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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, December 12, 2016, at 3 p.m.

Senate

FRIDAY, DECEMBER 9, 2016

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

PRAYER

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

Let us pray.

Great and eternal God, we refuse to forget Your generous blessings that bring joy to our lives. You satisfy us with good things in every season. We particularly thank You for the laudable life of former Senator John Glenn.

Lord, You have not dealt with us according to our sins. Continue to sustain our lawmakers. Remind them that their days are like grass, which flourishes and then disappears. May they find sustenance in Your steadfast love, striving to please You in all they do. Give them the wisdom of a reverential awe that will trust the unfolding of Your majestic providence even when they do not understand Your movements.

Lord, we thank You for the faithful service through the decades of Your servant, Senator HARRY REID. As he prepares to transition from the legislative branch, give to him and his beloved Landra fair winds and following seas.

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 (Mrs. CAPITO). The majority leader is recognized.

REMEMBERING JOHN GLENN

Mr. MCCONNELL. Madam President, we were saddened yesterday to learn of the passing of one of the most iconic figures of the 20th century, John Glenn. He described his childhood as being like something out of a Norman Rockwell painting, but as we all know, his life was anything but ordinary. This smalltown boy from New Concord, OH, came a long way and lived a full life, one that touched many and will not soon be forgotten.

Elaine and I send our condolences to his wife Annie and the rest of the Glenn family.

LEGISLATION BEFORE THE SENATE

Mr. MCCONNELL. Madam President, yesterday the House passed a continuing resolution on a very large bipartisan basis, with more than three-fourths voting in its favor.

Let me repeat that. Three-fourths, a majority of both parties, voted for the legislation needed to keep the government open. While some Senate Democrats may want to delay into a government shutdown, House Democrats overwhelmingly rejected that approach.

The funding in this CR is critical to our Nation's defense. It supports overseas operations, the fight against ISIL, and our forces in Afghanistan. It provides resources to begin implementing the medical innovation bill we passed earlier this week and to start bringing relief to victims of severe flooding across our country, and of course it includes provisions that will guarantee that retired coal miners in Kentucky—in Kentucky—and other States will not lose their health benefits at the end of this month. Would I have preferred that provision to be more generous? Of course I would have. My request to the House was to fund it for a full year, but we will be back at it in April, and I think it is highly unlikely that we will take it away—just as I would have preferred that so many miners' places of employment hadn't been driven into bankruptcy in recent years, which as we all know is due in no small part to President Obama, his policies, and the overwhelming majority of Senate Democrats who support all those policies that have been a huge factor in creating the dilemma we have in coal country in Ohio, Kentucky, West Virginia. Most of the Senate Democrats support the war on coal.

It has been my intention that the miner health benefits not expire at the end of April next year. As I just said, I am going to work with my colleagues to prevent that, but this is a good time to take yes for an answer. We should pass the CR without delay because if we don't pass the CR, the health benefits will go away at the end of this

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

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month. The House is gone. They are through for this session.

Failure to pass this legislation means delaying funding for our troops overseas. Failure to pass this means delaying funding for Flint, MI. I promised Senator STABENOW we would deal with that issue, and we have, in the WRDA bill and the CR that are here, having passed the House. Failure to pass this legislation means delaying funding for storm recovery in many of our States, and of course failure to pass this legislation means creating a shutdown of the government. Over what? We have funded health care for miners through the end of April. We have funding in here for the opioid crisis and a whole lot of other things that Senators say they care about. They want to shut the government down to stop this? Really. It hardly makes sense to me. In fact, passing this CR guarantees that health care will be there for miners through the end of April. It guarantees it. Failure to pass it guarantees it goes away at the end of the month.

I think it is time to get serious. I think we all don't want any of these consequences to come about. The thing to do is to pass this continuing resolution. After we pass that, we will turn to the water resources development bill. The House overwhelmingly passed the bipartisan water resources development bill as well, with more than three-fourths in its favor. It was overwhelming on both sides of the aisle.

Now it is our turn to act. Remember, this bill supports waterways, infrastructure, enhances commerce, and maintains American ecosystems. It also authorizes spending in the continuing resolution, which will help families in Flint. Flint is in both of these bills. These are the folks who have been impacted by the drinking water crisis. We will have a vote on WRDA after the CR has been approved.

I encourage my colleagues to work together now so we can pass both of these as soon as possible. It strikes me that delay is not a solution to any of these problems I have outlined.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

REMEMBERING JOHN GLENN

Mr. REID. Madam President, our Nation and the world lost a historic figure yesterday, a legend, John Glenn.

As a relatively new Senator, I had the good fortune to take a trip with him. He led the trip with Ted Stevens of Alaska. It was a wonderful trip. We were in Austria. The Iron Curtain was down. We went into Czechoslovakia and had all the Russian soldiers checking the train. They had dogs.

But around the world, everyone knew that John Glenn was leading that trip, and a number—three, to be exact—of the soldiers, when none of the others were looking, asked if he would autograph for them just a piece of paper they had, and he did that. Everyplace we went, in Poland—we were all Senators, but there was only one John Glenn. Everyplace we went, he was beloved. He really was an icon.

In reading the morning newspaper, I was disappointed it had a headline, John Glenn known for his space exploits. John Glenn was known for far more than that. Of course, he was our first to circumvent the globe. He told all of us he wore that space capsule, it was so small. In all the news last night, it showed him climbing into that. If you were claustrophobic, you could not get in that, it was so tight. He could reach out and touch both sides of it.

Here this great aviator told me and whoever else was listening that when that came down in the ocean, if they had waited another minute to pick him up, he would have had to throw up. Here was a guy who never got sick any time, but he was getting sick then.

I have so many fond memories of John Glenn. He was so nice to me, as he was nice to everyone. He was an ace in World War II, a fighter pilot. He was an ace in the Korean conflict. I think he had 90 missions there. This may upset some people, but it is a fact of war—war is tough. We were having a debate here on napalm, and someone asked John Glenn: Did you ever use that in World War II?

He said: Yes, we did.

When would you decide to drop your load?

He said: When we could see the whites of the eyes on the people on the ground.

That was John Glenn. He was so thoughtful of everyone else—but a soldier, a marine, a pilot. He held that record for flying across the United States faster than anyone else. He was known by far more than his space exploits. He served in the Senate for 24 years. In all the years I have been here, no one in the Senate had more respect than John Glenn.

