My responsibilities are oversight of the Department of Defense, the largest part of our government, and I have these concerns about it. I believe we can resolve these problems maybe with a face-to-face with our staffs's engagement.

For all those reasons, I regret to tell my friend from Iowa that I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I knew ahead of time that we would have

this objection. The only difference between this objection this time and a year ago is the fact that a year ago we worked out differences with other committees of the Congress and had, evidently, 99 Senators ready to pass this bill, except for Senator REID. So it is disappointing that when we work out one problem we had a year ago, that now we have serious objections, very numerous, as it worked out, considering the fact that the committee of jurisdiction—Senator JOHNSON is chair of the Homeland Security and Governmental Affairs Committee, passing this bill out unanimously, getting it cleared on both sides a year ago, except for Senator REID, and now all these other problems come up.

It is impossible for me to respond to all the problems that have been presented by the Senator from Arizona. Obviously, the legislative process does emphasize cooperation between Members when there are differences, but I believe that it is probably going to be impossible this year for us to work out those differences. So I will be prepared to come back next year and pursue this legislation again and see what we can do.

Mr. MCCAIN. Mr. President, could I just say to my friend from Iowa that I am willing to maybe have a sit-down sometime in the next 24 hours to see if we can get this done.

Mr. GRASSLEY. OK. I will take that under advisement.

I would simply close with further evidence of the importance of this legislation and try to respond to what the Senator from Arizona said about its impact on the Defense Department.

Section 8 of the IG Act already contains an exception that allows the Secretary of Defense to prohibit the inspector general from conducting an investigation and gathering documents to protect national security. The exception is broad. The Secretary may block an IG investigation if it is necessary to preserve the national security interests of the United States and if the information the IG has requested concerns sensitive operation plans, intelligence matters, counterintelligence matters, ongoing criminal investigations, and other matters that would constitute a serious threat to national security if disclosed.

In addition, cosponsors and I worked with the Committee on Armed Services last year to ensure that the bill makes the Secretary of Defense's authority to restrict certain types of sensitive information even more clear than it was in the 1978 legislation. After we made those changes, Senator MCCAIN, as I have already said, cleared this version of the access language last year.

I guess at this point I am going to yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TENNESSEE TRAGEDIES

Mr. CORKER. Mr. President, I rise today to express my deepest sympathies and offer steadfast support to the countless Tennesseans who have experienced tragedy in the recent days.

It has been a rough few weeks in our great State. Last week, my hometown of Chattanooga lost six young children in a tragic schoolbus crash. Today, countless East Tennesseans face a long road ahead after severe storms and tornadoes ripped through southeast Tennessee, leaving tremendous damage and taking the lives of two individuals in Polk County.

Tomorrow morning, I will be in another area of our State that is dealing with unimaginable tragedy. As you have likely seen by now, the damage caused by wildfires in Sevier County, the place where my wife was raised, is heartbreaking. While officials continue to assess the full extent of the damage, we know that many have suffered tremendous loss. As of this morning, officials confirmed that they are still addressing the remnants of smoldering wildfires. More than 400 firefighters are supporting the effort. The exact number of structures affected remains unknown, but local officials are estimating 700 impacted structures and more than 17,000 acres burned. More than 200 individuals remain in shelters, and just moments ago, we learned that 10 fatalities have been confirmed.

Sevier County is a special place, surrounded by some of the country's most beautiful God-given amenities. Millions of people from around the world visit each year and have built memories in this treasured community. But as the mayor of Gatlinburg noted earlier today, "it's not the attractions or the restaurants that make this place special, it's the people" who live there.

So many wonderful families call Sevier County home—tough, proud people whose roots in the area span generations.

Those who know the area and these people are not at all surprised by the community response. The Nation has watched and read countless stories of selfless individuals—many who lost everything themselves—helping others. We have watched the mayor and city manager of Gatlinburg, both of whom lost their own homes, provide steadfast strength and grace. We have watched the Sevier County mayor close each press conference with a simple request: "Pray for us."

The coming days, weeks, and months will not be easy. The recovery will take time. We are committed to doing everything that we all can do to help you rebuild. The support does not end when the cameras leave. Governor Haslam, Senator ALEXANDER, Congressman ROE, and I are ready to support requests for assistance for the recovery efforts. People throughout Tennessee and across the Nation will be back to visit very soon. Of course, as has been requested, we will continue to pray.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. SULLIVAN. 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.

WORLD AIDS DAY

Mr. CARDIN. Mr. President, today I wish to discuss World AIDS Day. Thirty years ago, the National Academy of Sciences's Institute of Medicine issued a report calling for a "massive media, educational and public health campaign to curb the spread of the HIV infection." The global community heeded that call and today, on World AIDS Day, we celebrate progress that we have made in treating and preventing HIV/AIDS both at home and abroad and recommit ourselves to creating an AIDS-free generation.

Earlier this year, I had the opportunity to visit an HIV/AIDS clinic in Namibia supported by the President's Emergency Plan for AIDS Relief, PEPFAR, and the Global Fund. While there, I met a 30-year-old man named Simon who said he would not be alive without the international community's HIV/AIDS assistance. While the individual stories of people like Simon are a testament to the hard-fought progress this global response has achieved, the aggregate impact of our efforts cannot be understated. PEPFAR has been a bipartisan success story that began with a strong commitment by President George W. Bush and grew under President Obama. It must continue to have broad-based support in a Trump administration and in the 115th Congress, so we can keep making inroads against this pernicious disease.

Since 2005, AIDS-related deaths have fallen by 45 percent globally. In Africa, new HIV infections have declined 14 percent since 2010, including a 66 percent reduction in new infections in children in the region. And today, 18.2 million men, women, and children worldwide are on antiretroviral therapy, double the number of people who had access just 5 years ago.

Nevertheless, there remains more work to be done. In my home State of Maryland, there were 1,334 new HIV diagnoses in 2015, ranking it the third highest adult HIV diagnosis rate per capita in the country. And globally, we are seeing data that indicates that

AIDS-related deaths are actually increasing among adolescents. At home and abroad, such trends are troubling.

We therefore cannot rest on our laurels. The United States must continue to lead this global fight. Through strong funding for PEPFAR and multilateral organizations like the Global Fund, we will ensure the continued commitment and leadership of partner countries reinforced with support from donor nations, civil society, and people living with HIV, faith-based organizations, the private sector, and foundations. And at here at home, we must ensure that the Centers for Disease Control and Prevention, CDC, the National Institutes of Health, NIH, the Ryan White HIV/AIDS Program, and our State, local, and community partners have the resources they need to continue making significant progress to prevent, treat, and eventually cure this disease.

With our work cut out for us and the memories of far too many loved ones in our hearts, we strive on this World AIDS Day as an international community toward a world free of HIV/AIDS and recommit to mobilize the resources needed for treatment, to summon the compassion and understanding to prevent stigma, and to unleash our collective ingenuity and persistence in search of a cure.

REMEMBERING BISHOP EMERSON COLAW

Mr. PORTMAN. Mr. President, today I wish to remember a dear friend, Bishop Emerson Colaw, a devoted and widely respected leader of the United Methodist Church. Bishop Colaw passed away on October 11, 2016, at the age of 94 in Ohio, where he lived during the final years of his life.

Emerson Stephen Colaw was born November 13, 1921, in Chanute, KS, and moved to Cincinnati at the age of 16 to attend God's Bible School and College. A committed student, Colaw went on to earn a B.S. degree in 1944 from the University of Cincinnati, a bachelor of divinity, magna cum laude, in 1947 from Drew Theological Seminary, and a master of arts in 1953 from Northwestern University in Evanston, IL. He also received honorary doctorates from five different institutions.

Remembered as a strong preacher and compassionate leader who loved the church and had a heart for the clergy, Colaw served as a mentor and role model of Christian discipleship for colleagues, congregants, friends, and family. He began his ministry as a clergyperson for the United Methodist Church serving the New York Annual Conference and the Northern Illinois Annual Conference, where he served three pastorates over 14 years.

In 1961, Colaw was appointed to Hyde Park Community United Methodist Church in Cincinnati, OH, part of the West Ohio Annual Conference. During his time in Cincinnati, Colaw spent many years as the moderator of a

weekly television program titled “Dialogue” which featured area clergy from a variety of faiths.

After 19 years of service to Hyde Park Community Methodist Church, in 1980, Colaw was elected Bishop of the Minnesota Conference, where he served until retiring from the episcopacy in 1988. He went on to serve as professor of Homiletics and Christian Ministry at the United Theological Seminary in Dayton, OH, from 1988 to 1999 and was its acting president in 1995–96. He later spent winters in Florida and served as bishop-in-residence at North Naples United Methodist Church.

Emmerson and his late wife, Jane, were married more than 70 years and raised 4 children, 8 grandchildren, 12 great-grandchildren, and a great-great-granddaughter.

I would like to honor Emmerson Colaw for his contributions to the United Methodist Church, his community, and our State.

#### REMEMBERING JAMES “JIM” F. DICKE

Mr. PORTMAN. Mr. President, today I wish to remember James “Jim” F. Dicke, a WWII veteran, an Ohio business leader, and a philanthropist. Mr. Dicke passed away on Friday, November 11, 2016, at the age of 94.

Jim Dicke was born in New York in 1922 and raised in Dayton, OH, graduating from Stivers High School in 1939. He was an honorary graduate of Culver Military Academy and was awarded an honorary DBA by Ohio Northern University. A WWII veteran, Jim served as a lieutenant instructor in the Army Air Corps.

Following his military service, Jim returned to the Dayton region and worked with his father, Carl, and other family members to found a company called Crown Controls Company, now known as Crown Equipment Corporation, which is a leading global manufacturer of material handling equipment, currently in its fourth generation of family leadership. With over 4,400 Ohio employees, the New Bremen, OH, based company has three manufacturing facilities along I-75 in west Ohio, as well as a branch in Vandalia. We are proud to have this innovative, successful, and competitive manufacturer in the Buckeye State.

In addition to being a job creator and business leader, Jim Dicke was involved in many important community activities. He was a major benefactor to Ohio Northern University, where he was given an honorary doctorate in 2000 and where there are a number of namesakes there in his honor, including James F. Dicke Hall, home to the James F. Dicke College of Business Administration, as well as the Dicke House, home of the university’s president.

Jim and his late wife, Eilleen, were married for almost 73 years and raised two sons, six grandchildren, and seven great-grandchildren.

I would like to honor James Frank Dicke for his many contributions to his community and our State.

#### 150TH ANNIVERSARY OF THE COLLEGE OF WOOSTER

Mr. PORTMAN. Mr. President, today I wish to honor the College of Wooster in recognition of its 150th anniversary of providing quality higher education to the citizens of Ohio. In 1865, Reverend James Reed, the minister of the First Presbyterian Church in Wooster, rallied the community to create a Presbyterian college in Wooster. On December 18, 1866, the then University of Wooster was incorporated by the Presbyterian Synod. In order to better reflect the institution’s offerings, the University of Wooster became the College of Wooster. Wooster’s first class consisted of 30 men and 4 women instructed by five faculty members; the college now enrolls over 2,000 students, representing 45 States and 44 countries, and instructed by 171 faculty members. Wooster now has more than 50 academic programs in business, the arts, humanities, and the sciences.

The mission of the College of Wooster is to create “a community of independent minds, working together to become leaders of character and influence in an interdependent global community.” Wooster accomplishes this by offering a rigorous and dynamic liberal education that focuses on mentoring, applied learning, and project based learning where students develop attributes that are valued by employers and important for developing the leaders of tomorrow. It is helping to ensure that students are prepared with the skills they need for the jobs of the 21st century. Because of this, 92 percent of Wooster graduates are either employed or in graduate school within 1 year after receiving their diplomas. We are proud to have this extraordinary independent college in Ohio.

I am here to honor the College of Wooster and to congratulate all of those who contributed to making its first 150 years such a success.

#### HONORING ERIC DALE ELLSWORTH

Mr. LEE. Mr. President, on Friday, November 18, 2016, Eric Ellsworth of Brigham City, UT, began his day like virtually every other day of his adult life. He put on his uniform and drove to work fully aware that it could be his last day on Earth. Eric was a State trooper with the Utah Highway Patrol, and for 7 years this is how he began each day: by summoning enough courage to last most men a lifetime.

Why did he do it?

I never had the privilege of meeting Eric. But over the past several days I have read a great deal about him, and based on the comments of his family, friends, and colleagues, I suspect the answer is that Eric wouldn’t have wanted it any other way.

Like all law enforcement officers, the life of a trooper is a life of service to

one’s community and one’s fellow man—the vulnerable, the needy, and the insecure. It is also a life of sacrifice. And on November 18, 2016—that Friday that began like all the others—Trooper Ellsworth made the ultimate sacrifice.

While directing traffic to avoid a roadway hazard along a rural stretch of State Route 13 near Garland in Box Elder County, Trooper Ellsworth was accidentally struck by a passing vehicle. For 4 days, he remained in critical condition at Intermountain Medical Center, defying the odds and fighting to live another day in that uniform. But on November 22, 2016, Eric succumbed to the injuries sustained in the crash and passed from this life into the next. He died honorably, doing what he loved—and lived—to do: helping others and serving his community.

Indeed, if you look at the trajectory of Eric’s life, you are left with the distinct impression that the man was destined, from the very start, to be a highway patrol trooper.

He was the seventh of nine children—and the eldest brother—which must have taught him at an early age what it means to live with duties and obligations toward others. And his hero—his father, Ronald Ellsworth, who was also a highway trooper—showed him what courage as a daily discipline looks like.

Like most sons who revere their dads, Eric grew up wanting to follow in his father’s footsteps. And so he served.

He served his community, as an Eagle Scout and an active member of his church, the Church of Jesus Christ of Latter-day Saints. He served his family, as a loving husband to his wife and high-school sweetheart, Janica, and a nurturing father to their three sons, Bennett, Ian, and Oliver. He served his fellow citizens and countrymen as a highway trooper who kept watch over the roads in northern Utah. And most importantly to Eric, he served his Heavenly Father, as a missionary in Winnipeg, Canada, and as a faithful witness of Jesus Christ.

At 31 years of age, Trooper Ellsworth’s life was cut tragically short. But in those 31 years, he did more to help his fellow man than most of us can hope to accomplish in a lifetime. He lived a full and bighearted life, always ready to answer the call of service and dedicated to making the world not just safer but better for everyone.

This is Eric Ellsworth’s legacy, his gift to the world, and his sons’ greatest inheritance: the enduring example of a life well lived.

May he rest in peace, and may God bless his family and the community he served—it will never be the same without him.

Thank you.

#### ADDITIONAL STATEMENTS

##### IDAHO HOMETOWN HERO MEDAL

• Mr. CRAPO. Mr. President, today I wish to honor the 2016 Idaho Hometown Hero medalists.

Drs. Fahim and Naeem Rahim established the Idaho Hometown Hero medal in 2011 to recognize outstanding Idahoans working for the betterment of our communities. Medalists are selected from nominations sought from the public throughout the State and must meet criteria that include being dedicated to hard work, self-improvement, and community service.

In this 6th year of the presentation of this honor, 10 Idahoans from communities across Idaho are 2016 Hometown Hero medal recipients. Executive Director of Suicide Prevention Action Network of Idaho Jeni Griffin of Idaho Falls is recognized for her dedication of more than 10 years to promoting suicide prevention in Idaho. Nationally recognized teacher, coach, and mentor Holly Kartchner of Blackfoot received the award for her commitment to education in southeastern Idaho, leading her students to reach national championships. Former Coeur d'Alene police officer and Air Force veteran Mike Kralicek is honored for the inspiration he provides to other public servants to be better prepared for overcoming adversity and his leadership in helping law enforcement families in times of crisis.

Idaho Falls attorney Doug Nelson is recognized for dedicating more than three decades to leading, supporting, and advocating for children's activity programs and multiple charitable organizations and mentoring disadvantaged single mothers. Wiley Petersen, a professional bullrider, coach, motivational speaker, and mentor who grew up in Fort Hall received the medal for his efforts to give back to his Native American community and help further the progress of the Native American people. Sonya Rosario, a filmmaker from Meridian and the founder and executive director of Women of Color Alliance, is honored for her work and films to help heal Native communities. Zeze Rwasama of Twin Falls, who is originally from Congo, is the director of the College of Southern Idaho's refugee program, and is recognized for his work to educate, integrate and build bridges between refugees and their new communities.

Tyvan Schmitt, of Pocatello, who served in the U.S. Navy, is a posthumous awardee for his bravery and courage as he attempted to prevent a large catastrophe and for his devotion to helping the homeless, the schools, and neighbors. Linda Scott, a Pocatello native who served in the U.S. Army, is recognized for her volunteer efforts and commitment of her time, energy, resources, and compassion to helping others in need. Pocatello resident and Spanish professor Dr. Helen Cathleen Tarp is recognized for her work as founding program director of the Spanish for Health Professions major at Idaho State University, which is the only major of its kind in the country.

These remarkable Idahoans are among the 56 Idahoans of diverse backgrounds and a wide range of ages who

have been honored as Hometown Hero Award recipients since the award's establishment. I commend the Rahims, the award's committee members, the cosponsors, volunteers, and other organizations supporting this honor for their work to shed light on extraordinary service in our communities.

These Hometown Hero award recipients and countless other Idahoans lead by example, inspiring others to go above and beyond in assisting others and improving our communities. Congratulations to the 2016 Hometown Hero award recipients on your achievements, and thank you for your efforts to better our communities.●

#### TRIBUTE TO ROYCE PERRETT

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Royce Perrett of Wibaux County, a true American cowboy, who will celebrate his 93rd birthday this weekend. While ranching has been his profession for most of his life, he is also a Navy veteran, a devoted husband of over 70 years, a father of three children, and a valued member of the ranching community between Sidney and Wibaux.