His story is legendary. He and Annie, who is a wonderful woman, knew each other when they were little kids, first and second graders. That was a love affair that was ongoing forever. To show the strength of this woman, we only had to look at what happened yesterday after John passed away. She is 96 years old, and she was worried about people coming to her home—with John having died and well-wishers coming—so she went grocery shopping so she would have food in her home when people came to visit.

As a child, Annie was stricken with an inability to speak. She stammered so that no one could hear her—they could hear her, but they couldn't understand her. As she was growing up, John Glenn was her mouthpiece. He would take her phone calls because she couldn't talk on the phone, but she overcame that and became the Annie Glenn we all know who speaks very well.

I am not going to go over the list of his many awards. The Distinguished Flying Cross is really a big deal in the military. He was awarded one six times.

Madam President, I ask unanimous consent that a listing of the many awards he received, including the Congressional Gold Medal, be printed in the RECORD.

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

Distinguished Flying Cross, six different times,
Navy Unit Commendation for service in Korea,
The Asiatic-Pacific Campaign Medal,
The American Campaign Medal,
The World War II Victory Medal,
The China Service Medal,
The National Defense Service Medal,
The Korean Service Medal,
The United Nations Service Medal,
The Korean Presidential Unit Citation,
The Navy's Astronaut Wings,
The Marine Corps' Astronaut Medal,
The NASA Distinguished Service Medal,
The Congressional Space Medal of Honor,
The Congressional Gold Medal,
and the Presidential Medal of Freedom.

Mr. REID. Madam President, after a quarter of a century, Senator Glenn left the Senate, and here is what he said: ''Yeah, I'll miss it, sure. But you move on to other things. That's it.''

That was John Glenn. He moved on to other things.

Until a couple of years ago, he flew his own airplane. When he was a Member of the Senate, he flew back to Columbus, OH. I think that is where he went. Every time he wanted to go, he didn't take commercial; he flew his own airplane.

So I express my condolences to Annie. I admire the inspiration she has been to everybody who has ever known her. Of course, John Glenn, I repeat, is an icon of the Senate, an icon of the military, an icon of the space program, an icon in life, and a wonderful human being.

I yield the floor.

RESERVATION OF LEADER TIME

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

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2028, which the clerk will report.

The senior assistant legislative clerk read as follows:

House Message to accompany H.R. 2028, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 5139, to change the enactment date.

McConnell amendment No. 5140 (to amendment No. 5139), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 5141, to change the enactment date.

McConnell amendment No. 5142 (the instructions (amendment No. 5141) of the motion to refer), of a perfecting nature.

McConnell amendment No. 5143 (to amendment No. 5142), of a perfecting nature.

The PRESIDING OFFICER. The assistant Democratic leader.

REMEMBERING JOHN GLENN

Mr. DURBIN. Madam President, I wish to join in and echo the comments of the Democratic leader, Senator REID, about the passing of John Glenn. I was just in high school when he was the famous astronaut who risked his life to prove that we could move forward in the space program. It wasn't just an achievement that came to science. It was an achievement America was hungry for.

We were so afraid, after launching the Sputnik and two Russian cosmonauts, that we were falling behind in the space race. All of the astronauts, especially John Glenn, risked their lives to move us forward in the space program that ultimately landed a man on the Moon.

I read this morning in the obituary columns about the risk that was attendant to this launch after it was scrubbed over and over because of mechanical problems and weather and the fact that 40 percent of the time the efforts to use this rocket had failed. Yet John Glenn put his life on the line in Friendship 7, in that tiny little capsule that was only 7 feet across and was launched into space. He almost died on the reentry when the tiles that were to protect him started failing and, as he termed it, there was a fireball as he came back into Earth.

He made it. He was greeted with a hero's welcome all across the United States, and he addressed a joint session of Congress. That was the man I knew.

He was also the man who then volunteered to come to Springfield, IL, in 1982 and campaign for me when I ran for Congress. I was just awestruck that this great man, this American hero and then a U.S. Senator, would take the time to come to my hometown and campaign for me. He did, and he was beloved. A large crowd gathered, cheering him on, as they should have. I was just kind of background noise to the real arrival of the real American hero—John Glenn.

Many years later, when I was elected to the Senate, I was lucky enough to serve with John Glenn for 2 years and be on his committee. He was the ranking Democrat, and Fred Thompson was the Republican chairman of that Administration Committee.

We held some very controversial hearings under Chairman Thompson. John Glenn would sit there very quietly, and I wondered if he was going to be outflanked by this trial lawyer, Fred Thompson, who was so gifted with his own oratory. But time and again, John Glenn rose to the occasion for our side of the aisle and did it in his own quiet, persuasive, Midwestern way.

At the end of that 2-year period that I served with him when I first came to the Senate, he was launched again into space at age 76 or 77. He was the oldest astronaut and went up into space and came back safely. He always wanted to fly, whether it was his own beloved airplane or whether it was a space capsule. He loved flight, and he made history with his flights around the country and, literally, around the Earth.

We should remember that he risked his life, too, in airplanes for us. In World War II, he had some 59 combat missions in the Pacific, earning the distinguished Flying Cross and many other decorations. But that wasn't the end of his service. When the Korean war started, he volunteered again and flew 90 combat missions there. Interesting footnote: His wingman in those Korean missions, at one point, was Ted Williams, the famous baseball player for the Boston Red Sox.

His is such a storied career of what John Glenn gave to America, including restoring our faith in our own space program, risking his life to prove that we can move forward into space, and serving the State of Ohio and the Nation as a Senator for four terms. He was just an extraordinary man.

We can't mention John without mentioning Annie, his wife of 73 years. They literally shared the same playpen when they were little toddlers. They grew up together in the same school. They got married at a very early age. It was a love affair that went on for decades. The two of them were inseparable.

I am honored to have served with John Glenn. He truly did have the right stuff, time and again, to make America proud.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 3542 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DURBIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

(The remarks of Mr. DAINES pertaining to the introduction of S. 3539 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

WRDA

Mr. DAINES. Madam President, invasive mussels are wreaking havoc on our ecosystem in Montana. This is negatively impacting our economy, including our recreation and tourism industries.

Watercraft inspection stations are one of the most effective ways to stop the spread of these invasive species and to protect neighboring and distant bodies of water. I am working to ensure that the needed resources are delivered.

It is time to act now.

TRIBUTE TO JESIKA WHITTLE

Madam President, behind every Senator is an extraordinary scheduler. Since 2012, I have had the privilege of having Jesika Whittle as my extraordinary scheduler.

As one of the very first staff members I hired, Jesika has literally been with me from my very first day, and I could not have asked for a better person for the job or one more willing and prepared to help me serve the people of Montana.

Jesika played a critical role in setting up our House freshman office, which is not an easy task, helping me to learn the ropes of where to go and sometimes where not to go.

Undoubtedly, there were times when it felt like a thankless job, but I can assure you that the countless meetings scheduled, emails sent at all hours of the day and night, and gentle reminders to wrap up a meeting did not go without notice or appreciation.

Her love for and dedication to her family shines through everything she does. It is this love and dedication that has propelled Jesika and her husband Zak to return to their native State of Washington. Knowing the joy this will bring Jesika and her family makes the bitter pill of losing her easier to swallow, but only slightly.

There isn't a member of my staff who has not benefited somehow from Jesika, whether it is a reassuring word, a baked good, or sage advice that perhaps she lifted from Star Wars. Speaking of Star Wars, I would say that Jesika has the wisdom of Yoda, the work ethic of Luke Skywalker, and the class of Princess Leia. Because of her, our staff is more than an odd assortment of public servants. We are a family, and this Senate family will sorely miss the extraordinary Jesika Whittle.

Jesika, thank you for everything.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

CUBA

Mr. LEAHY. Madam President, the election of Donald Trump as our next President has ignited a rash of speculation about the future of U.S. policy toward Cuba.

What we know is that the President-elect has said contradictory things about President Obama's decision to resume diplomatic relations with Cuba, as he has about some other issues. Among other things, he has tweeted that he plans to reverse the Obama administration's regulatory changes relaxing restrictions on U.S. engagement with Cuba unless the Cuban Government agrees to a ''better deal.''

Despite that, we don't actually know what he will do. I hope, before making a decision, he listens to advocates on both sides of the issue, including Cuban-Americans, a growing majority of whom support the resumption of diplomatic relations. As someone who has

traveled to Cuba many times and seen firsthand the benefits of the policy of engagement for both the Cuban people and the American people, I will do whatever I can to encourage the President-elect to continue that policy.

The decision to resume diplomatic relations has been enthusiastically supported here and around the world. One of our closest allies in South America—their Ambassador talked to my wife Marcelle and me the day our flag went up for the first time in over 50 years at our Embassy in Havana.

He said: You know, our country has always strongly supported the United States. But we are also friends of Cuba, and the relationship between the United States and Cuba was always like a stone in our shoe. Today, when your flag went up over your Embassy, the stone came out of our shoe.

The number of Americans who travel to Cuba has risen dramatically in the past two years. U.S. airline companies and cruise ships are carrying passengers there. Hotel deals have been signed.

But the same 5 Members of Congress—3 in the Senate, 2 in the House, of the 535 Members of the House and the Senate—these 5 Members have steadfastly opposed the new opening with Cuba. They continually say that the only Cubans who have benefited from the new opening are Raul Castro and the Cuban military.

Of course the Cuban Government has benefited. That is unavoidable. It happens in any country with state-owned enterprises with which we also have diplomatic and commercial relations. There are many like that. But it is false and misleading to say that they alone have benefited. In fact, the Cuban people, particularly Cuban entrepreneurs, have benefited. So have the American people, and they overwhelmingly want this opening to continue.

I have met many times with Cuban Government officials. I have also met with Cuban dissidents who have been persecuted and imprisoned. No one is a stronger defender of democracy and human rights there than I am. I raised the issue of dissidents being imprisoned, first face-to-face with Fidel Castro many years ago, and later with Raul Castro. Like President Obama, we all want the Cuban people to be able to express themselves freely and to choose their own leaders in a free and fair election. But I resent the assertions of those who remain wedded to the old, failed policy that to favor diplomatic relations is a form of appeasement to the Castro government.

I am as outraged as anyone when Cubans who peacefully advocate for human rights and democracy are harassed, threatened, arrested, and abused, just as I am when such violations of human rights occur in other countries, including countries by governments whose armed forces and police annually receive hundreds of millions of dollars in U.S. aid.

For 55 years we have tried the approach of isolating and pressuring Cuba that is still advocated by a dwindling, albeit passionate, minority in Congress. That approach has failed miserably. The Castro family and their shrinking circle of aging revolutionaries are still in power. Cuba is still a country where political dissent is not tolerated.

No one who knows the Castro government expected the resumption of diplomatic relations to quickly result in an end to oppression of free elections. Those who label the policy of engagement a failure after just 2 years because the Castro government continues to persecute its opponents are either naive or not to be taken seriously. Change in Cuba will happen incrementally, as it does in most countries. But I have no doubt that in a lot fewer than 55 years, the Cuban people have a lot more freedoms than they have had in the past 55 years.

The record is indisputable. Bullying the Cuban Government and making threats and ultimatums have achieved nothing in more than half a century. In fact, it isolated the United States and damaged our own interests.

Consider for a moment what it would mean if we did what these five Members of Congress advocate. Not only would we have no Embassy in Cuba, but to be consistent we would have to withdraw our Ambassadors and impose a unilateral embargo against China, Vietnam, Russia, Ethiopia, and many other countries where human rights are routinely violated, where political opponents and journalists and defenders of human rights are imprisoned and tortured, where there is no such thing as a fair trial, where civil society organizations are threatened and harassed, and where dissent is severely punished.

And when we withdraw, others will happily fill the vacuum, as they have in Cuba, which trades with countries around the world, including with many of our closest allies. In fact, I recall a meeting I had with the Ambassadors of at least a dozen European and Asian countries and with representatives of major companies from those countries. They told me: We love your embargo. Keep your embargo. Our companies can do business here and they don't have to compete with American businesses.

Is that what these isolationist Members of Congress want, or are they just concerned about human rights in Cuba? Would they rather have Cubans buy rice grown in China or in Louisiana? Would they rather have Cubans buy milk from New Zealand as they do now or from the United States? Would they prefer that China and Russia build ports and airports in Cuba while we lower the flag at our Embassy, pound our chest, and demand the Cuban Government to relinquish power? That argument is as illogical as it is inconsistent.

For 55 years, Americans have been free to travel anywhere—Iran, Russia, Vietnam, any country in the world—but not to Cuba, which is only 90 miles away. One of my fellow Senators, a Republican Senator, who has traveled often to Cuba, said: It is one thing if a Communist country tells me I cannot come to their country, but I don't want my country telling me I can't go there.