Growing up in rural Nebraska, Mr. Perrett made do without many of the modern comforts we enjoy today: electricity, refrigeration, and modern transportation. When courting Nell Anderson, who would later become his wife, he traveled 10 miles by horse on the weekend to spend time with her, and on his way home Sunday night, he would sleep on his horse, waking up when the horse would stop to open gates.

After WWII and his service in the Navy was completed, Mr. Perrett returned to doing what he loves: ranching. His pursuits took him and his family from the Sandhills of Nebraska, to Isabel, SD, and then in his early 60s, when most would be considering retirement, Mr. Perrett came to Montana to manage the Blue Mountain Ranch, a 13,000-acre ranch north of Wibaux. While Mr. Perrett has had to trade in his saddle for a seat in a side-by-side ATV in recent years, he still manages the Blue Mountain Ranch full time for Gartner-Denowh Angus Ranch and puts in long hours fixing fences, checking water, and watching over 500 cows that graze there in the summer and fall.

When he isn't busy working, he enjoys collecting Western memorabilia and sharing his many stories about ranching, his life adventures, and his self-described greatest achievement: his marriage of over 70 years. As I found out recently when I stopped to visit Mr. Perrett, his door is always open to visitors and you had better be ready for a good conversation and his-  
tory lesson if you stop by.●

#### MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 34) to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

At 12:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4419. An act to update the financial disclosure requirements for judges of the District of Columbia courts and to make other improvements to the District of Columbia courts.

H.R. 5785. An act to amend title 5, United States Code, to provide for an annuity supplement for certain air traffic controllers.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

At 1:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1555. An act to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 2234. An act to award the Congressional Gold Medal, collectively, to the members of the Office of Strategic Services (OSS) in recognition of their superior service and major contributions during World War II.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2992. An act to award a Congressional Gold Medal, collectively, to the U.S. Merchant Marine of World War II, in recognition of their dedicated and vital service during World War II.

H.R. 5047. An act to direct the Secretary of Veterans Affairs and the Secretary of Labor to provide information to veterans and members of the Armed Forces about articulation agreements between institutions of higher learning, and for other purposes.

H.R. 5384. An act to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes.

H.R. 5948. An act to designate the facility of the United States Postal Service located at 830 Kuhn Drive in Chula Vista, California, as the "Jonathan 'J.D.' De Guzman Post Office Building".

H.R. 6009. An act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 6138. An act to designate the facility of the United States Postal Service located at 560 East Pleasant Valley Road, Port Huene, California, as the U.S. Naval Construction Battalion "Seabees" Fallen Heroes Post Office Building.

H.R. 6186. An act to amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes.



H.R. 6282. An act to designate the facility of the United States Postal Service located at 2024 Jerome Avenue, in Bronx, New York, as the “Dr. Roscoe C. Brown, Jr. Post Office Building”.

H.R. 6302. An act to provide an increase in premium pay for United States Secret Service agents performing protective services during 2016, and for other purposes.

H.R. 6303. An act to designate facilities of the United States Postal Service, to establish new ZIP Codes, and for other purposes.

H.R. 6304. An act to designate the facility of the United States Postal Service located at 501 North Main Street in Florence, Arizona, as the “Adolfo ‘Harpo’ Celaya Post Office”.

H.R. 6393. An act to authorize appropriations for fiscal year 2017 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message further announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 174. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 34.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7767. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary of Agriculture, received in the Office of the President of the Senate on November 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7768. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary for Marketing and Regulatory Programs, received in the Office of the President of the Senate on November 29, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7769. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Clarifications and Revisions to Military Aircraft, Gas Turbine Engines and Related Items License Requirements” (RIN0694-AG76) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7770. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility; Massachusetts: Marshfield, Town of, Plymouth County” ((44 CFR Part 64) (Docket No. FEMA-2016-0002)) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7771. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-7772. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a final report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-7773. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7774. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Revision of the FDIC’s Freedom of Information Act Regulations” (RIN3064-AE53) received in the Office of the President of the Senate on November 29, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7775. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “Civil Monetary Penalty Inflation Adjustment” (RIN3133-AE59) received in the Office of the President of the Senate on November 30, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7776. A communication from the Senior Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled “Prepaid Accounts Under the electronic Fund Transfer Act (Regulation E) and the Truth in Lending Act (Regulation Z)” (RIN3170-AA22) received in the Office of the President of the Senate on November 30, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC-7777. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was originally declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-7778. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, a report relative to the Department’s proposal to accept a 3,323-acre donation from the American River Conservancy; to the Committee on Energy and Natural Resources.

EC-7779. A communication from the Counsel to the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Resource Agency Hearings and Alternatives Development Procedures in Hydropower Licenses” (RIN0596-AC42; RIN1090-AA91; RIN0648-AU01) received in the Office of the President of the Senate on November 29, 2016; to the Committee on Energy and Natural Resources.

EC-7780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revision of Certain Federal Water Quality Criteria Applicable to Washington” ((RIN2040-AF56) (FRL No. 9955-40-OW)) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Environment and Public Works.

EC-7781. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System General Permit Remand Rule” ((RIN2040-AF57) (FRL No. 9955-11-OW)) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Environment and Public Works.

EC-7782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Quality Plans; Tennessee; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard” (FRL No. 9955-58-Region 4) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Environment and Public Works.

EC-7783. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval: AK; Permitting Fees Revision” (FRL No. 9955-48-Region 10) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Environment and Public Works.

EC-7784. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; MA; Decommissioning of Stage II Vapor Recovery Systems” (FRL No. 9950-92-Region 1) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Environment and Public Works.

EC-7785. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “2015 Revision and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule” ((RIN2060-AS60) (FRL No. 9954-42-OAR)) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Environment and Public Works.

EC-7786. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category—Implementation Date Extension” ((RIN2040-AF68) (FRL No. 9955-65-OW)) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Environment and Public Works.

EC-7787. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Recovery Auditing in Medicare Fee-for-Service for Fiscal Year 2015”; to the Committee on Finance.

EC-7788. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Revised Medical Criteria for Evaluating Human Immunodeficiency Virus (HIV) Infection and for Evaluating Functional Limitations in Immune System Disorders” (RIN0960-AG71) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Finance.

EC-7789. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Amendment to the International Traffic in Arms Regulations: Corrections and Clarifications” (RIN1400-AE05) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Foreign Relations.

EC-7790. A communication from the Supervisory Management and Program Analyst, Office of Acquisition and Assistance, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Requirement for Non-discrimination against End-Users of Supplies or Services ('Beneficiaries') under USAID-Funded Contracts" (RIN0412-AA81) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Foreign Relations.

EC-7791. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Components" (Docket No. FDA-2016-F-1153) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7792. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Gas Containers and Closures; Current Good Manufacturing Practice Requirements" ((RIN0910-AC53) (Docket No. FDA-2005-N-0343)) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7793. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (Docket No. FDA-2000-N-0011) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7794. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food and Drug Administration Review and Action on Over-the-Counter Time and Extent Applications" ((RIN0910-AH30) (Docket No. FDA-2016-N-0543)) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7795. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" (29 CFR Part 4044) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-7796. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Department's Semiannual Report from the Office of the Inspector General for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7797. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Endowment's Agency Financial Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7798. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General

and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7799. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Career and Career-Conditional Employment" (RIN3206-AM64) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7800. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Veterans' Preference" (RIN3206-AM79) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7801. A communication from the Acting Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Health Benefits Program Coverage for Certain Firefighters and Intermittent Emergency Response Personnel" (RIN3206-AM66) received in the Office of the President of the Senate on November 28, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7802. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7803. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of Defense Agency Financial Report (AFR) for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7804. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7805. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Endowment's Agency Financial Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7806. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7807. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's Agency Financial Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7808. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7809. A communication from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7810. A communication from the Chairwoman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's fiscal year 2016 Agency Financial Report and the Uniform Resource Locator (URL) for the report; to the Committee on Homeland Security and Governmental Affairs.

EC-7811. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Agency Financial Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7812. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2016 through September 30, 2016, and the Millennium Challenge Corporation's response; to the Committee on Homeland Security and Governmental Affairs.

EC-7813. A communication from the Associate Administrator, Office of Congressional and Legislative Affairs, Small Business Administration, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Administration's fiscal year 2016 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-7814. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Corporation for National and Community Service's Response and Report on Final Action for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7815. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7816. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7817. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7818. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7819. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-7820. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "2015 Outcome Evaluations of Administration for Native Americans (ANA) Projects Report to Congress"; to the Committee on Indian Affairs.

EC-7821. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting,

pursuant to law, a report entitled "Fiscal Year (FY) 2015 Report to Congress on Contract Funding of Indian Self-Determination and Education Assistance Act Awards"; to the Committee on Indian Affairs.

EC-7822. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2012 Report to Congress on Administration of the Tribal Self-Governance Program"; to the Committee on Indian Affairs.

EC-7823. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2013 Report to Congress on Administration of the Tribal Self-Governance Program"; to the Committee on Indian Affairs.

EC-7824. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Fiscal Year 2014 Report to Congress on Administration of the Tribal Self-Governance Program"; to the Committee on Indian Affairs.

EC-7825. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, Administration on Native Americans, Department of Health and Human Services, received in the Office of the President of the Senate on November 30, 2016; to the Committee on Indian Affairs.

EC-7826. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's 2016-2020 Strategic Plan; to the Committee on Commerce, Science, and Transportation.

EC-7827. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's 2016-2020 Strategic Plan; to the Committee on Commerce, Science, and Transportation.

EC-7828. A communication from the Attorney-Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy for the position of Assistant Secretary for Research and Technology, Department of Transportation, received in the office of the President of the Senate on November 30, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7829. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Protecting the Privacy of Customers of Broadband and Other Telecommunications Services" (FCC 16-148) (WC Docket No. 16-106) received in the Office of the President of the Senate on November 30, 2016; to the Committee on Commerce, Science, and Transportation.

EC-7830. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Connect America Fund" (FCC 16-143) (WC Docket No. 16-90) received in the Office of the President of the Senate on November 30, 2016; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-256. A joint resolution adopted by the General Assembly of the State of Indiana re-

questing the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the United States Constitution concerning imposition of fiscal restraints on the federal government, limitations of the powers and jurisdiction of federal powers, and the limitation of the terms of office for its officials and for members of Congress; to the Committee on the Judiciary.

#### SENATE ENROLLED JOINT RESOLUTION NO. 14

Section 1. The legislature of the State of Indiana hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints of the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

Section 2. The secretary of state is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.

Section 3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several States have made applications on the same subject.

POM-257. A petition from a citizen of the State of Texas relative to a proposed amendment to the United States Constitution; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3084. A bill to invest in innovation through research and development, and to improve the competitiveness of the United States (Rept. No. 114-389).

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2201. A bill to promote international trade, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Robert N. Polumbo, to be Major General.

Air Force nomination of Maj. Gen. Jerry D. Harris, Jr., to be Lieutenant General.

Air Force nomination of Lt. Gen. James M. Holmes, to be General.

Navy nomination of Rear Adm. William K. Lescher, to be Vice Admiral.

Navy nomination of Capt. Kelly A. Aeschbach, to be Rear Admiral (lower half).

Navy nomination of Vice Adm. Dixon R. Smith, to be Vice Admiral.

Air Force nominations beginning with Col. Joel E. DeGroot and ending with Col. David D. Zwart, which nominations were received

by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nominations beginning with Brig. Gen. David P. Baczewski and ending with Brig. Gen. Roger E. Williams, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nomination of Brig. Gen. Jesse T. Simmons, Jr., to be Major General.

Air Force nominations beginning with Brig. Gen. David M. McMinn and ending with Brig. Gen. Ronald E. Paul, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nomination of Col. William E. Dickens, Jr., to be Brigadier General.

Air Force nominations beginning with Col. Brian K. Borgen and ending with Col. Constance M. Von Hoffman, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nomination of Brig. Gen. Randolph J. Staudenraus, to be Major General.

Air Force nominations beginning with Brig. Gen. Craig L. LaFave and ending with Brig. Gen. Patrick M. Wade, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nomination of Col. Stephen C. Melton, to be Brigadier General.

Army nomination of Maj. Gen. Paul E. Funk II, to be Lieutenant General.

Army nomination of Maj. Gen. Gary J. Volesky, to be Lieutenant General.

Army nomination of Maj. Gen. James H. Dickinson, to be Lieutenant General.

Army nomination of Brig. Gen. Patrick M. Hamilton, to be Major General.

Army nominations beginning with Brig. Gen. Benjamin F. Adams III and ending with Brig. Gen. Michael R. Zerbonia, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of Col. Mark A. Pitera, to be Brigadier General.

Army nomination of Col. Ellis F. Hopkins III, to be Brigadier General.

Army nominations beginning with Col. Michael A. Abell and ending with Col. Louis W. Wilham, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Navy nomination of Rear Adm. (lh) Mary M. Jackson, to be Vice Admiral.

Mr. MCCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Daniel J. Bessmer and ending with Christie Barton Walton, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2016.

Air Force nominations beginning with Kip T. Averett and ending with Daniel S. Walker, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nominations beginning with Shawn M. Garcia and ending with Morgan H. Laird, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nominations beginning with Daniel C. Abell and ending with Peter Zwart, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nomination of Gary A. Fairchild, to be Colonel.

Air Force nomination of Megan M. Luka, to be Major.

Air Force nominations beginning with Brandon D. Clint and ending with Edmund J. Rutherford, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Air Force nominations beginning with Isamettin A. Aral and ending with Leslie Ann Zyzda-Martin, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of Brian C. Garver, to be Major.

Army nomination of Clifford D. Johnston, to be Major.

Army nomination of Reinaldo Gonzalez II, to be Major.

Army nomination of Graham F. Inman, to be Major.

Army nomination of Eileen K. Jenkins, to be Lieutenant Colonel.

Army nomination of Jeffrey M. Farris, to be Colonel.

Army nomination of Matthew T. Bell, to be Lieutenant Colonel.

Army nomination of Melissa B. Reister, to be Major.

Army nomination of Charles M. Causey, to be Colonel.

Army nominations beginning with Stephen A. Labate and ending with Raymond J. Orr, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of Roxanne E. Wallace, to be Lieutenant Colonel.

Army nomination of Eric A. Mitchell, to be Major.

Army nomination of Jonathan J. Vannatta, to be Colonel.

Army nomination of Dennis D. Calloway, to be Lieutenant Colonel.

Army nominations beginning with Kenneth L. Alford and ending with Bruce T. Sidebotham, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of Henry Spring, Jr., to be Colonel.

Army nomination of Craig A. Yunker, to be Colonel.

Army nomination of Cornelius J. Pope, to be Lieutenant Colonel.

Army nomination of Anthony K. McConnell, to be Colonel.

Army nomination of Jennifer L. Cummings, to be Lieutenant Colonel.

Army nominations beginning with Donald J. Erpenbach and ending with Timothy A. Fanter, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of Carl I. Shaia, to be Colonel.

Army nomination of Lisa M. Barden, to be Lieutenant Colonel.

Army nomination of Roger D. Lyles, to be Colonel.

Army nomination of Clara A. Bieganek, to be Lieutenant Colonel.

Army nomination of Isaiah M. Garfias, to be Major.

Army nomination of Louis E. Herrera, to be Colonel.

Army nomination of Schnicka L. Singleton, to be Major.

Army nomination of John R. Burchfield, to be Colonel.

Army nomination of Elizabeth S. Eatonferenzi, to be Major.

Army nomination of Richard D. Mina, to be Major.

Army nominations beginning with Temidayo L. Anderson and ending with D0127914, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of Richard A. Gautier, Jr., to be Major.

Army nomination of Joseph A. Papenfus, to be Colonel.

Army nominations beginning with Stuart G. Baker and ending with Walter D. Venneman, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of David S. Yuen, to be Colonel.

Army nomination of Donta A. White, to be Major.

Army nomination of Tony A. Hampton, to be Major.

Army nominations beginning with Charles C. Anderson and ending with James D. Willson, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of David A. Yasenchock, to be Colonel.

Army nomination of Aaron C. Ramiro, to be Major.

Army nomination of Richard M. Strong, to be Lieutenant Colonel.

Army nomination of Brendon S. Baker, to be Major.

Army nominations beginning with Lanny J. Acosta, Jr. and ending with Lance B. Turlington, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Army nomination of Andrew J. Wade, to be Colonel.

Army nomination of Christopher S. Besser, to be Lieutenant Colonel.

Army nomination of Chad C. Black, to be Major.

Army nomination of Thomas D. Starkey, to be Colonel.

Marine Corps nomination of Joshua D. Fitzgarrald, to be Major.

Marine Corps nomination of Anthony C. Lyons, to be Lieutenant Colonel.

Navy nomination of Suzanne L. Hopkins, to be Lieutenant Commander.

Navy nominations beginning with Jafar A. Ali and ending with Anthony K. Wolverton, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Navy nomination of Meryl A. Severson III, to be Captain.

Navy nomination of Ashley R. Bjorklund, to be Lieutenant Commander.

Navy nomination of Adeleke O. Mowobi, to be Lieutenant Commander.

Navy nominations beginning with Mary K. Arbutnot and ending with John K. Werner, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2016.

Navy nomination of Stephen W. Hedrick, to be Lieutenant Commander.

Navy nomination of Vincent M. J. Ambrosino, to be Lieutenant Commander.

Navy nomination of Neal P. Ridge, to be Captain.

Navy nomination of Abdeslam Bousalham, to be Lieutenant Commander.