Last year, more than half a million Americans visited Cuba. This year, the number is even higher. Even from my little State of Vermont, so many people just drive a few miles to the airport in Canada and fly down. These Members of Congress want to turn back the clock and make it a crime for Americans to travel to only one country in the world—Cuba. If North Korea will let you in, you can go there, but not to Cuba. If you go to Egypt, which is cracking down on dissent, that is fine, but not to Cuba. I could go on and on.

Fortunately, more Republicans and Democrats in both the House and Senate support the right of Americans to travel freely to Cuba, the right of U.S. farmers to sell their products on credit to Cuban buyers, and the rights of Cuban private entrepreneurs who are already benefiting directly from the new opening with the United States. They will benefit even more when the U.S. embargo—a failed, self-defeating, vindictive policy if there ever was one—has finally ended.

I have talked with the Cuban owners of these private businesses. They say they are now able to make far more money than before because as things have opened up, as more Americans travel there, these businesses have expanded to meet the growing demand. Those who continue to defend the embargo should listen to these people. I hope the President-elect will listen to them.

The purpose of a policy of engagement is to protect and defend the interests of the United States and the American people and to promote our values and our products. Diplomatic relations is not a reward to a foreign government; it is what we do to protect our own interests. Do the isolationists think our Embassy in Russia is a reward to President Putin, or that having an Ambassador in Moscow somehow conveys that we agree with President Putin's corrupt and repressive policies? Does anyone think that Russia's Embassy here in Washington is somehow a reward to the United States or to President Obama? Does anyone think the Cuban Government regards its Ambassador here as a reward to us?

The United States has interests in every country, even if it is just to stand up for the rights of Americans who travel and study or work overseas. But there are many other reasons, such as promoting trade and investment, protecting national security, law enforcement cooperation, and stopping the spread of contagious diseases. These are all in the interest of the United States but they are far harder to pursue without diplomatic relations.

We either believe in the benefits of diplomacy or we don't. We either empower our diplomats or we don't. Cuba,

after a year of difficult negotiations, agreed to reopen embassies. Americans are traveling to Cuba in record numbers, including representatives of American companies, chambers of commerce, and State and local government officials. Our two governments have signed new agreements paving the way for cooperation on a wide range of issues, from the resumption of regular postal and commercial airline service, to cooperation on law enforcement and search-and-rescue.

I urge Members of Congress to get briefed on the many ways our countries are cooperating, to our benefit. It might be an eye-opener.

I understand this is an emotional issue for some Cuban-American families, including some who are Members of Congress. I have met with a number of these families. But I have also met with many who have gone to Cuba even though their property was confiscated by the Cuban government, even though they thought they would never go back, but now they can go and visit old friends, and they have changed their views.

In fact, after 55 years, survey after survey, poll after poll shows that most Cuban-Americans support the new policy of engagement. They want the United States to have an embassy in Havana. They are not saying they agree with the Cuban government, but they are saying they want the United States to have an embassy in Havana.

There is a time for family politics, and there is a time for what is in the best interest of the Nation as a whole, all 50 States. Diplomatic relations serve the national interest.

I urge these Members of Congress to put what is in the interest of the American people above their personal interest. Listen to the overwhelming majority of the Cuban and American people. They want the policy of engagement to continue because they believe it is the best hope for a free and prosperous Cuba.

Marcelle and I had a delightful time in Vermont a few months ago when we went and cheered on a group of Little Leaguers from all over our State. They were going to Cuba to play with Little Leaguers in Cuba. Marcelle and I gave them an American flag that had been flown over the U.S. Capitol. Those kids were grinning from ear to ear while holding it, and they sent me pictures of them flying the American flag on the baseball fields in Cuba where they were playing ball and being photographed, the Cuban teams with their flag and the Vermont team with ours. Only a few years ago that would not have happened—the U.S. flag flying in Cuba with the Cuban people cheering.

One of the photographs I remember the most from that trip was taken by a member of my office, Lisa Brighenti. The picture was from the back, and one team wore red T-shirts and the other wore blue. There they were—so much like you see with Little Leaguers—walking off the field, their arms around each other's shoulders, and they just played a game together. You don't have to see their faces or which T-shirt says ''United States'' and which one says ''Cuba.'' You know it is one of each, and they are together because of their shared love of the game.

I think of the times during the worst part of the Cold War, and I have gone to countries behind what we then called the Iron Curtain. I would be talking to Foreign Ministers, Defense Ministers, people in key positions, and they would say ''My niece went to Stanford'' or ''My son is studying at the University of Kentucky,'' and some would tell me about my own alma mater, Georgetown.

These were openings that everybody from our diplomatic corps to our intelligence community would tell me were very important because they would learn about us, and, just as importantly, we would learn about them.

So I urge President-Elect Trump to carefully weigh the pros and cons of this issue. I believe that if he follows his instincts, if he listens to Cuban private entrepreneurs, he, too, will conclude that it makes no sense to return to a failed policy of isolation. That policy has been used by the Castros as an excuse to justify their grip on power and their failed economic policies, it has divided the Cuban and American people, and no other country in this hemisphere supports it.

As that Ambassador said to Marcelle and me: When your flag went up, the stone came out of our shoe.

The Cuban and American people share much in common—our history, our cultures, our families, our ideals, our hopes for the future. We are neighbors. Our economies are increasingly intertwined. We should no longer be isolated from one another.

As the Castro era ends, our policy today is focused on the next generation of Cuban entrepreneurs, activists, students, and leaders. They are Cuba's future. We should endeavor to engage with them in every way we can. I met with some of them, as did a bipartisan group of House and Senate Members, earlier this week. They are bright, motivated young people. They are starting their own businesses. What a refreshing attitude they have toward life. Will everything change overnight? No. But Cuba is changing.

I want to yield the floor, but before I do, I will say that I will speak on this many more times. I think our relationship with Cuba is important not only for the United States but for the whole hemisphere. The stone has come out of the shoe; let's not put it back in. Let's work to help the Cuban people—not the Cuban Government but the Cuban people. By helping the Cuban people, we help ourselves.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UKRAINE

Ms. KLOBUCHAR. Madam President, I have several topics to talk about today, but I will start with a very important letter that was sent to President-Elect Trump by members and friends of the Senate Ukraine Caucus. We had 27 Senators, including me, come together to advocate and make clear that we wanted to continue the strong United States-Ukrainian relationship that our two countries have enjoyed for many years and to convey our support for Ukraine and ask the President-elect and the new administration to support our ally Ukraine and help it secure a peaceful and democratic future.