Navy nomination of Scott M. Morey, to be Lieutenant Commander.

Navy nomination of Christian R. Foschi, to be Lieutenant Commander.

By Mr. HATCH for the Committee on Finance.

\*Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

\*Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

\*Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

\*Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

\*Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

\*Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER (for himself and Ms. KLOBUCHAR):

S. 7. A bill to amend title XVIII of the Social Security Act to make permanent the removal of the rental cap for durable medical equipment under the Medicare program with respect to speech generating devices; to the Committee on Finance.

By Mr. CORKER (for himself and Mr. CARDIN):

S. 8. A bill to provide for the approval of the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Norway Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Relations.

By Ms. WARREN (for herself and Mr. GRASSLEY):

S. 9. A bill to provide for the regulation of over-the-counter hearing aids; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT (for himself, Mr. CASEY, Mr. WYDEN, Mr. GRAHAM, and Mr. BENNET):

S. 10. A bill to provide for the consideration of a definition of anti-Semitism for the enforcement of Federal antidiscrimination laws concerning education programs or activities; considered and passed.

By Mr. BOOKER (for himself and Mrs. GILLIBRAND):

S. 3489. A bill to prohibit a court from awarding damages based on race, ethnicity, gender, religion, or actual or perceived sexual orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. PERDUE, and Mrs. GILLIBRAND):

S. 3490. A bill to direct the Secretary of Homeland Security to provide for an option under the Secure Mail Initiative under which a person to whom a document is sent under that initiative may require that the United States Postal Service obtain a signature

from that person in order to deliver the document, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. LEAHY, Mr. FRANKEN, Mr. DURBIN, Mr. TESTER, Mrs. MURRAY, Mr. MERKLEY, Ms. WARREN, Ms. HIRONO, Mr. CASEY, Mr. WARNER, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HETTKAMP, and Mr. REED):

S. 3491. A bill to amend the Truth in Lending Act and the Electronic Fund Transfer Act to provide justice to victims of fraud; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PETERS (for himself and Ms. STABENOW):

S. 3492. A bill to designate the Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, as the "Colonel Demas T. Craw VA Clinic"; considered and passed.

By Mr. BOOKER (for himself and Mr. MENENDEZ):

S. 3493. A bill to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in New Jersey; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself and Ms. BALDWIN):

S. Res. 627. A resolution designating December 3, 2016, as "National Phenylketonuria Awareness Day"; considered and agreed to.

By Mr. BLUNT:

S. Res. 628. A resolution authorizing the printing of a revised edition of the Senate Rules and Manual; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 290

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 290, a bill to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

S. 497

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 497, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 1490

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1490, a bill to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes.

S. 1794

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cospon-

sor of S. 1794, a bill to prohibit drilling in the Arctic Ocean.

S. 2208

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2208, a bill to promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 2577

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2577, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

S. 2645

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2645, a bill to impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights against lesbian, gay, bisexual, and transgender individuals, and for other purposes.

S. 2671

At the request of Mr. NELSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2671, a bill to amend title XVIII of the Social Security Act to establish rules for payment for graduate medical education (GME) costs for hospitals that establish a new medical residency training program after hosting resident rotators for short durations.

S. 2868

At the request of Mr. SCOTT, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2868, a bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in economically distressed zones.

S. 2878

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 2878, a bill to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through strong-

er and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

S. 2989

At the request of Ms. MURKOWSKI, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 3111

At the request of Mr. PORTMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3111, a bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older.

S. 3164

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3164, a bill to provide protection for survivors of domestic violence or sexual assault under the Fair Housing Act.

S. 3299

At the request of Mr. DAINES, his name was added as a cosponsor of S. 3299, a bill to direct the Secretary of Homeland Security to notify air carriers and security screening personnel of the Transportation Security Administration regarding permitting baby formula, breast milk, and juice on aircraft, and for other purposes.

S. 3373

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3373, a bill to amend the Federal Deposit Insurance Act to ensure that the reciprocal deposits of an insured depository institution are not considered to be funds obtained by or through a deposit broker, and for other purposes.

S. 3391

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3391, a bill to reauthorize the Museum and Library Services Act.

S. 3447

At the request of Mr. SULLIVAN, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 3447, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a memorial honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes.

S. 3472

At the request of Mr. LEE, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 3472, a bill to require the Bureau of



the Census to conduct a survey to determine income and poverty levels in the United States in a manner that accounts for the receipt of Federal means-tested benefits, and for other purposes.

S. 3476

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3476, a bill to waive recoupment by the United States of certain bonuses and similar benefits erroneously received by members of the Army National Guard, and for other purposes.

S. 3478

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 3478, a bill to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

S. CON. RES. 51

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. Con. Res. 51, a concurrent resolution expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991.

S. CON. RES. 56

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution clarifying any potential misunderstanding as to whether actions taken by President-elect Donald Trump constitute a violation of the Emoluments Clause, and calling on President-elect Trump to divest his interest in, and sever his relationship to, the Trump Organization.

S. RES. 580

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 580, a resolution supporting the establishment of a President's Youth Council.

S. RES. 616

At the request of Mrs. SHAHEEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 616, a resolution supporting the goals and ideals of American Diabetes Month.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. BROWN (for himself, Mr. LEAHY, Mr. FRANKEN, Mr. DURBIN, Mr. TESTER, Mrs. MURRAY, Mr. MERKLEY, Ms. WARREN, Ms. HIRONO, Mr. CASEY, Mr. WARNER, Mr. MENENDEZ, Mr. BLUMENTHAL, Ms. HEITKAMP, and Mr. REED):

S. 3491. A bill to amend the Truth in Lending Act and the Electronic Fund Transfer Act to provide justice to victims of fraud; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BOOKER. Mr. President, I rise to introduce the Fair Calculations in Civil Damages Act of 2016, also known as the Fair Calculations Act. This critical civil rights legislation would ensure that Federal judicial awards of civil damages do not value women and minorities less than other Americans. By combating discrimination in the award of civil damages, the Fair Calculations Act would help bring our nation one step closer to fulfilling the promise of equal justice under law. I thank Senator GILLIBRAND for her support, and I am proud she is an original cosponsor of this bill. I also thank Rep. KENNEDY, who is introducing the House companion to this bill, for his leadership.

A basic tenet of the American legal system is our shared belief that "all men are created equal," an idea so critical to who we are and what we believe that it is explicitly reflected in our Declaration of Independence. Even our national charter reflects the idea that everyone must be given equal protection under the laws. Out of this constitutional foundation lays a simple truth: to be equal under the law means, at a minimum, that neither our government nor the rule of the law should discriminate against anyone by virtue of his or her membership in a group.

Sadly, our Nation fails to live up to those promises when courts award damages in civil cases. Far too often, Federal and State judges use race or gender as factors to weigh when deciding how much money to award a plaintiff in a civil case. As a result, individuals of a certain race or gender often receive larger awards than people of a different race or gender, even in similar cases. This damages awards gap derives from estimates of how much money an individual would have earned over their lifetimes had they not been injured and, far too often, that estimate considers earnings and job levels by race and gender.

Consider the case of James McMillan, an African-American man who was injured during the 2003 Staten Island ferry crash. As a result of the crash, Mr. McMillan suffered a severe spinal cord injury that caused him to need medical care for the remainder of his life. He sued the City of New York. In response to his suit, the City of New York argued that he should receive less money for his injury because data demonstrated that African-American vic-

tims of spinal cord injuries lived fewer years than white victims and, therefore, he would incur fewer medical costs. Fortunately, the judge in that case rejected the city's argument. But no American should have to endure the indignity of having the value of their life determined by their race or gender.

The use of race and gender to project future earnings in courts is a widespread problem. According to a 2009 survey by the National Association of Forensic Economics, 44 percent of forensic economists reported considering race and 92 percent reported considering gender when estimating future earning rates for injured children.

Even leading scholars have been critical of this practice. Martha Chamallas, a law professor at the Ohio State University Law School, called the practice reminiscent of something "civil rights advocates [fought] in the 1960s." Jennifer Wiggins, a law professor at the University of Maine Law School, has emphasized that the practice "reinforces past discrimination and pushes it out into the future and endorses." I could not agree more.

The Fair Calculations Act, which I introduce today, would bar Federal courts from awarding damages based on race, ethnicity, gender, religion, or actual or perceived sexual orientation. Justice in an American court should not turn on race or gender, and the time has come to put an end to this discriminatory practice in Federal courts. I also believe this bill would serve as a road map for States who I hope will end this discriminatory practice in their courts.

The legislation would require the Department of Justice and the Department of Labor to develop guidance to the States on how calculations of future earnings for a violation of State tort law could violate Federal equal protection laws. That is yet another example of how this bill aims to persuade states to follow our lead. By issuing guidance to the states on this issue, the impact of this bill has the potential to be even more far-reaching.

The bill would require the Department of Labor to issue guidance to forensic economists on how to create inclusive future earnings tables that do not rely on race, ethnicity, gender, religion, or actual or perceived sexual orientation. Forensic economists are often used as experts in both Federal and State courts to advise lawyers and judges on the proper amounts to award for damages. Instructing these experts on the benefits of more representative future earnings tables and the legal hurdles of using less inclusive earning tables is yet another way to ensure that future earnings in State courts do not harm women or minorities.

Finally, the Fair Calculations Act would direct the Judicial Conference of the United States to conduct a study and report to Congress on the use of race, ethnicity, gender, age, disability, or actual or perceived sexual orientation in the calculation of future earnings in civil court cases. This provision



provides for more transparency and record keeping. The first step to fixing a problem is understanding the extent of the problem you have, and this provision allows for Congress to track the extent of Federal judicial awards based on demographics. It also allows for more open government, which is important because transparency allows the American people to hold its government accountable.

Our Nation was founded on the idea that all people are created equal. Valuing one person's life more than another merely because of the color of their skin or sex belies this core value that makes our Nation great. The Fair Calculations Act would remedy this wrong and continue our country down the path towards fulfilling our Nation's promise of liberty and justice for all. I am proud to stand here today and introduce this critical bill and I urge its speedy passage.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 627—DESIGNATING DECEMBER 3, 2016, AS “NATIONAL PHENYLKETONURIA AWARENESS DAY”

Mr. ISAKSON (for himself and Ms. BALDWIN) submitted the following resolution; which was considered and agreed to:

S. RES. 627

Whereas phenylketonuria (in this preamble referred to as “PKU”) is a rare, inherited metabolic disorder that is characterized by the inability of the body to process the essential amino acid phenylalanine and which causes intellectual disability and other neurological problems, such as memory loss and mood disorders, when treatment is not started within the first few weeks of life;

Whereas PKU is also referred to as Phenylalanine Hydroxylase Deficiency;

Whereas newborn screening for PKU was initiated in the United States in 1963 and was recommended for inclusion in State newborn screening programs under the Newborn Screening Saves Lives Act of 2007 (Public Law 110-204);

Whereas approximately 1 out of every 15,000 infants in the United States is born with PKU;

Whereas PKU is treated with medical food; Whereas the 2012 Phenylketonuria Scientific Review Conference affirmed the recommendation of lifelong dietary treatment for PKU made by the National Institutes of Health Consensus Development Conference Statement 2000;

Whereas, in 2014, the American College of Medical Genetics and Genomics and Genetic Dieticians International published medical and dietary guidelines on the optimal treatment of PKU;

Whereas medical foods are medically necessary for children and adults living with PKU;

Whereas adults with PKU who discontinue treatment are at risk for serious medical issues, such as depression, impulse control disorder, phobias, tremors, and pareses;

Whereas women with PKU must maintain strict metabolic control before and during pregnancy to prevent fetal damage;

Whereas children born from untreated mothers with PKU may have a condition

known as “maternal phenylketonuria syndrome”, which can cause small brains, intellectual disabilities, birth defects of the heart, and low birth weights;

Whereas, although there is no cure for PKU, treatment involving medical foods, medications, and restriction of phenylalanine intake can prevent progressive, irreversible brain damage;

Whereas access to health insurance coverage for medical food varies across the United States and the long-term costs associated with caring for untreated children and adults with PKU far exceed the cost of providing medical food treatment;

Whereas gaps in medical foods coverage has a detrimental impact on individuals with PKU, their families, and society;

Whereas scientists and researchers are hopeful that breakthroughs in PKU research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving PKU; and

Whereas the Senate is an institution that can raise awareness of PKU among the general public and the medical community; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates December 3, 2016, as “National Phenylketonuria Awareness Day”;

(2) encourages all people in the United States to become more informed about phenylketonuria and the role of medical foods in treating phenylketonuria; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the National PKU Alliance, a nonprofit organization dedicated to improving the lives of individuals with phenylketonuria.

##### SENATE RESOLUTION 628—AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. BLUNT submitted the following resolution; which was considered and agreed to:

S. RES. 628

*Resolved*, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 114th Congress;

(2) the manual shall be printed as a Senate document; and

(3) in addition to the usual number of copies, 1,500 copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

(B) 1,000 copies shall be bound (500 paperbound, 250 nontabbed black skiver, 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5117. Mr. McCONNELL proposed an amendment to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes.

SA 5118. Mr. McCONNELL proposed an amendment to amendment SA 5117 proposed by Mr. McCONNELL to the bill H.R. 34, supra.

SA 5119. Mr. McCONNELL proposed an amendment to the bill H.R. 34, supra.

SA 5120. Mr. McCONNELL proposed an amendment to amendment SA 5119 proposed by Mr. McCONNELL to the bill H.R. 34, supra.

SA 5121. Mr. McCONNELL proposed an amendment to amendment SA 5120 proposed by Mr. McCONNELL to the amendment SA 5119 proposed by Mr. McCONNELL to the bill H.R. 34, supra.

SA 5122. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 34, supra; which was ordered to lie on the table.

SA 5123. Mr. SULLIVAN (for Mr. BURR (for himself and Ms. CANTWELL)) proposed an amendment to the bill S. 2058, to require the Secretary of Commerce to study the coverage gaps of the Next Generation Weather Radar of the National Weather Service and to develop a plan for improving radar coverage and hazardous weather detection and forecasting.

SA 5124. Mr. SULLIVAN (for Mr. BURR) proposed an amendment to the bill S. 2058, supra.

SA 5125. Mr. SULLIVAN (for Mr. THUNE (for himself and Mr. NELSON)) proposed an amendment to the bill H.R. 1561, to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes.

SA 5126. Mr. SULLIVAN (for Ms. CANTWELL) proposed an amendment to amendment SA 5125 proposed by Mr. SULLIVAN (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 1561, supra.

#### TEXT OF AMENDMENTS

SA 5117. Mr. McCONNELL proposed an amendment to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

At the end add the following:

“This Act shall take effect 1 day after the date of enactment.”

SA 5118. Mr. McCONNELL proposed an amendment to amendment SA 5117 proposed by Mr. McCONNELL to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

Strike “1 day” and insert “2 days”.

SA 5119. Mr. McCONNELL proposed an amendment to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

At the end add the following:

“This Act shall take effect 3 days after the date of enactment.”

SA 5120. Mr. McCONNELL proposed an amendment to amendment SA 5119 proposed by Mr. McCONNELL to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program

of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

Strike “3 days” and insert “4 days”.

**SA 5121.** Mr. McCONNELL proposed an amendment to amendment SA 5120 proposed by Mr. McCONNELL to the amendment SA 5119 proposed by Mr. McCONNELL to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

Strike “4” and insert “5”.

**SA 5122.** Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 34, to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

**SEC. \_\_\_\_ USE OF UNAPPROVED MEDICAL PRODUCTS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.**

(a) **SHORT TITLE.**—This section may be cited as the “Trickett Wendler Right to Try Act of 2016”.

(b) **USE OF UNAPPROVED MEDICAL PRODUCTS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.**—

(1) **IN GENERAL.**—Notwithstanding the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Controlled Substances Act (21 U.S.C. 801 et seq.), and any other provision of Federal law, the Federal Government shall not take any action to prohibit or restrict—

(A) the production, manufacture, distribution, prescribing, or dispensing of an experimental drug, biological product, or device that—

(i) is intended to treat a patient who has been diagnosed with a terminal illness; and

(ii) is authorized by, and in accordance with, State law; and

(B) the possession or use of an experimental drug, biological product, or device—

(i) that is described in clauses (i) and (ii) of subparagraph (A); and

(ii) for which the patient has received a certification from a physician, who is in good standing with the physician’s certifying organization or board, that the patient has exhausted, or otherwise does not meet qualifying criteria to receive, any other available treatment options.

(2) **NO LIABILITY OR USE OF OUTCOMES.**—

(A) **NO LIABILITY.**—Notwithstanding any other provision of law, no liability shall lie against a producer, manufacturer, distributor, prescriber, dispenser, possessor, or user of an experimental drug, biological product, or device for the production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that is in compliance with paragraph (1).

(B) **NO USE OF OUTCOMES.**—Notwithstanding any other provision of law, the outcome of any production, manufacture, distribution, prescribing, dispensing, possession, or use of an experimental drug, biological product, or device that was done in compliance with paragraph (1) shall not be used by a Federal agency reviewing the experimental drug, biological product, or device to delay or other-

wise adversely impact review or approval of such experimental drug, biological product, or device.

(3) **DEFINITIONS.**—In this section:

(A) **BIOLOGICAL PRODUCT.**—The term “biological product” has the meaning given to such term in section 351 of the Public Health Service Act (42 U.S.C. 262).

(B) **DEVICE; DRUG.**—The terms “device” and “drug” have the meanings given to such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(C) **EXPERIMENTAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE.**—The term “experimental drug, biological product, or device” means a drug, biological product, or device that—

(i) has successfully completed a phase 1 clinical investigation;

(ii) remains under investigation in a clinical trial approved by the Food and Drug Administration; and

(iii) is not approved, licensed, or cleared for commercial distribution under section 505, 510(k), or 515 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 355, 360(k), 360(e)) or section 351 of the Public Health Service Act (42 U.S.C. 262).

(D) **PHASE 1 CLINICAL INVESTIGATION.**—The term “phase 1 clinical investigation” means a phase 1 clinical investigation, as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations).

(E) **TERMINAL ILLNESS.**—The term “terminal illness” has the meaning given to such term in the State law specified in paragraph (1)(A)(ii).

**SA 5123.** Mr. SULLIVAN (for Mr. BURR (for himself and Ms. CANTWELL)) proposed an amendment to the bill S. 2058, to require the Secretary of Commerce to study the coverage gaps of the Next Generation Weather Radar of the National Weather Service and to develop a plan for improving radar coverage and hazardous weather detection and forecasting; as follows:

Strike all after the enacting clause and insert the following:

**SEC. \_\_\_\_ STUDY ON GAPS IN NEXRAD COVERAGE AND REQUIREMENT FOR PLAN TO ADDRESS SUCH GAPS.**

(a) **STUDY ON GAPS IN NEXRAD COVERAGE.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (referred to in this section as “NEXRAD”).

(2) **ELEMENTS.**—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States with limited or no NEXRAD coverage below 6,000 feet above ground level of the surrounding terrain;

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including Terminal Doppler Weather Radar (commonly known as “TDWR”), air surveillance radars of the Federal Aviation Administration, and cooperative network observers; and

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmos-

pheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(C) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(D) identify options to improve radar coverage in the areas identified under subparagraph (A); and

(E) estimate the cost of, and develop a timeline for, carrying out each of the options identified under subparagraph (D).

(3) **REPORT.**—Upon the completion of the study required under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the findings of the Secretary with respect to the study.

(b) **PLAN TO IMPROVE RADAR COVERAGE.**—Not later than 30 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit a plan to the congressional committees referred to in subsection (a)(3) for improving radar coverage in the areas identified under subsection (a)(2)(A) by integrating and upgrading, to the extent practicable, additional observation solutions to improve hazardous weather detection and forecasting.

(c) **REQUIREMENT FOR THIRD-PARTY REVIEWS REGARDING PLAN TO IMPROVE RADAR COVERAGE.**—The Secretary of Commerce shall seek third-party reviews on scientific methodology relating to, and the feasibility and advisability of, implementing the plan submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional NEXRAD coverage.

**SA 5124.** Mr. SULLIVAN (for Mr. BURR) proposed an amendment to the bill S. 2058, to require the Secretary of Commerce to study the coverage gaps of the Next Generation Weather Radar of the National Weather Service and to develop a plan for improving radar coverage and hazardous weather detection and forecasting; as follows:

Amend the title so as to read: “A bill to require the Secretary of Commerce to study the coverage gaps of the Next Generation Weather Radar of the National Weather Service and to develop a plan for improving radar coverage and hazardous weather detection and forecasting.”

**SA 5125.** Mr. SULLIVAN (for Mr. THUNE (for himself and Mr. NELSON)) proposed an amendment to the bill H.R. 1561, to improve the National Oceanic and Atmospheric Administration’s weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Weather Research and Forecasting Innovation Act of 2016”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

**TITLE I—UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT**

- Sec. 101. Public safety priority.  
Sec. 102. Weather research and forecasting innovation.  
Sec. 103. Tornado warning improvement and extension program.  
Sec. 104. Hurricane forecast improvement program.  
Sec. 105. Weather research and development planning.  
Sec. 106. Observing system planning.  
Sec. 107. Observing system simulation experiments.  
Sec. 108. Annual report on computing resources prioritization.  
Sec. 109. United States Weather Research program.

**TITLE II—SUBSEASONAL AND SEASONAL FORECASTING INNOVATION**

- Sec. 201. Improving subseasonal and seasonal forecasts.

**TITLE III—WEATHER SATELLITE AND DATA INNOVATION**

- Sec. 301. National Oceanic and Atmospheric Administration satellite and data management.  
Sec. 302. Commercial weather data.  
Sec. 303. Unnecessary duplication.

**TITLE IV—FEDERAL WEATHER COORDINATION**

- Sec. 401. Environmental Information Services Working Group.  
Sec. 402. Interagency weather research and forecast innovation coordination.  
Sec. 403. Office of Oceanic and Atmospheric Research and National Weather Service exchange program.  
Sec. 404. Visiting fellows at National Weather Service.  
Sec. 405. Warning coordination meteorologists at weather forecast offices of National Weather Service.  
Sec. 406. Improving National Oceanic and Atmospheric Administration communication of hazardous weather and water events.  
Sec. 407. National Oceanic and Atmospheric Administration Weather Ready All Hazards Award Program.  
Sec. 408. Department of Defense weather forecasting activities.  
Sec. 409. National Weather Service; operations and workforce analysis.  
Sec. 410. Water resources.  
Sec. 411. Report on contract positions at National Weather Service.  
Sec. 412. Weather impacts to communities and infrastructure.  
Sec. 413. Weather enterprise outreach.

**SEC. 2. DEFINITIONS.**

In this Act:

- (1) **SEASONAL.**—The term “seasonal” means the time range between 3 months and 2 years.  
(2) **STATE.**—The term “State” means a State, a territory, or possession of the United States, including a Commonwealth, or the District of Columbia.  
(3) **SUBSEASONAL.**—The term “subseasonal” means the time range between 2 weeks and 3 months.  
(4) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.  
(5) **WEATHER INDUSTRY AND WEATHER ENTERPRISE.**—The terms “weather industry” and “weather enterprise” are interchangeable in

this Act, and include individuals and organizations from public, private, and academic sectors that contribute to the research, development, and production of weather forecast products, and primary consumers of these weather forecast products.

**TITLE I—UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT**

**SEC. 101. PUBLIC SAFETY PRIORITY.**

In conducting research, the Under Secretary shall prioritize improving weather data, modeling, computing, forecasting, and warnings for the protection of life and property and for the enhancement of the national economy.

**SEC. 102. WEATHER RESEARCH AND FORECASTING INNOVATION.**

(a) **PROGRAM.**—The Assistant Administrator for the Office of Oceanic and Atmospheric Research shall conduct a program to develop improved understanding of and forecast capabilities for atmospheric events and their impacts, placing priority on developing more accurate, timely, and effective warnings and forecasts of high impact weather events that endanger life and property.

(b) **PROGRAM ELEMENTS.**—The program described in subsection (a) shall focus on the following activities:

(1) Improving the fundamental understanding of weather consistent with section 101, including the boundary layer and other processes affecting high impact weather events.

(2) Improving the understanding of how the public receives, interprets, and responds to warnings and forecasts of high impact weather events that endanger life and property.

(3) Research and development, and transfer of knowledge, technologies, and applications to the National Weather Service and other appropriate agencies and entities, including the United States weather industry and academic partners, related to—

(A) advanced radar, radar networking technologies, and other ground-based technologies, including those emphasizing rapid, fine-scale sensing of the boundary layer and lower troposphere, and the use of innovative, dual-polarization, phased-array technologies;

(B) aerial weather observing systems;

(C) high performance computing and information technology and wireless communication networks;

(D) advanced numerical weather prediction systems and forecasting tools and techniques that improve the forecasting of timing, track, intensity, and severity of high impact weather, including through—

(i) the development of more effective mesoscale models;

(ii) more effective use of existing, and the development of new, regional and national cloud-resolving models;

(iii) enhanced global weather models; and

(iv) integrated assessment models;

(E) quantitative assessment tools for measuring the impact and value of data and observing systems, including Observing System Simulation Experiments (as described in section 107), Observing System Experiments, and Analyses of Alternatives;

(F) atmospheric chemistry and interactions essential to accurately characterizing atmospheric composition and predicting meteorological processes, including cloud microphysical, precipitation, and atmospheric electrification processes, to more effectively understand their role in severe weather; and

(G) additional sources of weather data and information, including commercial observing systems.

(4) A technology transfer initiative, carried out jointly and in coordination with the Di-

rector of the National Weather Service, and in cooperation with the United States weather industry and academic partners, to ensure continuous development and transition of the latest scientific and technological advances into operations of the National Weather Service and to establish a process to sunset outdated and expensive operational methods and tools to enable cost-effective transfer of new methods and tools into operations.

(c) **EXTRAMURAL RESEARCH.**—

(1) **IN GENERAL.**—In carrying out the program under this section, the Assistant Administrator for Oceanic and Atmospheric Research shall collaborate with and support the non-Federal weather research community, which includes institutions of higher education, private entities, and nongovernmental organizations, by making funds available through competitive grants, contracts, and cooperative agreements.

(2) **SENSE OF CONGRESS.**—It is the sense of Congress that not less than 30 percent of the funds for weather research and development at the Office of Oceanic and Atmospheric Research should be made available for the purpose described in paragraph (1).

(d) **ANNUAL REPORT.**—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, for the National Oceanic and Atmospheric Administration, the Under Secretary shall submit to Congress a description of current and planned activities under this section.

**SEC. 103. TORNADO WARNING IMPROVEMENT AND EXTENSION PROGRAM.**

(a) **IN GENERAL.**—The Under Secretary, in collaboration with the United States weather industry and academic partners, shall establish a tornado warning improvement and extension program.

(b) **GOAL.**—The goal of such program shall be to reduce the loss of life and economic losses from tornadoes through the development and extension of accurate, effective, and timely tornado forecasts, predictions, and warnings, including the prediction of tornadoes beyond one hour in advance.

(c) **PROGRAM PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research, in coordination with the Director of the National Weather Service, shall develop a program plan that details the specific research, development, and technology transfer activities, as well as corresponding resources and timelines, necessary to achieve the program goal.

(d) **ANNUAL BUDGET FOR PLAN SUBMITTAL.**—Following completion of the plan, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in coordination with the Director of the National Weather Service, shall, not less frequently than once each year, submit to Congress a proposed budget corresponding with the activities identified in the plan.

**SEC. 104. HURRICANE FORECAST IMPROVEMENT PROGRAM.**

(a) **IN GENERAL.**—The Under Secretary, in collaboration with the United States weather industry and such academic entities as the Administrator considers appropriate, shall maintain a project to improve hurricane forecasting.

(b) **GOAL.**—The goal of the project maintained under subsection (a) shall be to develop and extend accurate hurricane forecasts and warnings in order to reduce loss of life, injury, and damage to the economy, with a focus on—

(1) improving the prediction of rapid intensification and track of hurricanes;

(2) improving the forecast and communication of storm surges from hurricanes; and

(3) incorporating risk communication research to create more effective watch and warning products.

(c) **PROJECT PLAN.**—Not later than 1 year after the date of the enactment of this Act, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in consultation with the Director of the National Weather Service, shall develop a plan for the project maintained under subsection (a) that details the specific research, development, and technology transfer activities, as well as corresponding resources and timelines, necessary to achieve the goal set forth in subsection (b).

**SEC. 105. WEATHER RESEARCH AND DEVELOPMENT PLANNING.**

Not later than 1 year after the date of the enactment of this Act, and not less frequently than once each year thereafter, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in coordination with the Director of the National Weather Service and the Assistant Administrator for Satellite and Information Services, shall issue a research and development and research to operations plan to restore and maintain United States leadership in numerical weather prediction and forecasting that—

(1) describes the forecasting skill and technology goals, objectives, and progress of the National Oceanic and Atmospheric Administration in carrying out the program conducted under section 102;

(2) identifies and prioritizes specific research and development activities, and performance metrics, weighted to meet the operational weather mission of the National Weather Service to achieve a weather-ready Nation;

(3) describes how the program will collaborate with stakeholders, including the United States weather industry and academic partners; and

(4) identifies, through consultation with the National Science Foundation, the United States weather industry, and academic partners, research necessary to enhance the integration of social science knowledge into weather forecast and warning processes, including to improve the communication of threat information necessary to enable improved severe weather planning and decision-making on the part of individuals and communities.

**SEC. 106. OBSERVING SYSTEM PLANNING.**

The Under Secretary shall—

(1) develop and maintain a prioritized list of observation data requirements necessary to ensure weather forecasting capabilities to protect life and property to the maximum extent practicable;

(2) consistent with section 107, utilize Observing System Simulation Experiments, Observing System Experiments, Analyses of Alternatives, and other appropriate assessment tools to ensure continuous systemic evaluations of the observing systems, data, and information needed to meet the requirements of paragraph (1), including options to maximize observational capabilities and their cost-effectiveness;

(3) identify current and potential future data gaps in observing capabilities related to the requirements listed under paragraph (1); and

(4) determine a range of options to address gaps identified under paragraph (3).

**SEC. 107. OBSERVING SYSTEM SIMULATION EXPERIMENTS.**

(a) **IN GENERAL.**—In support of the requirements of section 106, the Assistant Administrator for Oceanic and Atmospheric Research shall undertake Observing System Simulation Experiments, or such other quantitative

assessments as the Assistant Administrator considers appropriate, to quantitatively assess the relative value and benefits of observing capabilities and systems. Technical and scientific Observing System Simulation Experiment evaluations—

(1) may include assessments of the impact of observing capabilities on—

(A) global weather prediction;

(B) hurricane track and intensity forecasting;

(C) tornado warning lead times and accuracy;

(D) prediction of mid-latitude severe local storm outbreaks; and

(E) prediction of storms that have the potential to cause extreme precipitation and flooding lasting from 6 hours to 1 week; and

(2) shall be conducted in cooperation with other appropriate entities within the National Oceanic and Atmospheric Administration, other Federal agencies, the United States weather industry, and academic partners to ensure the technical and scientific merit of results from Observing System Simulation Experiments or other appropriate quantitative assessment methodologies.

(b) **REQUIREMENTS.**—Observing System Simulation Experiments shall quantitatively—

(1) determine the potential impact of proposed space-based, suborbital, and in situ observing systems on analyses and forecasts, including potential impacts on extreme weather events across all parts of the Nation;

(2) evaluate and compare observing system design options; and

(3) assess the relative capabilities and costs of various observing systems and combinations of observing systems in providing data necessary to protect life and property.

(c) **IMPLEMENTATION.**—Observing System Simulation Experiments—

(1) shall be conducted prior to the acquisition of major Government-owned or Government-leased operational observing systems, including polar-orbiting and geostationary satellite systems, with a lifecycle cost of more than \$500,000,000; and

(2) shall be conducted prior to the purchase of any major new commercially provided data with a lifecycle cost of more than \$500,000,000.

(d) **PRIORITY OBSERVING SYSTEM SIMULATION EXPERIMENTS.**—

(1) **GLOBAL NAVIGATION SATELLITE SYSTEM RADIO OCCULTATION.**—Not later than 30 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research shall complete an Observing System Simulation Experiment to assess the value of data from Global Navigation Satellite System Radio Occultation.

(2) **GEOSTATIONARY HYPERSPECTRAL SOUNDER GLOBAL CONSTELLATION.**—Not later than 120 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research shall complete an Observing System Simulation Experiment to assess the value of data from a geostationary hyperspectral sounder global constellation.

(e) **RESULTS.**—Upon completion of all Observing System Simulation Experiments, the Assistant Administrator shall make available to the public the results an assessment of related private and public sector weather data sourcing options, including their availability, affordability, and cost-effectiveness. Such assessments shall be developed in accordance with section 50503 of title 51, United States Code.

**SEC. 108. ANNUAL REPORT ON COMPUTING RESOURCES PRIORITIZATION.**

Not later than 1 year after the date of the enactment of this Act and not less frequently than once each year thereafter, the

Under Secretary, acting through the Chief Information Officer of the National Oceanic and Atmospheric Administration and in coordination with the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service, shall produce and make publicly available a report that explains how the Under Secretary intends—

(1) to continually support upgrades to pursue the fastest, most powerful, and cost-effective high performance computing technologies in support of its weather prediction mission;

(2) to ensure a balance between the research to operations requirements to develop the next generation of regional and global models as well as highly reliable operational models;

(3) to take advantage of advanced development concepts to, as appropriate, make next generation weather prediction models available in beta-test mode to operational forecasters, the United States weather industry, and partners in academic and Government research; and

(4) to use existing computing resources to improve advanced research and operational weather prediction.

**SEC. 109. UNITED STATES WEATHER RESEARCH PROGRAM.**

Section 108 of the Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567; 15 U.S.C. 313 note) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “; and” and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (4) the following:

“(5) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, not less frequently than once each year, a report, including—

“(A) a list of ongoing research projects;

“(B) project goals and a point of contact for each project;

“(C) the 5 projects related to weather observations, short-term weather, or subseasonal forecasts within Office of Oceanic and Atmospheric Research that are closest to operationalization,

“(D) for each project referred to in subparagraph (C)—

“(i) the potential benefit;

“(ii) any barrier to operationalization; and

“(iii) the plan for operationalization, including which line office will financially support the project and how much the line office intends to spend;

“(6) establish teams with staff from the Office of Oceanic and Atmospheric Research and the National Weather Service to oversee the operationalization of research products developed by the Office of Oceanic and Atmospheric Research;

“(7) develop mechanisms for research priorities of the Office of Oceanic and Atmospheric Research to be informed by the relevant line offices within the National Oceanic and Atmospheric Administration, the relevant user community, and the weather enterprise;

“(8) develop an internal mechanism to track the progress of each research project within the Office of Oceanic and Atmospheric Research and mechanisms to terminate a project that is not adequately progressing;

“(9) develop and implement a system to track whether extramural research grant goals were accomplished;

“(10) provide facilities for products developed by the Office of Oceanic and Atmospheric Research to be tested in operational simulations, such as test beds; and

“(11) encourage academic collaboration with the Office of Oceanic and Atmospheric Research and the National Weather Service by facilitating visiting scholars.”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “Not later than 90 days after the date of enactment of this Act, the” and inserting “The”; and

(3) by adding at the end the following new subsection:

“(c) **SUBSEASONAL DEFINED.**—In this section, the term ‘subseasonal’ means the time range between 2 weeks and 3 months.”.

#### SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) **FISCAL YEARS 2016 THROUGH 2018.**—For each of fiscal years 2016 through 2018, there are authorized to be appropriated to Office of Oceanic and Atmospheric Research—

(1) \$111,516,000 to carry out this title, of which—

(A) \$85,758,000 is authorized for weather laboratories and cooperative institutes; and

(B) \$25,758,000 is authorized for weather and air chemistry research programs; and

(2) an additional amount of \$20,000,000 for the joint technology transfer initiative described in section 102(b)(4).

(b) **LIMITATION.**—No additional funds are authorized to carry out this title and the amendments made by this title.

#### TITLE II—SUBSEASONAL AND SEASONAL FORECASTING INNOVATION

##### SEC. 201. IMPROVING SUBSEASONAL AND SEASONAL FORECASTS.

Section 1762 of the Food Security Act of 1985 (Public Law 99-198; 15 U.S.C. 313 note) is amended—

(1) in subsection (a), by striking “(a)” and inserting “(a) FINDINGS.—”;

(2) in subsection (b), by striking “(b)” and inserting “(b) POLICY.—”;

(3) by adding at the end the following:

“(c) **FUNCTIONS.**—The Under Secretary, acting through the Director of the National Weather Service and the heads of such other programs of the National Oceanic and Atmospheric Administration as the Under Secretary considers appropriate, shall—

“(1) collect and utilize information in order to make usable, reliable, and timely foundational forecasts of subseasonal and seasonal temperature and precipitation;

“(2) leverage existing research and models from the weather enterprise to improve the forecasts under paragraph (1);

“(3) determine and provide information on how the forecasted conditions under paragraph (1) may impact—

“(A) the number and severity of droughts, fires, tornadoes, hurricanes, floods, heat waves, coastal inundation, winter storms, high impact weather, or other relevant natural disasters;

“(B) snowpack; and

“(C) sea ice conditions; and

“(4) develop an Internet clearinghouse to provide the forecasts under paragraph (1) and the information under paragraphs (1) and (3) on both national and regional levels.

“(d) **COMMUNICATION.**—The Director of the National Weather Service shall provide the forecasts under paragraph (1) of subsection (c) and the information on their impacts under paragraph (3) of such subsection to the public, including public and private entities engaged in planning and preparedness, such as National Weather Service Core partners at the Federal, regional, State, tribal, and local levels of government.

“(e) **COOPERATION.**—The Under Secretary shall build upon existing forecasting and assessment programs and partnerships, including—

“(1) by designating research and monitoring activities related to subseasonal and seasonal forecasts as a priority in 1 or more solicitations of the Cooperative Institutes of the Office of Oceanic and Atmospheric Research;

“(2) by contributing to the interagency Earth System Prediction Capability; and

“(3) by consulting with the Secretary of Defense and the Secretary of Homeland Security to determine the highest priority subseasonal and seasonal forecast needs to enhance national security.

##### “(f) FORECAST COMMUNICATION COORDINATORS.—

“(1) **IN GENERAL.**—The Under Secretary shall foster effective communication, understanding, and use of the forecasts by the intended users of the information described in subsection (d). This may include assistance to States for forecast communication coordinators to enable local interpretation and planning based on the information.

“(2) **REQUIREMENTS.**—For each State that requests assistance under this subsection, the Under Secretary may—

“(A) provide funds to support an individual in that State—

“(i) to serve as a liaison among the National Oceanic and Atmospheric Administration, other Federal departments and agencies, the weather enterprise, the State, and relevant interests within that State; and

“(ii) to receive the forecasts and information under subsection (c) and disseminate the forecasts and information throughout the State, including to county and tribal governments; and

“(B) require matching funds of at least 50 percent, from the State, a university, a non-governmental organization, a trade association, or the private sector.

“(3) **LIMITATION.**—Assistance to an individual State under this subsection shall not exceed \$100,000 in a fiscal year.

“(g) **COOPERATION FROM OTHER FEDERAL AGENCIES.**—Each Federal department and agency shall cooperate as appropriate with the Under Secretary in carrying out this section.

##### “(h) REPORTS.—

“(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of the Weather Research and Forecasting Innovation Act of 2016, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, including—

“(A) an analysis of the how information from the National Oceanic and Atmospheric Administration on subseasonal and seasonal forecasts, as provided under subsection (c), is utilized in public planning and preparedness;

“(B) specific plans and goals for the continued development of the subseasonal and seasonal forecasts and related products described in subsection (c); and

“(C) an identification of research, monitoring, observing, and forecasting requirements to meet the goals described in subparagraph (B).

“(2) **CONSULTATION.**—In developing the report under paragraph (1), the Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector.

##### “(i) DEFINITIONS.—In this section:

“(1) **FOUNDATIONAL FORECAST.**—The term ‘foundational forecast’ means basic weather observation and forecast data, largely in raw form, before further processing is applied.

“(2) **NATIONAL WEATHER SERVICE CORE PARTNERS.**—The term ‘National Weather Service core partners’ means government and non-government entities which are directly in-

involved in the preparation or dissemination of, or discussions involving, hazardous weather or other emergency information put out by the National Weather Service.

“(3) **SEASONAL.**—The term ‘seasonal’ means the time range between 3 months and 2 years.

“(4) **STATE.**—The term ‘State’ means a State, a territory, or possession of the United States, including a Commonwealth, or the District of Columbia.

“(5) **SUBSEASONAL.**—The term ‘subseasonal’ means the time range between 2 weeks and 3 months.

“(6) **UNDER SECRETARY.**—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere.

“(7) **WEATHER INDUSTRY AND WEATHER ENTERPRISE.**—The terms ‘weather industry’ and ‘weather enterprise’ are interchangeable in this section and include individuals and organizations from public, private, and academic sectors that contribute to the research, development, and production of weather forecast products, and primary consumers of these weather forecast products.

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—For each of fiscal years 2016 through 2018, there are authorized out of funds appropriated to the National Weather Service, \$26,500,000 to carry out the activities of this section.”.

#### TITLE III—WEATHER SATELLITE AND DATA INNOVATION

##### SEC. 301. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SATELLITE AND DATA MANAGEMENT.

(a) **SHORT-TERM MANAGEMENT OF ENVIRONMENTAL OBSERVATIONS.—**

##### (1) **MICROSATELLITE CONSTELLATIONS.—**

(A) **IN GENERAL.**—The Under Secretary shall complete and operationalize the Constellation Observing System for Meteorology, Ionosphere, and Climate-1 and Climate-2 (COSMIC) in effect on the day before the date of the enactment of this Act—

(i) by deploying constellations of microsats in both the equatorial and polar orbits;

(ii) by integrating the resulting data and research into all national operational and research weather forecast models; and

(iii) by ensuring that the resulting data of National Oceanic and Atmospheric Administration’s COSMIC-1 and COSMIC-2 programs are free and open to all communities.

(B) **ANNUAL REPORTS.**—Not less frequently than once each year until the Under Secretary has completed and operationalized the program described in subparagraph (A) pursuant to such subparagraph, the Under Secretary shall submit to Congress a report on the status of the efforts of the Under Secretary to carry out such subparagraph.

(2) **INTEGRATION OF OCEAN AND COASTAL DATA FROM THE INTEGRATED OCEAN OBSERVING SYSTEM.**—In National Weather Service Regions where the Director of the National Weather Service determines that ocean and coastal data would improve forecasts, the Director, in consultation with the Assistant Administrator for Oceanic and Atmospheric Research and the Assistant Administrator of the National Ocean Service, shall—

(A) integrate additional coastal and ocean observations, and other data and research, from the Integrated Ocean Observing System (IOOS) into regional weather forecasts to improve weather forecasts and forecasting decision support systems; and

(B) support the development of real-time data sharing products and forecast products in collaboration with the regional associations of such system, including contributions from the private sector, academia, and research institutions to ensure timely and accurate use of ocean and coastal data in regional forecasts.

(3) **EXISTING MONITORING AND OBSERVATION-CAPABILITY.**—The Under Secretary shall identify degradation of existing monitoring and observation capabilities that could lead to a reduction in forecast quality.

(4) **SPECIFICATIONS FOR NEW SATELLITE SYSTEMS OR DATA DETERMINED BY OPERATIONAL NEEDS.**—In developing specifications for any satellite systems or data to follow the Joint Polar Satellite System, Geostationary Operational Environmental Satellites, and any other satellites, in effect on the day before the date of enactment of this Act, the Under Secretary shall ensure the specifications are determined to the extent practicable by the recommendations of the reports under subsection (b) of this section.

(b) **INDEPENDENT STUDY ON FUTURE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SATELLITE SYSTEMS AND DATA.**—

(1) **AGREEMENT.**—

(A) **IN GENERAL.**—The Under Secretary shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this subsection.

(B) **TIMING.**—The Under Secretary shall seek to enter into the agreement described in subparagraph (A) before September 30, 2018.

(2) **STUDY.**—

(A) **IN GENERAL.**—Under an agreement between the Under Secretary and the National Academy of Sciences under this subsection, the National Academy of Sciences shall conduct a study on matters concerning future satellite data needs.

(B) **ELEMENTS.**—In conducting the study under subparagraph (A), the National Academy of Sciences shall—

(i) develop recommendations on how to make the data portfolio of the Administration more robust and cost-effective;

(ii) assess the costs and benefits of moving toward a constellation of many small satellites, standardizing satellite bus design, relying more on the purchasing of data, or acquiring data from other sources or methods;

(iii) identify the environmental observations that are essential to the performance of weather models, based on an assessment of Federal, academic, and private sector weather research, and the cost of obtaining the environmental data;

(iv) identify environmental observations that improve the quality of operational and research weather models in effect on the day before the date of enactment of this Act;

(v) identify and prioritize new environmental observations that could contribute to existing and future weather models; and

(vi) develop recommendations on a portfolio of environmental observations that balances essential, quality-improving, and new data, private and nonprivate sources, and space-based and Earth-based sources.

(C) **DEADLINE AND REPORT.**—In carrying out the study under subparagraph (A), the National Academy of Sciences shall complete and transmit to the Under Secretary a report containing the findings of the National Academy of Sciences with respect to the study not later than 2 years after the date on which the Administrator enters into an agreement with the National Academy of Sciences under paragraph (1)(A).

(3) **ALTERNATE ORGANIZATION.**—

(A) **IN GENERAL.**—If the Under Secretary is unable within the period prescribed in subparagraph (B) of paragraph (1) to enter into an agreement described in subparagraph (A) of such paragraph with the National Academy of Sciences on terms acceptable to the Under Secretary, the Under Secretary shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Federal Government; and

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the National Academy of Sciences.

(B) **TREATMENT.**—If the Under Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this subsection to the National Academy of Sciences shall be treated as a reference to the other organization.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated, out of funds appropriated to National Environmental Satellite, Data, and Information Service, to carry out this subsection \$1,000,000 for the period encompassing fiscal years 2018 through 2019.

#### SEC. 302. COMMERCIAL WEATHER DATA.

(a) **DATA AND HOSTED SATELLITE PAYLOADS.**—Notwithstanding any other provision of law, the Secretary of Commerce may enter into agreements for—

(1) the purchase of weather data through contracts with commercial providers; and

(2) the placement of weather satellite instruments on cohosted government or private payloads.

(b) **STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Under Secretary, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a strategy to enable the procurement of quality commercial weather data. The strategy shall assess the range of commercial opportunities, including public-private partnerships, for obtaining surface-based, aviation-based, and space-based weather observations. The strategy shall include the expected cost-effectiveness of these opportunities as well as provide a plan for procuring data, including an expected implementation timeline, from these nongovernmental sources, as appropriate.

(2) **REQUIREMENTS.**—The strategy shall include—

(A) an analysis of financial or other benefits to, and risks associated with, acquiring commercial weather data or services, including through multiyear acquisition approaches;

(B) an identification of methods to address planning, programming, budgeting, and execution challenges to such approaches, including—

(i) how standards will be set to ensure that data is reliable and effective;

(ii) how data may be acquired through commercial experimental or innovative techniques and then evaluated for integration into operational use;

(iii) how to guarantee public access to all forecast-critical data to ensure that the United States weather industry and the public continue to have access to information critical to their work; and

(iv) in accordance with section 50503 of title 51, United States Code, methods to address potential termination liability or cancellation costs associated with weather data or service contracts; and

(C) an identification of any changes needed in the requirements development and approval processes of the Department of Commerce to facilitate effective and efficient implementation of such strategy.

(3) **AUTHORITY FOR AGREEMENTS.**—The Assistant Administrator for National Environmental Satellite, Data, and Information Service may enter into multiyear agreements necessary to carry out the strategy developed under this subsection.

(c) **PILOT PROGRAM.**—

(1) **CRITERIA.**—Not later than 30 days after the date of the enactment of this Act, the

Under Secretary shall publish data and metadata standards and specifications for space-based commercial weather data, including radio occultation data, and, as soon as possible, geostationary hyperspectral sounder data.

(2) **PILOT CONTRACTS.**—

(A) **CONTRACTS.**—Not later than 90 days after the date of enactment of this Act, the Under Secretary shall, through an open competition, enter into at least one pilot contract with one or more private sector entities capable of providing data that meet the standards and specifications set by the Under Secretary for providing commercial weather data in a manner that allows the Under Secretary to calibrate and evaluate the data for its use in National Oceanic and Atmospheric Administration meteorological models.

(B) **ASSESSMENT OF DATA VIABILITY.**—Not later than the date that is 3 years after the date on which the Under Secretary enters into a contract under subparagraph (A), the Under Secretary shall assess and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives the results of a determination of the extent to which data provided under the contract entered into under subparagraph (A) meet the criteria published under paragraph (1) and the extent to which the pilot program has demonstrated—

(i) the viability of assimilating the commercially provided data into National Oceanic and Atmospheric Administration meteorological models;

(ii) whether, and by how much, the data add value to weather forecasts; and

(iii) the accuracy, quality, timeliness, validity, reliability, usability, information technology security, and cost-effectiveness of obtaining commercial weather data from private sector providers.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—For each of fiscal years 2017 through 2020, there are authorized to be appropriated for procurement, acquisition, and construction at National Environmental Satellite, Data, and Information Service, \$6,000,000 to carry out this subsection.

(d) **OBTAINING FUTURE DATA.**—If an assessment under subsection (c)(2)(B) demonstrates the ability of commercial weather data to meet data and metadata standards and specifications published under subsection (c)(1), the Under Secretary shall—

(1) where appropriate, cost-effective, and feasible, obtain commercial weather data from private sector providers;

(2) as early as possible in the acquisition process for any future National Oceanic and Atmospheric Administration meteorological space system, consider whether there is a suitable, cost-effective, commercial capability available or that will be available to meet any or all of the observational requirements by the planned operational date of the system;

(3) if a suitable, cost-effective, commercial capability is or will be available as described in paragraph (2), determine whether it is in the national interest to develop a governmental meteorological space system; and

(4) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report detailing any determination made under paragraphs (2) and (3).

(e) **DATA SHARING PRACTICES.**—The Under Secretary shall continue to meet the international meteorological agreements into which the Under Secretary has entered, including practices set forth through World Meteorological Organization Resolution 40.



**SEC. 303. UNNECESSARY DUPLICATION.**

In meeting the requirements under this title, the Under Secretary shall avoid unnecessary duplication between public and private sources of data and the corresponding expenditure of funds and employment of personnel.

**TITLE IV—FEDERAL WEATHER COORDINATION****SEC. 401. ENVIRONMENTAL INFORMATION SERVICES WORKING GROUP.**

(a) **ESTABLISHMENT.**—The National Oceanic and Atmospheric Administration Science Advisory Board shall continue to maintain a standing working group named the Environmental Information Services Working Group (in this section referred to as the “Working Group”)—

(1) to provide advice for prioritizing weather research initiatives at the National Oceanic and Atmospheric Administration to produce real improvement in weather forecasting;

(2) to provide advice on existing or emerging technologies or techniques that can be found in private industry or the research community that could be incorporated into forecasting at the National Weather Service to improve forecasting skill;

(3) to identify opportunities to improve—

(A) communications between weather forecasters, Federal, State, local, tribal, and other emergency management personnel, and the public; and

(B) communications and partnerships among the National Oceanic and Atmospheric Administration and the private and academic sectors; and

(4) to address such other matters as the Science Advisory Board requests of the Working Group.

(b) **COMPOSITION.**—

(1) **IN GENERAL.**—The Working Group shall be composed of leading experts and innovators from all relevant fields of science and engineering including atmospheric chemistry, atmospheric physics, meteorology, hydrology, social science, risk communications, electrical engineering, and computer sciences. In carrying out this section, the Working Group may organize into subpanels.

(2) **NUMBER.**—The Working Group shall be composed of no fewer than 15 members. Nominees for the Working Group may be forwarded by the Working Group for approval by the Science Advisory Board. Members of the Working Group may choose a chair (or co-chairs) from among their number with approval by the Science Advisory Board.