Almost 3 years after Russia's illegal annexation of Crimea and military aggression in eastern Ukraine, daily cease-fires along the line of contact make a mockery of the Minsk agreement and demonstrate that this conflict in the heart of Europe is far from over. Russia has yet to withdraw its heavy weapons. It continues to engage in sabotage. It has not halted its disinformation war against Ukraine and the West nor stopped the economic and political pressure aimed at undermining the Ukrainian Government.

I was in Ukraine last year, and I saw firsthand the struggles that their government is having. They have their own internal issues with corruption and the like, but they are trying to make for a better country, and that is very difficult when you have an outside nation that is engaged in the kind of combat that we see from Russia and these kinds of interventions. According to conservative estimates from the United Nations, approximately 10,000 people have been killed, over 20,000 wounded, and more than 2 million internally displaced since the conflict began.

We said in our letter—27 Senators, Republicans and Democrats, led by Senators DURBIN and PORTMAN—that Russia has launched a military landgrab in Ukraine that is unprecedented in modern European history, and we asked the President-elect to work with us on this very important matter so that we may help the Ukrainian people secure their democracy.

My State has a very strong tradition of Ukrainians. I actually live only a few miles from the Ukrainian center in our State. We have a long tradition of opening our arms to people from every corner of the globe. The people in my own city and State are concerned about the situation in Ukraine. There are a lot of people worried about what is going on, especially with the new administration coming in, so I think a strong statement, followed, of course, by actions from the President-elect would be very helpful.

I have to mention one Ukrainian place that I adore, Kramarczuk, which is in my neighborhood. I actually held my first election celebration there when I was running for county attorney. Of course, it didn't end because we had to go into the next morning. The vote was a little close. We didn't know

the result until maybe noon, but that evening we were at Kramarczuk. They have a mural that is literally almost the size of the entire backdrop from door to door in the U.S. Senate, and it is a mural they have proudly hung of the Statue of Liberty. That mural is there because the Kramarczuk family has always believed in a country that brought them in as immigrants and refugees.

I am proud to represent that community and join the other 26 Senators in asking the President-elect to continue to support Ukrainians here at home but, most importantly, the sovereignty of the country of Ukraine and their democratic values.

CURES BILL

Next, I will turn to another issue that is of key importance to this body, and that is the passage of the CURES Act, which I know the President is going to sign into law. We are very excited about that bill. There are several things in that bill that the Presiding Officer and I have both worked on. The bill includes opioid funding. Both of our States, West Virginia and Minnesota, have seen way too many deaths and lives lost early, way too many people experiencing an overdose without the help they need for treatment.

The bill authorizes $1 billion, $500 million a year, to help the many families struggling with prescription drug addiction. Senators WHITEHOUSE, PORTMAN, AYOTTE, and I actually authored the original bill, the CARA bill, which set the national framework for dealing with opioid addiction. It didn't just include authorizing money for treatment; it also included some foundation steps for doing a better job of exchanging information among physicians in terms of who is getting opioids. I remember one guy I met—a rehab guy up in Moorhead, MN—who had a patient that had gotten opioid prescriptions from 85 different doctors and medical providers in Minnesota, North Dakota, South Dakota, and Wisconsin. As a State with many States on its borders, we see this going on all the time.

I have built on that with a bill I introduced for a national prescription drug monitoring program that I think is very important. Senator CORNYN and I did the original bill on a drug take-back program to make it easier to get drugs out of medicine cabinets. The CARA bill actually built on that, but what was missing from the CARA bill, because it was an authorization bill, was the funding. This effort at the end contained in the CURES Act is going to be very important in the form of grants to our States to get the money out there.

Second is the research money. Nearly $5 billion will go to NIH to help them look for a cure for horrific diseases like cancer and Alzheimer's. That money will be critical. We are doing groundbreaking work in Minnesota at the Mayo Clinic and also at the University of Minnesota, which will be key to finding a cure to these diseases.

The third thing in the bill that maybe hasn't gotten as much attention is the Anna Westin Act. The Presiding Officer and I worked on that bill together along with Senator AYOTTE and Senator BALDWIN—four women leading the bill, and we got it done. That bill has been kicking around for over a decade. It is a bill that actually came out of Anna Westin's untimely death. She was a young girl who struggled with an eating disorder and eventually died due to the circumstances related to her eating disorder. Her mother, Kitty Westin, has carried her torch. She first gave it to Paul Wellstone, her Senator. Paul died way too young in that tragic plane crash, and then it was passed on to Senator Harkin of Iowa. I was on the bill with him, and when Senator Harkin left, I took the bill over and was able to reach across the aisle and get the support of the Presiding Officer, Senator CAPITO, as well as Senator AYOTTE and then Senator BALDWIN. This bill builds on the Wellstone-Domenici Mental Health Parity and Addiction Equity Act to clarify that insurance companies must cover residential treatment for eating disorders the same way they cover treatment for other mental and physical illnesses.

Over 30 million Americans struggle with eating disorders, including over 200,000 people in my State. It is actually the leading cause of death from mental illness. People don't realize that, but obviously anorexia is a very dangerous disease, as are other eating disorders. That one bill has a lot, but we know there is more work to do on prescription drugs.

I see Senator GRASSLEY here. He and I have worked very hard on what is called the pay-for-delay bill, which would tell the big pharmaceutical companies that they cannot pay the generic companies to keep their products off the market. That literally eliminates competition, and, from the estimates we have gotten, it would save billions of dollars over years. We think that is a really, really, really important bill and something we would like to get done.

I have worked with Senator MCCAIN on legislation that focuses on bringing in less expensive drugs from Canada, as well as a bill I have to allow for negotiations of prices under Medicare Part D.

TRIBUTES TO DEPARTING SENATORS

Madam President, I will close my remarks by turning to some of our retiring Senators and speaking briefly on each one of them.

HARRY REID

We had a beautiful portrait unveiling for Leader REID yesterday. He has been a leader who takes all ideas into consideration, even those of newer Members.

In January of 2007, I began working on ethics reform, and, in fact, I asked him if that would be an important priority when he took over as leader. It was S. 1, and one of the first bills we passed.

Senator REID didn't give new Members the opportunity to lead just on big bills. When a little girl in Minnesota named Abbey Taylor was maimed while swimming in a pool with a defective drain, Leader REID stood by my side and helped me work with Republicans to get a bill passed in honor of Abbey's memory and final wish.

I met this little girl in the hospital. She went on to live for a year. She had been swimming in a kiddie pool when her intestines were pulled out by a defective drain due to the way it was installed.