(c) **ANNUAL REPORT.**—Not less frequently than once each year, the Working Group shall transmit to the Science Advisory Board for submission to the Under Secretary a report on progress made by National Oceanic and Atmospheric Administration in adopting the Working Group’s recommendations. The Science Advisory Board shall transmit this report to the Under Secretary. Within 30 days of receipt of such report, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a copy of such report.

**SEC. 402. INTERAGENCY WEATHER RESEARCH AND FORECAST INNOVATION COORDINATION.**

(a) **ESTABLISHMENT.**—The Director of the Office of Science and Technology Policy shall establish an Interagency Committee for Advancing Weather Services to improve coordination of relevant weather research and forecast innovation activities across the Federal Government. The Interagency Committee shall—

(1) include participation by the National Aeronautics and Space Administration, the

Federal Aviation Administration, National Oceanic and Atmospheric Administration and its constituent elements, the National Science Foundation, and such other agencies involved in weather forecasting research as the President determines are appropriate;

(2) identify and prioritize top forecast needs and coordinate those needs against budget requests and program initiatives across participating offices and agencies; and

(3) share information regarding operational needs and forecasting improvements across relevant agencies.

(b) **CO-CHAIR.**—The Federal Coordinator for Meteorology shall serve as a co-chair of this panel.

(c) **FURTHER COORDINATION.**—The Director of the Office of Science and Technology Policy shall take such other steps as are necessary to coordinate the activities of the Federal Government with those of the United States weather industry, State governments, emergency managers, and academic researchers.

**SEC. 403. OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH AND NATIONAL WEATHER SERVICE EXCHANGE PROGRAM.**

(a) **IN GENERAL.**—The Assistant Administrator for Oceanic and Atmospheric Research and the Director of National Weather Service may establish a program to detail Office of Oceanic and Atmospheric Research personnel to the National Weather Service and National Weather Service personnel to the Office of Oceanic and Atmospheric Research.

(b) **GOAL.**—The goal of this program is to enhance forecasting innovation through regular, direct interaction between the Office of Oceanic and Atmospheric Research’s world-class scientists and the National Weather Service’s operational staff.

(c) **ELEMENTS.**—The program shall allow up to 10 Office of Oceanic and Atmospheric Research staff and National Weather Service staff to spend up to 1 year on detail. Candidates shall be jointly selected by the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service.

(d) **ANNUAL REPORT.**—Not less frequently than once each year, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on participation in such program and shall highlight any innovations that come from this interaction.

**SEC. 404. VISITING FELLOWS AT NATIONAL WEATHER SERVICE.**

(a) **IN GENERAL.**—The Director of the National Weather Service may establish a program to host postdoctoral fellows and academic researchers at any of the National Centers for Environmental Prediction.

(b) **GOAL.**—This program shall be designed to provide direct interaction between forecasters and talented academic and private sector researchers in an effort to bring innovation to forecasting tools and techniques to the National Weather Service.

(c) **SELECTION AND APPOINTMENT.**—Such fellows shall be competitively selected and appointed for a term not to exceed 1 year.

**SEC. 405. WARNING COORDINATION METEOROLOGISTS AT WEATHER FORECAST OFFICES OF NATIONAL WEATHER SERVICE.**

(a) **DESIGNATION OF WARNING COORDINATION METEOROLOGISTS.**—

(1) **IN GENERAL.**—The Director of the National Weather Service shall designate at least 1 warning coordination meteorologist at each weather forecast office of the National Weather Service.

(2) **NO ADDITIONAL EMPLOYEES AUTHORIZED.**—Nothing in this section shall be con-

strued to authorize or require a change in the authorized number of full time equivalent employees in the National Weather Service or otherwise result in the employment of any additional employees.

(3) **PERFORMANCE BY OTHER EMPLOYEES.**—Performance of the responsibilities outlined in this section is not limited to the warning coordination meteorologist position.

(b) **PRIMARY ROLE OF WARNING COORDINATION METEOROLOGISTS.**—The primary role of the warning coordination meteorologist shall be to carry out the responsibilities required by this section.

(c) **RESPONSIBILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), consistent with the analysis described in section 409, and in order to increase impact-based decision support services, each warning coordination meteorologist designated under subsection (a) shall—

(A) be responsible for providing service to the geographic area of responsibility covered by the weather forecast office at which the warning coordination meteorologist is employed to help ensure that users of products of the National Weather Service can respond effectively to improve outcomes from weather events;

(B) liaise with users of products and services of the National Weather Service, such as the public, media outlets, users in the aviation, marine, and agricultural communities, and forestry, land, and water management interests, to evaluate the adequacy and usefulness of the products and services of the National Weather Service;

(C) collaborate with such weather forecast offices and State, local, and tribal government agencies as the Director considers appropriate in developing, proposing, and implementing plans to develop, modify, or tailor products and services of the National Weather Service to improve the usefulness of such products and services;

(D) ensure the maintenance and accuracy of severe weather call lists, appropriate office severe weather policy or procedures, and other severe weather or dissemination methodologies or strategies; and

(E) work closely with State, local, and tribal emergency management agencies, and other agencies related to disaster management, to ensure a planned, coordinated, and effective preparedness and response effort.

(2) **OTHER STAFF.**—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(d) **ADDITIONAL RESPONSIBILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a warning coordination meteorologist designated under subsection (a) may—

(A) work with a State agency to develop plans for promoting more effective use of products and services of the National Weather Service throughout the State;

(B) identify priority community preparedness objectives;

(C) develop plans to meet the objectives identified under paragraph (2); and

(D) conduct severe weather event preparedness planning and citizen education efforts with and through various State, local, and tribal government agencies and other disaster management-related organizations.

(2) **OTHER STAFF.**—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(e) **PLACEMENT WITH STATE AND LOCAL EMERGENCY MANAGERS.**—

(1) **IN GENERAL.**—In carrying out this section, the Director of the National Weather Service may place a warning coordination meteorologist designated under subsection (a) with a State or local emergency manager

if the Director considers doing so is necessary or convenient to carry out this section.

(2) TREATMENT.—If the Director determines that the placement of a warning coordination meteorologist placed with a State or local emergency manager under paragraph (1) is near a weather forecast office of the National Weather Service, such placement shall be treated as designation of the warning coordination meteorologist at such weather forecast office for purposes of subsection (a).

**SEC. 406. IMPROVING NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMUNICATION OF HAZARDOUS WEATHER AND WATER EVENTS.**

(a) PURPOSE OF SYSTEM.—For purposes of the assessment required by subsection (b)(1)(A), the purpose of National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events shall be risk communication to the general public that informs action to prevent loss of life and property.

(b) ASSESSMENT OF SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall—

(A) assess the National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events; and

(B) submit to Congress a report on the findings of the Under Secretary with respect to the assessment conducted under subparagraph (A).

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

(A) An evaluation of whether the National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events meets the purpose described in subsection (a).

(B) Development of recommendations for—

(i) legislative and administrative action to improve the system described in paragraph (1)(A); and

(ii) such research as the Under Secretary considers necessary to address the focus areas described in paragraph (3).

(3) FOCUS AREAS.—The assessment required by paragraph (1)(A) shall focus on the following:

(A) Ways to communicate the risks posed by hazardous weather or water events to the public that are most likely to result in action to mitigate the risk.

(B) Ways to communicate the risks posed by hazardous weather or water events to the public as broadly and rapidly as practicable.

(C) Ways to preserve the benefits of the existing watches and warnings system.

(D) Ways to maintain the utility of the watches and warnings system for Government and commercial users of the system.

(4) CONSULTATION.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall—

(A) consult with such line offices within the National Oceanic and Atmospheric Administration as the Under Secretary considers relevant, including the the National Ocean Service, the National Weather Service, and the Office of Oceanic and Atmospheric Research;

(B) consult with individuals in the academic sector, including individuals in the field of social and behavioral sciences, and other weather services;

(C) consult with media outlets that will be distributing the watches and warnings;

(D) consult with non-Federal forecasters that produce alternate severe weather risk communication products;

(E) consult with emergency planners and responders, including State and local emergency management agencies, and other government users of the watches and warnings system, including the Federal Emergency Management Agency, the Office of Personnel Management, the Coast Guard, and such other Federal agencies as the Under Secretary determines rely on watches and warnings for operational decisions; and

(F) make use of the services of the National Academy of Sciences, as the Under Secretary considers necessary and practicable, including contracting with the National Research Council to review the scientific and technical soundness of the assessment required by paragraph (1)(A), including the recommendations developed under paragraph (2)(B).

(5) METHODOLOGIES.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall use such methodologies as the Under Secretary considers are generally accepted by the weather enterprise, including social and behavioral sciences.

(c) IMPROVEMENTS TO SYSTEM.—

(1) IN GENERAL.—The Under Secretary shall, based on the assessment required by subsection (b)(1)(A), make such recommendations to Congress to improve the system as the Under Secretary considers necessary—

(A) to improve the system for issuing watches and warnings regarding hazardous weather and water events; and

(B) to support efforts to satisfy research needs to enable future improvements to such system.

(2) REQUIREMENTS REGARDING RECOMMENDATIONS.—In carrying out paragraph (1)(A), the Under Secretary shall ensure that any recommendation that the Under Secretary considers a major change—

(A) is validated by social and behavioral science using a generalizable sample;

(B) accounts for the needs of various demographics, vulnerable populations, and geographic regions;

(C) accounts for the differences between types of weather and water hazards;

(D) responds to the needs of Federal, State, and local government partners and media partners; and

(E) accounts for necessary changes to Federally-operated watch and warning propagation and dissemination infrastructure and protocols.

(d) WATCHES AND WARNINGS DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the terms “watch” and “warning”, with respect to a hazardous weather and water event, mean products issued by the Administration, intended for consumption by the general public, to alert the general public to the potential for or presence of the event and to inform action to prevent loss of life and property.

(2) EXCEPTION.—In this section, the terms “watch” and “warning” do not include technical or specialized meteorological and hydrological forecasts, outlooks, or model guidance products.

**SEC. 407. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WEATHER READY ALL HAZARDS AWARD PROGRAM.**

(a) PROGRAM.—The Director of the National Weather Service is authorized to establish the National Oceanic and Atmospheric Administration Weather Ready All Hazards Award Program. This award program shall provide annual awards to honor individuals or organizations that use or provide National Oceanic and Atmospheric Administration Weather Radio All Hazards receivers or transmitters to save lives and protect property. Individuals or organizations

that utilize other early warning tools or applications also qualify for this award.

(b) GOAL.—This award program draws attention to the life-saving work of the National Oceanic and Atmospheric Administration Weather Ready All Hazards Program, as well as emerging tools and applications, that provide real-time warning to individuals and communities of severe weather or other hazardous conditions.

(c) PROGRAM ELEMENTS.—

(1) NOMINATIONS.—Nominations for this award shall be made annually by the Weather Field Offices to the Director of the National Weather Service. Broadcast meteorologists, weather radio manufacturers and weather warning tool and application developers, emergency managers, and public safety officials may nominate individuals or organizations to their local Weather Field Offices, but the final list of award nominees must come from the Weather Field Offices.

(2) SELECTION OF AWARDEES.—Annually, the Director of the National Weather Service shall choose winners of this award whose timely actions, based on National Oceanic and Atmospheric Administration Weather Radio All Hazards receivers or transmitters or other early warning tools and applications, saved lives or property, or demonstrated public service in support of weather or all hazard warnings.

(3) AWARD CEREMONY.—The Director of the National Weather Service shall establish a means of making these awards to provide maximum public awareness of the importance of National Oceanic and Atmospheric Administration Weather Radio, and such other warning tools and applications as are represented in the awards.

**SEC. 408. DEPARTMENT OF DEFENSE WEATHER FORECASTING ACTIVITIES.**

Not later than 60 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report analyzing the impacts of the proposed Air Force divestiture in the United States Weather Research and Forecasting Model, including—

(1) the impact on—

(A) the United States weather forecasting capabilities;

(B) the accuracy of civilian regional forecasts;

(C) the civilian readiness for traditional weather and extreme weather events in the United States; and

(D) the research necessary to develop the United States Weather Research and Forecasting Model; and

(2) such other analysis relating to the divestiture as the Under Secretary considers appropriate.

**SEC. 409. NATIONAL WEATHER SERVICE; OPERATIONS AND WORKFORCE ANALYSIS.**

The Under Secretary shall contract or continue to partner with an external organization to conduct a baseline analysis of National Weather Service operations and workforce.

**SEC. 410. WATER RESOURCES.**

(a) NATIONAL WATER CENTER.—

(1) ESTABLISHMENT.—The Under Secretary shall maintain a National Water Center.

(2) FUNCTIONS.—The National Water Center may—

(A) facilitate collaboration across Federal and State departments and agencies, academia, and the private sector to improve understanding of water resources;

(B) make recommendations to water resource managers;

(C) make recommendations to improve water resource forecasts; and

(D) facilitate the transition of water research into applications.

(b) **TOTAL WATER PREDICTION.**—The Under Secretary, through the National Water Center, shall—

(1) initiate research and development activities to develop operational water resource prediction products;

(2) collaborate with, and provide decision support regarding total water prediction to, other relevant Federal and State agencies, including—

- (A) the Army Corps of Engineers;
- (B) the United States Geological Survey;
- (C) the Federal Emergency Management Agency;
- (D) the National Science Foundation;
- (E) the Environmental Protection Agency;
- (F) State water resource agencies; and
- (G) State emergency management agencies; and

(3) in carrying out the responsibilities described in paragraphs (1) and (2), develop capabilities necessary for total water predictive capacity, including observations, modeling, data management, supercomputing, social science, and communications.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the National Water Center shall submit to the Assistant Secretary of the Army for Civil Works a report on total water predictive capabilities and products.

(2) **CONTENTS.**—The report may include recommendations to improve engineering, design, operations, and management of civil works projects, including the Central and Southern Florida Project and any project in the Apalachicola-Chattahoochee-Flint River System, to optimize water management, including the implications of total water predictive products for—

- (A) environmental protection and restoration, including restoration of water quality, water flows, fish, and other aquatic species;
- (B) reduced flood risk; and
- (C) improved recreation.

**SEC. 411. REPORT ON CONTRACT POSITIONS AT NATIONAL WEATHER SERVICE.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report on the use of contractors at the National Weather Service for the most recently completed fiscal year.

(b) **CONTENTS.**—The report required by subsection (a) shall include, with respect to the most recently completed fiscal year, the following:

(1) The total number of full-time equivalent employees at the National Weather Service, disaggregated by each equivalent level of the General Schedule.

(2) The total number of full-time equivalent contractors at the National Weather Service, disaggregated by each equivalent level of the General Schedule that most closely approximates their duties.

(3) The total number of vacant positions at the National Weather Service on the day before the date of enactment of this Act, disaggregated by each equivalent level of the General Schedule.

(4) The 5 most common positions filled by full-time equivalent contractors at the National Weather Service and the equivalent level of the General Schedule that most closely approximates the duties of such positions.

(5) Of the positions identified under paragraph (4), the percentage of full-time equivalent contractors in those positions that have held a prior position at the National Weather Service or another entity in National Oceanic and Atmospheric Administration.

(6) The average full-time equivalent salary for Federal employees at the National

Weather Service for each equivalent level of the General Schedule.

(7) The average salary for full-time equivalent contractors performing at each equivalent level of the General Schedule at the National Weather Service.

(8) A description of any actions taken by the Under Secretary to respond to the issues raised by the Inspector General of the Department of Commerce regarding the hiring of former National Oceanic and Atmospheric Administration employees as contractors at the National Weather Service such as the issues raised in the Investigative Report dated June 2, 2015 (OIG-12-0447).

(c) **ANNUAL PUBLICATION.**—For each fiscal year after the fiscal year covered by the report required by subsection (a), the Under Secretary shall, not later than 180 days after the completion of the fiscal year, publish on a publicly accessible Internet website the information described in paragraphs (1) through (8) of subsection (b) for such fiscal year.

**SEC. 412. WEATHER IMPACTS TO COMMUNITIES AND INFRASTRUCTURE.**

(a) **REVIEW.**—

(1) **IN GENERAL.**—The Director of the National Weather Service shall review existing research, products, and services that meet the specific needs of the urban environment, given its unique physical characteristics and forecasting challenges.

(2) **ELEMENTS.**—The review required by paragraph (1) shall include research, products, and services with the potential to improve modeling and forecasting capabilities, taking into account factors including varying building heights, impermeable surfaces, lack of tree canopy, traffic, pollution, and inter-building wind effects.

(b) **REPORT AND ASSESSMENT.**—Upon completion of the review required by subsection (a), the Under Secretary shall submit to Congress a report on the research, products, and services of the National Weather Service, including an assessment of such research, products, and services that is based on the review, public comment, and recent publications by the National Academy of Sciences.

**SEC. 413. WEATHER ENTERPRISE OUTREACH.**

(a) **IN GENERAL.**—The Under Secretary may establish mechanisms for outreach to the weather enterprise—

(1) to assess the weather forecasts and forecast products provided by the National Oceanic and Atmospheric Administration; and

(2) to determine the highest priority weather forecast needs of the community described in subsection (b).

(b) **OUTREACH COMMUNITY.**—In conducting outreach under subsection (a), the Under Secretary shall contact leading experts and innovators from relevant stakeholders, including the representatives from the following:

(1) State or local emergency management agencies.

(2) State agriculture agencies.

(3) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) and Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

(4) The private aerospace industry.

(5) The private earth observing industry.

(6) The operational forecasting community.

(7) The academic community.

(8) Professional societies that focus on meteorology.

(9) Such other stakeholder groups as the Under Secretary considers appropriate.

**SA 5126.** Mr. SULLIVAN (for Ms. CANTWELL) proposed an amendment to

amendment SA 5125 proposed by Mr. SULLIVAN (for Mr. THUNE (for himself and Mr. NELSON)) to the bill H.R. 1561, to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes; as follows:

At the appropriate place, insert the following:

**TITLE —TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2016**  
**SEC. 01. SHORT TITLE.**

This title may be cited as the “Tsunami Warning, Education, and Research Act of 2016”.

**SEC. 02. REFERENCES TO THE TSUNAMI WARNING AND EDUCATION ACT.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tsunami Warning and Education Act (Public Law 109-424; 33 U.S.C. 3201 et seq.).

**SEC. 03. EXPANSION OF PURPOSES OF TSUNAMI WARNING AND EDUCATION ACT.**

Section 3 (33 U.S.C. 3202) is amended—

(1) in paragraph (1), by inserting “research,” after “warnings.”;

(2) by amending paragraph (2) to read as follows:

“(2) to enhance and modernize the existing United States Tsunami Warning System to increase the accuracy of forecasts and warnings, to ensure full coverage of tsunami threats to the United States with a network of detection assets, and to reduce false alarms.”;

(3) by amending paragraph (3) to read as follows:

“(3) to improve and develop standards and guidelines for mapping, modeling, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, mitigation, resiliency, response, outreach, and recovery.”;

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (8), respectively;

(5) by inserting after paragraph (3) the following:

“(4) to improve research efforts related to improving tsunami detection, forecasting, warnings, notification, mitigation, resiliency, response, outreach, and recovery.”;

(6) in paragraph (5), as redesignated—

(A) by striking “and increase” and inserting “, increase, and develop uniform standards and guidelines for”;

(B) by inserting “, including the warning signs of locally generated tsunami” after “approaching”;

(7) in paragraph (6), as redesignated, by striking “, including the Indian Ocean; and” and inserting a semicolon; and

(8) by inserting after paragraph (6), as redesignated, the following:

“(7) to foster resilient communities in the face of tsunami and other similar coastal hazards; and”.

**SEC. 04. MODIFICATION OF TSUNAMI FORECASTING AND WARNING PROGRAM.**

(a) **IN GENERAL.**—Subsection (a) of section 4 (33 U.S.C. 3203(a)) is amended by striking “Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region” and inserting “Atlantic

Ocean region, including the Caribbean Sea and the Gulf of Mexico”.

(b) COMPONENTS.—Subsection (b) of section 4 (33 U.S.C. 3203(b)) is amended—

(1) in paragraph (1), by striking “established” and inserting “supported or maintained”;

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(3) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(4) by inserting after paragraph (1) the following:

“(2) to the degree practicable, maintain not less than 80 percent of the Deep-ocean Assessment and Reporting of Tsunamis buoy array at operational capacity to optimize data reliability.”.

(5) by amending paragraph (5), as redesignated by paragraph (3), to read as follows:

“(5) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities and safeguarding port and harbor operations, that incorporate inputs, including—

“(A) the United States and global ocean and coastal observing system;

“(B) the global Earth observing system;

“(C) the global seismic network;

“(D) the Advanced National Seismic system;

“(E) tsunami model validation using historical and paleotsunami data;

“(F) digital elevation models and bathymetry; and

“(G) newly developing tsunami detection methodologies using satellites and airborne remote sensing.”;

(6) by amending paragraph (7), as redesignated by paragraph (3), to read as follows:

“(7) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Director of the United States Geological Survey and the Director of the National Science Foundation shall—

“(A) provide rapid and reliable seismic information to the Administrator from international and domestic seismic networks; and

“(B) support seismic stations installed before the date of the enactment of the Tsunami Warning, Education, and Research Act of 2016 to supplement coverage in areas of sparse instrumentation.”;

(7) in paragraph (8), as redesignated by paragraph (2)—

(A) by inserting “, including graphical warning products,” after “warnings”;

(B) by inserting “, territories,” after “States”; and

(C) by inserting “and Wireless Emergency Alerts” after “Hazards Program”; and

(8) in paragraph (9), as redesignated by paragraph (2)—

(A) by inserting “provide and” before “allow”; and

(B) by inserting “and commercial and Federal undersea communications cables” after “observing technologies”.

(c) TSUNAMI WARNING SYSTEM.—Subsection (c) of section 4 (33 U.S.C. 3203(c)) is amended to read as follows:

“(c) TSUNAMI WARNING SYSTEM.—The program under this section shall operate a tsunami warning system that—

“(1) is capable of forecasting tsunami, including forecasting tsunami arrival time and inundation estimates, anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings;

“(2) is capable of forecasting and providing adequate warnings, including tsunami arrival time and inundation models where ap-

plicable, in areas of the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico, that are determined—

“(A) to be geologically active, or to have significant potential for geological activity; and

“(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico; and

“(3) supports other international tsunami forecasting and warning efforts.”.

(d) TSUNAMI WARNING CENTERS.—Subsection (d) of section 4 (33 U.S.C. 3203(d)) is amended to read as follows:

“(d) TSUNAMI WARNING CENTERS.—

“(1) IN GENERAL.—The Administrator shall support or maintain centers to support the tsunami warning system required by subsection (c). The Centers shall include—

“(A) the National Tsunami Warning Center, located in Alaska, which is primarily responsible for Alaska and the continental United States;

“(B) the Pacific Tsunami Warning Center, located in Hawaii, which is primarily responsible for Hawaii, the Caribbean, and other areas of the Pacific not covered by the National Center; and

“(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

“(2) RESPONSIBILITIES.—The responsibilities of the centers supported or maintained under paragraph (1) shall include the following:

“(A) Continuously monitoring data from seismological, deep ocean, coastal sea level, and tidal monitoring stations and other data sources as may be developed and deployed.

“(B) Evaluating earthquakes, landslides, and volcanic eruptions that have the potential to generate tsunami.

“(C) Evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources.

“(D) To the extent practicable, utilizing a range of models, including ensemble models, to predict tsunami, including arrival times, flooding estimates, coastal and harbor currents, and duration.

“(E) Using data from the Integrated Ocean Observing System of the Administration in coordination with regional associations to calculate new inundation estimates and periodically update existing inundation estimates.

“(F) Disseminating forecasts and tsunami warning bulletins to Federal, State, tribal, and local government officials and the public.

“(G) Coordinating with the tsunami hazard mitigation program conducted under section 5 to ensure ongoing sharing of information between forecasters and emergency management officials.

“(H) In coordination with the Coast Guard, evaluating and recommending procedures for ports and harbors at risk of tsunami inundation, including review of readiness, response, and communication strategies, and data sharing policies, to the maximum extent practicable.

“(I) Making data gathered under this Act and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to the public.

“(J) Integrating and modernizing the program operated under this section with advances in tsunami science to improve performance without compromising service.

“(3) FAIL-SAFE WARNING CAPABILITY.—The tsunami warning centers supported or maintained under paragraph (1) shall maintain a fail-safe warning capability and perform back-up duties for each other.

“(4) COORDINATION WITH NATIONAL WEATHER SERVICE.—The Administrator shall coordinate with the forecast offices of the National Weather Service, the centers supported or maintained under paragraph (1), and such program offices of the Administration as the Administrator or the coordinating committee, as established in section 5(d), consider appropriate to ensure that regional and local forecast offices—

“(A) have the technical knowledge and capability to disseminate tsunami warnings for the communities they serve;

“(B) leverage connections with local emergency management officials for optimally disseminating tsunami warnings and forecasts; and

“(C) implement mass communication tools in effect on the day before the date of the enactment of the Tsunami Warning, Education, and Research Act of 2016 used by the National Weather Service on such date and newer mass communication technologies as they are developed as a part of the Weather-Ready Nation program of the Administration, or otherwise, for the purpose of timely and effective delivery of tsunami warnings.

“(5) UNIFORM OPERATING PROCEDURES.—The Administrator shall—

“(A) develop uniform operational procedures for the centers supported or maintained under paragraph (1), including the use of software applications, checklists, decision support tools, and tsunami warning products that have been standardized across the program supported under this section;

“(B) ensure that processes and products of the warning system operated under subsection (c)—

“(i) reflect industry best practices when practicable;

“(ii) conform to the maximum extent practicable with internationally recognized standards for information technology; and

“(iii) conform to the maximum extent practicable with other warning products and practices of the National Weather Service;

“(C) ensure that future adjustments to operational protocols, processes, and warning products—

“(i) are made consistently across the warning system operated under subsection (c); and

“(ii) are applied in a uniform manner across such warning system;

“(D) establish a systematic method for information technology product development to improve long-term technology planning efforts; and

“(E) disseminate guidelines and metrics for evaluating and improving tsunami forecast models.

“(6) AVAILABLE RESOURCES.—The Administrator, through the National Weather Service, shall ensure that resources are available to fulfill the obligations of this Act. This includes ensuring supercomputing resources are available to run, as rapidly as possible, such computer models as are needed for purposes of the tsunami warning system operated under subsection (c).”.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—Subsection (e) of section 4 (33 U.S.C. 3203(e)) is amended to read as follows:

“(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

“(1) develop requirements for the equipment used to forecast tsunami, including—

“(A) provisions for multipurpose detection platforms;

“(B) reliability and performance metrics; and

“(C) to the maximum extent practicable, requirements for the integration of equipment with other United States and global ocean and coastal observation systems, the

global Earth observing system of systems, the global seismic networks, and the Advanced National Seismic System;

“(2) develop and execute a plan for the transfer of technology from ongoing research conducted as part of the program supported or maintained under section 6 into the program under this section; and

“(3) ensure that the Administration’s operational tsunami detection equipment is properly maintained.”

(f) FEDERAL COOPERATION.—Subsection (f) of section 4 (33 U.S.C. 3203(f)) is amended to read as follows:

“(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies under the program under this section, the Administrator shall—

“(1) identify which assets of other Federal agencies are necessary to support such program; and

“(2) work with each agency identified under paragraph (1)—

“(A) to acquire the agency’s assistance; and

“(B) to prioritize the necessary assets in support of the tsunami forecast and warning program.”

(g) UNNECESSARY PROVISIONS.—Section 4 (33 U.S.C. 3203) is further amended—

(1) by striking subsection (g);

(2) by striking subsections (i) through (k); and

(3) by redesignating subsection (h) as subsection (g).

(h) CONGRESSIONAL NOTIFICATIONS.—Subsection (g) of section 4 (33 U.S.C. 3203(g)), as redesignated by subsection (g)(3), is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right;

(2) in the matter before subparagraph (A), as redesignated by paragraph (2), by striking “The Administrator” and inserting the following:

“(1) IN GENERAL.—The Administrator”;

(3) in paragraph (1), as redesignated by paragraph (3)—

(A) in subparagraph (A), as redesignated by paragraph (2), by striking “and” at the end;

(B) in subparagraph (B), as redesignated by paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) the occurrence of a significant tsunami warning.”; and

(4) by adding at the end the following:

“(2) CONTENTS.—In a case in which notice is submitted under paragraph (1) within 30 days of a significant tsunami warning described in subparagraph (C) of such paragraph, such notice shall include, as appropriate, brief information and analysis of—

“(A) the accuracy of the tsunami model used;

“(B) the specific deep ocean or other monitoring equipment that detected the incident, as well as the deep ocean or other monitoring equipment that did not detect the incident due to malfunction or other reasons;

“(C) the effectiveness of the warning communication, including the dissemination of warnings with State, territory, local, and tribal partners in the affected area under the jurisdiction of the National Weather Service; and

“(D) such other findings as the Administrator considers appropriate.”

#### SEC. 05. MODIFICATION OF NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—Section 5(a) (33 U.S.C. 3204(a)) is amended to read as follows:

“(a) PROGRAM REQUIRED.—The Administrator, in coordination with the Administrator of the Federal Emergency Management Agency and the heads of such other

agencies as the Administrator considers relevant, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness and resiliency of at-risk areas in the United States and the territories of the United States.”

(b) NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.—Section 5 (33 U.S.C. 3204) is amended by striking subsections (c) and (d) and inserting the following:

“(c) PROGRAM COMPONENTS.—The Program conducted under subsection (a) shall include the following:

“(1) Technical and financial assistance to coastal States, territories, tribes, and local governments to develop and implement activities under this section.

“(2) Integration of tsunami preparedness and mitigation programs into ongoing State-based hazard warning, resilience planning, and risk management activities, including predisaster planning, emergency response, evacuation planning, disaster recovery, hazard mitigation, and community development and redevelopment planning programs in affected areas.

“(3) Activities to promote the adoption of tsunami resilience, preparedness, warning, and mitigation measures by Federal, State, territorial, tribal, and local governments and nongovernmental entities, including educational and risk communication programs to discourage development in high-risk areas.

“(4) Activities to support the development of regional tsunami hazard and risk assessments. Such regional risk assessments may include the following:

“(A) The sources, sizes, and other relevant historical data of tsunami in the region, including paleotsunami data.

“(B) Inundation models and maps of critical infrastructure and socioeconomic vulnerability in areas subject to tsunami inundation.

“(C) Maps of evacuation areas and evacuation routes, including, when appropriate, traffic studies that evaluate the viability of evacuation routes.

“(D) Evaluations of the size of populations that will require evacuation, including populations with special evacuation needs.

“(E) Evaluations and technical assistance for vertical evacuation structure planning for communities where models indicate limited or no ability for timely evacuation, especially in areas at risk of near shore generated tsunami.

“(F) Evaluation of at-risk ports and harbors.

“(G) Evaluation of the effect of tsunami currents on the foundations of closely-spaced, coastal high-rise structures.

(5) Activities to promote preparedness in at-risk ports and harbors, including the following:

“(A) Evaluation and recommendation of procedures for ports and harbors in the event of a distant or near-field tsunami.

“(B) A review of readiness, response, and communication strategies to ensure coordination and data sharing with the Coast Guard.

“(6) Activities to support the development of community-based outreach and education programs to ensure community readiness and resilience, including the following:

“(A) The development, implementation, and assessment of technical training and public education programs, including education programs that address unique characteristics of distant and near-field tsunami.

“(B) The development of decision support tools.

“(C) The incorporation of social science research into community readiness and resilience efforts.

“(D) The development of evidence-based education guidelines.

“(7) Dissemination of guidelines and standards for community planning, education, and training products, programs, and tools, including—

“(A) standards for—

“(i) mapping products;

“(ii) inundation models; and

“(iii) effective emergency exercises; and

“(B) recommended guidance for at-risk port and harbor tsunami warning, evacuation, and response procedures in coordination with the Coast Guard.

“(d) AUTHORIZED ACTIVITIES.—In addition to activities conducted under subsection (c), the program conducted under subsection (a) may include the following:

“(1) Multidisciplinary vulnerability assessment research, education, and training to help integrate risk management and resilience objectives with community development planning and policies.

“(2) Risk management training for local officials and community organizations to enhance understanding and preparedness.

“(3) Interagency, Federal, State, tribal, and territorial intergovernmental tsunami response exercise planning and implementation in high risk areas.

“(4) Development of practical applications for existing or emerging technologies, such as modeling, remote sensing, geospatial technology, engineering, and observing systems, including the integration of tsunami sensors into Federal and commercial submarine telecommunication cables if practicable.

“(5) Risk management, risk assessment, and resilience data and information services, including—

“(A) access to data and products derived from observing and detection systems; and

“(B) development and maintenance of new integrated data products to support risk management, risk assessment, and resilience programs.

“(6) Risk notification systems that coordinate with and build upon existing systems and actively engage decisionmakers, State, local, tribal, and territorial governments and agencies, business communities, nongovernmental organizations, and the media.

(e) NO PREEMPTION WITH RESPECT TO DESIGNATION OF AT-RISK AREAS.—The establishment of national standards for inundation models under this section shall not prevent States, territories, tribes, and local governments from designating additional areas as being at risk based on knowledge of local conditions.

(f) NO NEW REGULATORY AUTHORITY.—Nothing in this Act may be construed as establishing new regulatory authority for any Federal agency.”

(c) REPORT ON ACCREDITATION OF TSUNAMIREADY PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on which authorities and activities would be needed to have the TsunamiReady program of the National Weather Service accredited by the Emergency Management Accreditation Program.

#### SEC. 06. MODIFICATION OF TSUNAMI RESEARCH PROGRAM.

Section 6 (33 U.S.C. 3205) is amended—

(1) in the matter before paragraph (1), by striking “The Administrator shall” and all that follows through “establish or maintain” and inserting the following:

“(a) IN GENERAL.—The Administrator shall, in consultation with such other Federal agencies, State, tribal, and territorial

governments, and academic institutions as the Administrator considers appropriate, the coordinating committee under section 5(d), and the panel under section 8(a), support or maintain”;

(2) in subsection (a), as designated by paragraph (1), by striking “and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—” and inserting the following: “assessment for tsunami tracking and numerical forecast modeling, and standards development.

“(b) RESPONSIBILITIES.—The research program supported or maintained under subsection (a) shall—”; and

(3) in subsection (b), as designated by paragraph (2)—

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

“(1) consider other appropriate and cost effective solutions to mitigate the impact of tsunami, including the improvement of near-field and distant tsunami detection and forecasting capabilities, which may include use of a new generation of the Deep-ocean Assessment and Reporting of Tsunamis array, integration of tsunami sensors into commercial and Federal telecommunications cables, and other real-time tsunami monitoring systems and supercomputer capacity of the Administration to develop a rapid tsunami forecast for all United States coastlines;”;

(B) in paragraph (3)—

(i) by striking “include” and inserting “conduct”; and

(ii) by striking “and” at the end;

(C) by redesignating paragraph (4) as paragraph (5);

(D) by inserting after paragraph (3) the following:

“(4) develop the technical basis for validation of tsunami maps, numerical tsunami models, digital elevation models, and forecasts; and”;

(E) in paragraph (5), as redesignated by subparagraph (C), by striking “to the scientific community” and inserting “to the public and the scientific community”.