Her parents never gave up. Scott Taylor, her dad, called me every single week to see what was happening with the bill. Honestly, again, the bill was moving around and hadn't had any action for years. Ted Stevens, who at the time was a Senator from Alaska, helped me. In the end, it was Senator REID, working with others, including Senator Lott, and we were able to get that bill on another bill, and we were able to pass it.

To this day my proudest moment in the U.S. Senate was calling Scott Taylor and telling him that bill had passed, and then last year hearing from the head of the Consumer Product Safety Commission in the Commerce Committee that not one child has died because of a defective drain since that bill passed. That bill, by the way, was named after James Baker's granddaughter, who had also perished in a pool incident. That is an example. I don't think it would have happened if HARRY REID hadn't been one of our leaders.

Another example is when we were trying to build a bridge to Wisconsin, Senator JOHNSON and I were working on that issue along with House Representative Bachmann, Representative DUFFY, and Senator FRANKEN, and we had to get everyone signed off on an exemption to the Scenic Rivers Act. It was a Saturday, and no one was left in the Senate except two or three Members, and I had one Member I couldn't reach who had gotten on a plane, but we thought we could still reach him so I could get the last signoff to get the bill done. HARRY REID had just found out his wife had breast cancer and was waiting at home, but he wouldn't go home. He insisted on presiding for me. The leader of the Senate sat in the Presiding Officer's chair so I could be back in the Republican cloakroom trying to reach the Senator. That happened.

We didn't get the bill done that day, but the minute we got back in January, Senator REID worked with Senator MCCONNELL, and we were able to get that on the agenda and get that exemption. That bridge is going up as we speak. It is a massive bridge that had to be built because the other bridge was so bad it closed down all the time. People would literally cross their fingers when they went over it. That is Senator REID.

A lot has happened since he first came to work in Congress as a police

officer in the halls of the Capitol. But one thing has stayed the same about Leader REID—the true spirit of him. It is the considerate leader who will sit up at the presiding desk just to help a freshman pass a bill that is important to her and her constituents. It is the kind of person who takes the time to talk to a little boy with leukemia and show him his favorite pictures right in the middle of the budget debate. That happened to me with a kid I brought in his office from Minnesota. It is the humble Senator who never forgets that he came from Searchlight, NV, and always serves with his home in mind.

Thank you, Senator REID, for your service. You will be missed.

BARBARA MIKULSKI

So there are two other Senators who are retiring this week, and one of them is Senator BARBARA MIKULSKI. She has been, as the Presiding Officer knows, the dean of the women in the Senate for a very, very long time. She is the queen of one-liners, and one of my favorite ones is one she uses when she talks about women elected officials. She always says: We see things not just at the macro level but at the macaroni-and-cheese level.

After a few years when I had been in the Senate, she called us into the President's Room—a number of the women Senators—to gear up for a debate that mattered to the women of this country. She, literally—being short, as she is—stood on the couch in that room and said: Gear up. Square your shoulders. Put your lipstick on. Get ready for the revolution.

Now, at the time, I was not even sure what the revolution was. I was thinking all the time that she had probably used that line for maybe much weightier things. But that is her life. She is an advocate. She is a leader. She is someone who has championed the women of the Senate and all women in elected office. She is the one who was here first, of her own making. She is not someone who took over a seat after a husband or father had died. She ran, and she ran on her own merit, and she leaves on her own merit. She leaves on the merit of passing incredibly important bills for Maryland, incredibly important legislation for this country. I will miss her as a mentor, and we will always miss her dearly.

BARBARA BOXER

Finally, there is Senator BARBARA BOXER, who joined the Senate in 1993. When I got to the Senate, I was on the Environment Committee. She was the new chair. I got to see firsthand her advocacy—her advocacy on climate change, her advocacy on transportation and waterway infrastructure—and the way she would just never give up when she decided something was right for her State and right for the country.

But the one thing is that everyone talks about BARBARA BOXER's fiery advocacy and her incredible humor and tenacity. Sometimes, I think people forget how productive she has been when she worked across the aisle. I saw firsthand how she was able to work with Senator INHOFE on the transportation bill and then later with Senator MCCONNELL on the last transportation bill.

She is someone who has credibility on our side of the aisle. When she says she is willing to make a compromise with the Republicans, people listen. She never gave up. She would have dinners at Italian restaurants. She would find ways, in kind of a mom's way, to get everyone together. She passed some really incredible legislation, including water infrastructure legislation with Senator VITTER over the last few years.

That is what she has done. I can't think of anyone whom we are going to miss more in terms of that presence and that kind of hardscrabble advocacy, which is always coupled with the pragmatic way of getting important bills done. So we are going to miss Senator REID, Senator MIKULSKI, and, also, Senator BOXER.

KELLY AYOTTE

I would also like to add that, of the Republican Senators who are leaving, I have enjoyed a very strong working relationship with Senator AYOTTE. She and I have worked together on opioids. We have worked together a lot on the issue of the eating disorder bill. I am glad that in her final weeks in the Senate, we have been able to pass that important legislation that embraced so many of her priorities.

DAN COATS

I also worked at length with Senator COATS. We both serve on the Joint Economic Committee. He has shown great leadership there, and also, again, an ability to work across the aisle. He believes strongly in civility and in getting to know your fellow Senators. We are going to miss him dearly for his pleasant way and his ability to cross over the aisle and work together. I also want to thank him for the work he did on an adoption bill that we worked on together.

There are many other Senators whom we wish well to. There is Senator KIRK and the work he has done on the Great Lakes priorities. We have worked on that together, as well as all of his leadership in the area of international relations.

Madam President, I see that the Senator from Iowa, Mr. GRASSLEY, is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EXECUTIVE ACTIONS

Mr. GRASSLEY. Madam President, for the last 8 years, we have seen President Obama's administration take action after action and do it without regard for concerns expressed by the American people or their elected representatives in Congress, which amount to a great deal of unconstitutional or at least contrary-to-statute Executive overreach.

The Obama administration used Executive fiat to push sweeping regulations with little thought about damage to American jobs. The Obama administration has repeatedly stretched its authority beyond limits set by Congress in law. It has twisted the same laws and even the Constitution itself to justify this Executive overreach. Despite early promises of transparency, it has kept the American people and the Congress in the dark about many of its most significant decisions.

Americans are right, then, to be frustrated with what they see as more unnecessary burdens and unchecked abuses being handed down by an out-of-reach bureaucracy. In November, they made their voices heard. So now we are going to have a new President on January 20. President-Elect Trump has said that he intends to roll back the mess of harmful regulations and Executive power grabs of the last 8 years.

He is certainly going to have his hands full, as we all know. But there is plenty that we can do to begin the process on January 20. President Obama's tenure has brought about an unprecedented expansion of the regulatory state. By some estimates, bureaucratic redtape now places a $2 trillion burden on the Nation's economy. You know who pays for that? The American people do.

I don't doubt that there are some good intentions behind every new rule. But the notion that so-called experts in Washington, DC, need to regulate every aspect of our lives does not make much sense to many of the Iowans I talk to. They are hoping that a President Trump will bring common sense to Washington, DC.

Take, for example, the Environmental Protection Agency's waters of the United States rule. It is often referred to by acronym WOTUS. This rule seeks to expand what the government can regulate under the Clean Water Act. Congress intentionally limited EPA's reach under the law to what is termed navigable waterways. But the WOTUS rule would subject 97 percent of the land in my State of Iowa to EPA bureaucratic burdens.

I assume it does the same in several other States. But I have only checked on Iowa. So 97 percent of the land to be regulated by the EPA bureaucracy is just an impossible situation. Think about that. Every homeowner, every contractor, and every farmer would need to seek a Federal permit for projects requiring the simple task of moving dirt, even if it is nowhere near an actual body of water. That, of course, means more paperwork, more time wasted, and, of course, more money spent to get Federal permits for activities that this Congress never intended the Federal Government to regulate.

A bipartisan majority of both Houses of Congress has voiced its disapproval of the WOTUS rule, and a Federal appeals court has placed a nationwide stay on its implementation. Yet I continue to hear concerns, regardless of the court case, that some in the EPA

are going to move forward with the rule's implementation, causing unnecessary fear and confusion among farmers and landowners.

So on day one, President Trump should direct his administration to stop defending the WOTUS rule in the Federal courts where it is now held up. He should also direct his EPA to immediately stop implementing or enforcing the rule while the Agency begins the rulemaking process to take it off the books once and for all. It is not just official regulations that have sparked concern over the last 8 years, the Obama administration has also used Executive actions, agency guidance documents, and legal interpretations to push its agenda, leaving Congress and the American people in the dark.

Often this has been done with disturbing results. In 2014, the Obama administration acted unilaterally to release five senior-level Taliban commanders who were being held at Guantanamo Bay in exchange for SGT Bowe Bergdahl. Now, that is contrary to law.

Despite the requirements of law, the administration never notified Congress, as the law requires, prior to this prisoner's transfer. The law required the administration to provide Congress with a detailed statement of the basis for the release, an explanation for why it is in our national security interests, and a plan to prevent the prisoners from returning to the battlefield.

Instead, Congress heard only crickets. The administration provided no notice to the Congress, no legal justification for the release, and no plan to prevent these Taliban commanders from reentering a fight that has already spilled so much blood of America's sons and daughters.

One reporter said the Taliban has been more transparent about this exchange than the Obama administration. Even the nonpartisan Government Accountability Office later concluded that the administration acted illegally. Well, it is pretty clear. The law says that you have to give Congress 30 days' notice. They didn't give any notice.

There were and still are, then, serious questions about whether releasing these detainees from Guantanamo was a good idea, even to the extent to which the law was violated. So I asked this administration to disclose the legal advice that the Department of Justice apparently provided that justified its failure to notify Congress in a timely way—in other words, a justification for ignoring the law.

But the Department of Justice refused to do that. The public deserves a full and transparent accounting of why the administration believed it could disregard the law. On day one, then, President Trump should order the Justice Department to produce any legal advice that it concocted to excuse the Obama administration from its obligation to notify Congress of this decision 30 days before the release, because that is what the law says.

Unfortunately, this isn't the only legal opinion the Obama administration has used to avoid scrutiny of its actions. The Justice Department also brewed up a ludicrous legal opinion to block government watchdogs from accessing Federal records needed in the course of congressional oversight. If this year has taught us anything, it is that the government needs more oversight, not less.

It is unbelievable that a handful of unelected bureaucrats would try to defy the Congress and the people it represents by ignoring that law. Unfortunately, it hasn't stopped with the case I just cited.

The Obama administration practically treats a congressional subpoena as if it were a freedom of information request rather than a constitutionally mandated inquiry from a coequal branch of government. This very issue is now being debated in the courts.

But it is not just Congress that can't get information; the press and private citizens have had their freedom of information requests regularly met with very long delays, if they get any response at all. You know it is bad when the New York Times calls this White House the most secretive in more than two decades.

President Trump should take steps to reverse this trend of more secrecy in government because more transparency in government will bring more accountability. On day one, he should direct his agency heads to cooperate with congressional inquiries, inspector general investigations, and FOIA requests, and he should empower government whistleblowers.

Whistleblowers expose facts about wrongdoing and incompetence inside the vast Federal bureaucracy, often at risk of their own career and their own reputations and, in some cases, I found out, even their health.

Without whistleblowers, Americans would be none the wiser that, for instance, the Justice Department walked guns that put law enforcement agents in jeopardy—that is the Fast and Furious investigation I did—or that the EB–5 investor visa program is riddled with fraud, or that agencies spend tens of millions of taxpayer dollars every year to pay employees under investigation for misconduct who simply sit at home on paid leave. Information provided by whistleblowers under the Securities and Exchange Commission Whistleblower Program has brought in more than $584 million in financial sanctions. The Internal Revenue Service has collected more than $3 billion in tax revenues since 2007 thanks to whistleblowers under a piece of legislation I got passed in 2006, I believe it was.

Since I pushed to empower and protect whistleblowers under the False Claims Act way back in 1986, the Federal Government has recovered more than $48 billion in taxpayers' money lost to fraud. That simple, quantifiable information is a good deal. But these brave employees often face retaliation from their own ranks. So I am going to suggest that if President Trump is going to be very serious about fixing the Federal bureaucracy, he should empower these patriotic citizens to help us identify fraud, abuse, and misconduct so that we can get this government working again.

I will propose to the President-elect, when I get a chance to talk to him, something I have proposed to every President since Reagan. And no President, of course, has done this, and maybe it is ridiculous for me to think President Trump will do it, but he is coming to Washington to shake things up. I will suggest to him, to empower whistleblowers, who know there is fraud and who are patriotic people who want fraud corrected, that he hold a Rose Garden ceremony honoring whistleblowers, and maybe do it once a year so that they know that the tone from the top—that the new Commander in Chief has the backs of these patriotic soldiers for good government whom we call whistleblowers.