#### SEC. 07. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

Section 7 (33 U.S.C. 3206) is amended—

(1) by amending subsection (a) to read as follows:

“(a) SUPPORT FOR DEVELOPMENT OF AN INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator shall, in coordination with the Secretary of State and in consultation with such other agencies as the Administrator considers relevant, provide technical assistance, operational support, and training to the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific, and Cultural Organization, the World Meteorological Organization of the United Nations, and such other international entities as the Administrator considers appropriate, as part of the international efforts to develop a fully functional global tsunami forecast and warning system comprised of regional tsunami warning networks.”;

(2) in subsection (b), by striking “shall” each place it appears and inserting “may”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “establishing” and inserting “supporting”; and

(B) in paragraph (2)—

(i) by striking “establish” and inserting “support”; and

(ii) by striking “establishing” and inserting “supporting”.

#### SEC. 08. TSUNAMI SCIENCE AND TECHNOLOGY ADVISORY PANEL.

(a) IN GENERAL.—The Act is further amended—

(1) by redesignating section 8 (33 U.S.C. 3207) as section 9; and

(2) by inserting after section 7 (33 U.S.C. 3206) the following:

#### “SEC. 8. TSUNAMI SCIENCE AND TECHNOLOGY ADVISORY PANEL.

“(a) DESIGNATION.—The Administrator shall designate an existing working group within the Science Advisory Board of the Administration to serve as the Tsunami Science and Technology Advisory Panel to provide advice to the Administrator on matters regarding tsunami science, technology, and regional preparedness.

“(b) MEMBERSHIP.—

“(1) COMPOSITION.—The Panel shall be composed of no fewer than 7 members selected by the Administrator from among individuals from academia or State agencies who have academic or practical expertise in physical sciences, social sciences, information technology, coastal resilience, emergency management, or such other disciplines as the Administrator considers appropriate.

“(2) FEDERAL EMPLOYMENT.—No member of the Panel may be a Federal employee.

“(c) RESPONSIBILITIES.—Not less frequently than once every 4 years, the Panel shall—

“(1) review the activities of the Administration, and other Federal activities as appropriate, relating to tsunami research, detection, forecasting, warning, mitigation, resiliency, and preparation; and

“(2) submit to the Administrator and such others as the Administrator considers appropriate—

“(A) the findings of the working group with respect to the most recent review conducted under paragraph (1); and

“(B) such recommendations for legislative or administrative action as the working group considers appropriate to improve Federal tsunami research, detection, forecasting, warning, mitigation, resiliency, and preparation.

“(d) REPORTS TO CONGRESS.—Not less frequently than once every 4 years, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings and recommendations received by the Administrator under subsection (c)(2).”.

#### SEC. 09. REPORTS.

(a) REPORT ON IMPLEMENTATION OF TSUNAMI WARNING AND EDUCATION ACT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress a report on the implementation of the Tsunami Warning and Education Act (33 U.S.C. 3201 et seq.).

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

(A) A detailed description of the progress made in implementing sections 4(d)(6), 5(b)(6), and 6(b)(4) of the Tsunami Warning and Education Act.

(B) A description of the ways that tsunami warnings and warning products issued by the Tsunami Forecasting and Warning Program established under section 4 of the Tsunami Warning and Education Act (33 U.S.C. 3203) can be standardized and streamlined with warnings and warning products for hurricanes, coastal storms, and other coastal flooding events.

(b) REPORT ON NATIONAL EFFORTS THAT SUPPORT RAPID RESPONSE FOLLOWING NEAR-SHORE TSUNAMI EVENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Secretary of Homeland Security shall jointly, in coordination with the Director of the United States Geological Survey, Administrator of the Federal Emergency Management Agency, the Chief

of the National Guard Bureau, and the heads of such other Federal agencies as the Administrator considers appropriate, submit to the appropriate committees of Congress a report on the national efforts in effect on the day before the date of the enactment of this Act that support and facilitate rapid emergency response following a domestic near-shore tsunami event to better understand domestic effects of earthquake derived tsunami on people, infrastructure, and communities in the United States.

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

(A) A description of scientific or other measurements collected on the day before the date of the enactment of this Act to quickly identify and quantify lost or degraded infrastructure or terrestrial formations.

(B) A description of scientific or other measurements that would be necessary to collect to quickly identify and quantify lost or degraded infrastructure or terrestrial formations.

(C) Identification and evaluation of Federal, State, local, tribal, territorial, and military first responder and search and rescue operation centers, bases, and other facilities as well as other critical response assets and infrastructure, including search and rescue aircraft, located within near-shore and distant tsunami inundation areas on the day before the date of the enactment of this Act.

(D) An evaluation of near-shore tsunami response plans in areas described in subparagraph (C) in effect on the day before the date of the enactment of this Act, and how those response plans would be affected by the loss of search and rescue and first responder infrastructure described in such subparagraph.

(E) A description of redevelopment plans and reports in effect on the day before the date of the enactment of this Act for communities in areas that are at high-risk for near-shore tsunami, as well identification of States or communities that do not have redevelopment plans.

(F) Recommendations to enhance near-shore tsunami preparedness and response plans, including recommended responder exercises, predisaster planning, and mitigation needs.

(G) Such other data and analysis information as the Administrator and the Secretary of Homeland Security consider appropriate.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Science, Space, and Technology and the Committee on Homeland Security of the House of Representatives.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Act, as redesignated by section 8(a)(1) of this Act, is amended—

(1) in paragraph (4)(B), by striking “and” at the end;

(2) in paragraph (5)(B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$25,800,000 for each of fiscal years 2016 through 2021, of which—

“(A) not less than 27 percent of the amount appropriated for each fiscal year shall be for activities conducted at the State level under the tsunami hazard mitigation program under section 5; and

“(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 6.”.



**SEC. 11. OUTREACH RESPONSIBILITIES.**

The Administrator of the National Oceanic and Atmospheric Administration, in coordination with State and local emergency managers, shall develop and carry out formal outreach activities to improve tsunami education and awareness and foster the development of resilient communities. Outreach activities may include—

(1) the development of outreach plans to ensure the close integration of tsunami warning centers supported or maintained under section 4(d) of the Tsunami Warning and Education Act (33 U.S.C. 3203(d)) with local Weather Forecast Offices of the National Weather Service and emergency managers;

(2) working with appropriate local Weather Forecast Offices to ensure they have the technical knowledge and capability to disseminate tsunami warnings to the communities they serve; and

(3) evaluating the effectiveness of warnings and of coordination with local Weather Forecast Offices after significant tsunami events.

**SEC. 12. REPEAL OF DUPLICATE PROVISIONS OF LAW.**

(a) REPEAL.—The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479) is amended by striking title VIII (relating to tsunami warning and education).

(b) CONSTRUCTION.—Nothing in this section shall be construed to repeal, or affect in any way, Public Law 109-424.

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. CORNYN. Mr. President, I have five requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

**COMMITTEE ON ARMED SERVICES**

The Committee on Armed Services is authorized to meet during the session of the Senate on December 1, 2016, at 9:30 a.m.

**COMMITTEE ON FINANCE**

The Committee on Finance is authorized to meet during the session of the Senate on December 1, 2016, at 1:45 p.m., in room S-216.

**COMMITTEE ON FOREIGN RELATIONS**

The Committee on Foreign Relations is authorized to meet during the session of the Senate on December 1, 2016, at 10:30 a.m., to conduct a hearing entitled "The Future of Counter-Terrorism Strategy."

**SELECT COMMITTEE ON INTELLIGENCE**

The Select Committee on Intelligence is authorized to meet during the session of the Senate on December 1, 2016, at 2 p.m., in room SH-219 of the Hart Senate Office Building.

**SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT**

The Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on December 1, 2016, at 2:30 p.m., to conduct a hearing entitled, "Examining Two GAO Reports regarding the Renewable Fuel Standard."

**PRIVILEGES OF THE FLOOR**

Mr. MERKLEY. Mr. President, I ask unanimous consent my intern, Jill

Goatcher, be given the privileges of the floor for the balance of the day.

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

**JUSTICE FOR ALL  
REAUTHORIZATION ACT OF 2016**

Mr. SULLIVAN. Mr. President, I ask that the Chair lay before the Senate the message from the House to accompany S. 2577.

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

*Resolved*, That the bill from the Senate (S. 2577) entitled "An Act to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes," do pass with an amendment.

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

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

**METROPOLITAN WEATHER HAZARDS PROTECTION ACT OF 2015**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 629, S. 2058.

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

The legislative clerk read as follows:

A bill (S. 2058) to require the Secretary of Commerce to maintain and operate at least one Doppler weather radar site within 55 miles of each city in the United States that has a population of more than 700,000 individuals, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Metropolitan Weather Hazards Protection Act of 2015".*

**SEC. 2. STUDY ON GAPS IN NEXRAD COVERAGE AND REQUIREMENT FOR PLAN TO ADDRESS SUCH GAPS.**

(a) *STUDY ON GAPS IN NEXRAD COVERAGE.—*  
(1) *IN GENERAL.—*Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (known as "NEXRAD").

(2) *ELEMENTS.—*Under the study required by paragraph (1), the Secretary shall—

(A) identify areas in the United States with limited or no Next Generation Weather Radar coverage below 6,000 feet above ground level of the surrounding terrain;

(B) for the areas identified under subparagraph (A), Charlotte, North Carolina, and surrounding counties, central Washington State, northwest New Mexico, and Columbus, Ohio, and surrounding counties—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including Terminal Doppler Weather Radar (known as "TDWR"), air surveillance radars of the Federal Aviation Administration, and cooperative network observers; and

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities in such areas that are not owned or controlled by of the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(C) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(D) identify options to improve radar coverage in the areas identified under subparagraph (A); and

(E) estimate the cost of, and develop a timeline for, carrying out each of the options identified under subparagraph (D).

(3) *REPORT.—*Upon the completion of the study required by paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings of the Secretary with respect to the study.

(b) *PLAN TO IMPROVE RADAR COVERAGE.—*Not later than 30 days after the completion of the study required by subsection (a)(1), the Secretary shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a plan to improve radar coverage in the areas identified under subsection (a)(2)(A) by integrating, and upgrading where practicable, additional observation solutions to improve hazardous weather detection and forecasting.

(c) *REQUIREMENT FOR THIRD-PARTY REVIEWS REGARDING PLAN TO IMPROVE RADAR COVERAGE.—*The Secretary shall seek third-party reviews on scientific methodology relating to, and the feasibility and advisability of, implementing the plan developed and submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional Next Generation Weather Radar coverage.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn, the Burr substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, the title amendment be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 5123) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SEC. \_\_\_\_ . STUDY ON GAPS IN NEXRAD COVERAGE AND REQUIREMENT FOR PLAN TO ADDRESS SUCH GAPS.**

(a) **STUDY ON GAPS IN NEXRAD COVERAGE.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (referred to in this section as “NEXRAD”).

(2) **ELEMENTS.**—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States with limited or no NEXRAD coverage below 6,000 feet above ground level of the surrounding terrain;

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including Terminal Doppler Weather Radar (commonly known as “TDWR”), air surveillance radars of the Federal Aviation Administration, and cooperative network observers; and

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(C) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(D) identify options to improve radar coverage in the areas identified under subparagraph (A); and

(E) estimate the cost of, and develop a timeline for, carrying out each of the options identified under subparagraph (D).

(3) **REPORT.**—Upon the completion of the study required under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Appropriations of the House of Representatives that includes the findings of the Secretary with respect to the study.

(b) **PLAN TO IMPROVE RADAR COVERAGE.**—Not later than 30 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit a plan to the congressional committees referred to in subsection (a)(3) for improving radar coverage in the areas identified under subsection (a)(2)(A) by integrating and upgrading, to the extent practicable, additional observation solutions to improve hazardous weather detection and forecasting.

(c) **REQUIREMENT FOR THIRD-PARTY REVIEWS REGARDING PLAN TO IMPROVE RADAR COVERAGE.**—The Secretary of Commerce shall seek third-party reviews on scientific methodology relating to, and the feasibility and advisability of, implementing the plan submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional NEXRAD coverage.

The bill (S. 2058), as amended, was ordered to be engrossed for a third read-

ing, was read the third time, and passed.

The amendment (No. 5124) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “A bill to require the Secretary of Commerce to study the coverage gaps of the Next Generation Weather Radar of the National Weather Service and to develop a plan for improving radar coverage and hazardous weather detection and forecasting.”

**ALLOWING THE ADMINISTRATOR OF THE FAA TO ENTER INTO REIMBURSABLE AGREEMENTS FOR CERTAIN AIRPORT PROJECTS**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 6014 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 (H.R. 6014) to allow the Administrator of the Federal Aviation Administration to enter into reimbursable agreements for certain airport projects.

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

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

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

The bill (H.R. 6014) was ordered to a third reading, was read the third time, and passed.

**WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2015**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 1561 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 (H.R. 1561) to improve the National Oceanic and Atmospheric Administration’s weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes.

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

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Thune substitute amendment at the desk be considered, the Cantwell amendment at the desk be considered and agreed to, the Thune substitute amendment,

as amended, be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 5126) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment (No. 5125) in the nature of a substitute, as amended, was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

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

The bill was read the third time.

The bill (H.R. 1561), as amended, was passed.

**HONORING THE MEMORIES AND LEGACIES OF THE 3 LAW ENFORCEMENT OFFICERS WHO LOST THEIR LIVES IN THE ATTACK ON JULY 17, 2016, IN BATON ROUGE, LOUISIANA**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 606.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 606) honoring the memories and legacies of the 3 law enforcement officers who lost their lives in the attack on July 17, 2016, in Baton Rouge, Louisiana, condemning that attack, and recognizing the heroism of law enforcement personnel and first responders.

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

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 606) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 29, 2016, under “Submitted Resolutions.”)

**COLONEL DEMAS T. CRAW VA CLINIC**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3492, introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 3492) to designate the Traverse City VA Community-Based Outpatient Clinic

of the Department of Veterans Affairs in Traverse City, Michigan, as the "Colonel Demas T. Crow VA Clinic."

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

Mr. SULLIVAN. 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 with no intervening action or debate.

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

The bill (S. 3492) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 3492

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

**SECTION 1. DESIGNATION OF COLONEL DEMAS T. CRAW VA CLINIC IN TRAVERSE CITY, MICHIGAN.**

(a) FINDINGS.—Congress finds the following:

(1) Demas T. Crow was born on April 9, 1900, in Long Lake Township, Michigan.

(2) While residing in Traverse City, Michigan, Demas T. Crow enlisted in the United States Army at Columbus Barracks, Ohio, on April 18, 1918, and trained with the 12th Cavalry at Camp Stanley, Texas.

(3) Colonel Crow achieved the position of senior pilot and was awarded—

(A) the Medal of Honor for action in North Africa;

(B) the World War I Victory Medal;

(C) the World War II Victory Medal;

(D) the European-African-Middle Eastern Campaign Medal;

(E) the Mexican Service Medal;

(F) the American Defense Service Medal;

(G) the Purple Heart;

(H) the Royal Order of George I; and

(I) the Observer Badge.

(4) Colonel Crow's citation for the Medal of Honor said, "For conspicuous gallantry and intrepidity in action above and beyond the call of duty. On November 8, 1942, near Port Lyautey, French Morocco, Col. Crow volunteered to accompany the leading wave of assault boats to the shore and pass through the enemy lines to locate the French commander with a view to suspending hostilities. This request was first refused as being too dangerous but upon the officer's insistence that he was qualified to undertake and accomplish the mission he was allowed to go. Encountering heavy fire while in the landing boat and unable to dock in the river because of shell fire from shore batteries, Col. Crow, accompanied by 1 officer and 1 soldier, succeeded in landing on the beach at Mehdiya Plage under constant low-level strafing from 3 enemy planes. Riding in a bantam truck toward French headquarters, progress of the

party was hindered by fire from our own naval guns. Nearing Port Lyautey, Col. Crow was instantly killed by a sustained burst of machinegun fire at pointblank range from a concealed position near the road."

(5) Colonel Crow was killed in action on November 8, 1942, while attempting to deliver a message to broker a cease fire with France.

(b) DESIGNATION.—The Traverse City VA Community-Based Outpatient Clinic of the Department of Veterans Affairs in Traverse City, Michigan, shall after the date of the enactment of this Act be known and designated as the "Colonel Demas T. Crow VA Clinic".

(c) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (b) shall be considered to be a reference to the Colonel Demas T. Crow VA Clinic.

**NATIONAL PHENYLKETONURIA AWARENESS DAY**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 627) designating December 3, 2016, as "National Phenylketonuria Awareness Day."

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

Mr. SULLIVAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 627) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

**AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 628, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 628) authorizing the printing of a revised edition of the Senate Rules and Manual.

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

Mr. SULLIVAN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 628) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

**ORDERS FOR MONDAY, DECEMBER 5, 2016**

Mr. SULLIVAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m. on Monday, December 5; 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 the House message to accompany H.R. 34; further, that the filing deadline for first-degree amendments under rule XXII for the cloture motion filed during today's session be 4 p.m., Monday, December 5; finally, that the mandatory quorum call under rule XXII with respect to the cloture motion be waived.

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

**ADJOURNMENT UNTIL MONDAY, DECEMBER 5, 2016, AT 3 P.M.**

Mr. SULLIVAN. 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 6:07 p.m., adjourned until Monday, December 5, 2016, at 3 p.m.