Of course, what I have gone through in these remarks as I finish is far from an exhaustive list, but the common thread in all of this is that the Obama administration frequently failed to take care that the laws be faithfully executed as required by our Constitution. When that doesn't happen and Congress lets a President get away with it, then we are not upholding our oath to the Constitution, which basically says that Congress passes the law and they ought to be a check on the executive branch to see that the laws are faithfully executed. The person coming to town to drain the swamp—a person by the name of Trump—should prioritize these failures and begin to restore the executive branch to its proper place in government consistent with the checks and balances outlined in our Constitution. These actions will help the new President make good on his pledge to fix the Federal bureaucracy and do what he said last night on television in Des Moines, IA—put Americans first.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Madam President, before I begin my remarks on why I came down to the floor today, I would like to join with my colleague from Iowa in saying it is a very good idea to have a Rose Garden ceremony talking about whistleblowers, supporting people who want to do the right thing in the bureaucracy, and I am willing to work with him in any way that is appropriate to talk about what we need to do to make sure that whistleblowers in our bureaucracy have the protection and the appreciation. There are many great people in government who see things every day. We spend a lot of time in our Subcommittee on Homeland Security talking about what we can do to get those good ideas from the bureaucracy, those good ideas from

folks who actually work in the government percolated up to the Congress and implemented. So I applaud the work he has done on whistleblowers.

Senator GRASSLEY, I look forward to having another conversation about what we can do to put America first by making sure our public employees have an opportunity to feel pride in what they do every day, knowing that they are working for a cause in the most efficient, effective manner for the American people. I applaud your work.

COAL MINERS' HEALTH CARE AND PENSIONS AND THE EX-IM BANK

Madam President, I want to talk a little bit about this past election. There has been a lot of Monday night quarterbacking about what happened. I guess you can't say that anymore now that they play football on Monday nights, but there has been a lot of backseat driving over what happened.

For this Senator, the message of this election could not be clearer that people who go to work every day—particularly those people who shower when they come home at night or come home in the morning if they are working shift—feel like we left them behind. They feel like things happened to them that are unexplainable to them even though they are working as hard as they can. They think that the government and the people in Washington, DC, aren't working for them and they are getting left behind.

Now there is an important opportunity to work in a bipartisan way to learn the lessons of this past election and to stand up and fight for American workers, to listen to American workers and hear about the challenges they have and to respond to those challenges, especially when those challenges clearly represent injustice. Every person in America being told these stories would say that shouldn't happen. There is no clearer indication of a ''that shouldn't happen'' story today than in the dialogue and debate in Washington, DC, and what is happening to the coal miners in this country.

Last night, I stood with 20 to 30 coal miners from the Presiding Officer's State. These are good people who work hard—and I know the Presiding Officer has been fighting for them as well—who simply want what they have earned. They simply want the opportunity to take care of their families and the people in their communities. You know, it was pretty cold out when we were standing out there. A number of the reporters were giving me a hard time because, being from North Dakota, everybody assumes it is always 20 below zero there, even in July, and I had some choice words. I said: You know, we were only out there for about 20 minutes in the cold, but if we leave here without a clear message, without an opportunity for those miners to know not only that we care but know that we are making their concerns a top priority, then they will be left out in the cold for a lot longer than 20 minutes by this Congress.

I made the point that there is a coal miner on the flag in West Virginia but there is also a farmer on the flag in West Virginia. That farmer, for me, represents the people who I know built the country in my State. We don't have coal miners who went underground, but we have a lot of coal miners who helped build our region. This is a moment where we can say to people who go to work every day, people who believe and built this country, whose ancestors built this country, that they are going to get what they earned—not what they deserve but what they earned.

When you look at many of the miners in these communities, there isn't a lot of economic opportunity and there aren't a lot of other jobs available. They risked their health, but they took that risk knowing they were going to get something in return: financial stability for their families. Suddenly, they are told that all they bargained for and all they agreed to is gone. There is something wrong with that. There is something wrong when we don't learn the lessons of the last election.

The other reason I react personally to this is I see the string that goes back to what is happening with Central States Pension Fund in my State. My good friend from Minnesota has joined with me in many of the efforts that we had on Central States to hear the stories of people who worked hard at a time when people were lifting packages and delivering goods with much heavier weight requirements than we have today. They talk about the surgeries they had, the hip replacements and knee replacements, and they talk about why they did it—to put food on the table for their families. Will all of that go away because of an irresponsible financial sector that destroyed this economy and made it virtually impossible for these pension funds to cash flow?

I think it is time that we stand up for these workers. I think it is time that we take the right fight.

I came to the floor and listened as Presiding Officer when we were in the majority, and I wish I had a dollar for every time someone talked about the American people and the American worker and what they were going to do for them. We now have an opportunity to do a lot. We have an opportunity not only to give the people who earned financial security the financial security they earned, but we have an opportunity to make sure we have good American jobs.

There is another provision that got left behind despite a lot of people who support it, and that is the ''Buy American'' provision, which is in the WRDA bill. The ''Buy American'' provision has broad-based support throughout this country, but yet when we get into the Halls of Congress, we cannot negotiate and get it done.

Finally, I wish to talk about something on the floor that I have spent a lot of time talking about; that is, the Ex-Im Bank. We started basically shutting down the Ex-Im to any new credit by not reauthorizing it. Guess what. We got it reauthorized by huge majorities, a huge majority in the Senate and over 70 percent in the House.

Victory, right? Well, guess what. We cannot make any deal over $10 million at the Ex-Im Bank unless we have a quorum. We have singlehandedly seen this body hold up the quorum at the Ex-Im Bank. People want to say this is simply about: Well, why do you want to bail out or help out GE? Why do you stand for Caterpillar? Why do you stand for Westinghouse? Why do you stand for Boeing? Those are the big benefactors.

That is an argument that so misunderstands what happens in America. To give you an example, Boeing has 16 suppliers just in North Dakota. Boeing, with the ability to sell airplanes across the country and across the world, means we get good jobs in North Dakota, good jobs we will lose out on.

I have said it once, I have said it many times. I don't stand here and cry for the CEOs of GE or Boeing. That is not whom I am standing for. I am standing here begging this body to basically get the Ex-Im Bank approved once again. I will tell you why—because $20 billion or $30 billion of deals are waiting for us to get a quorum. What does that mean? That $20 billion supports over 116,000 jobs in America. If those CEOs are forced, by a lack of export credit assistance, if they are forced to take those jobs overseas—which they already have, thousands have already left this country—that means workers in this country don't get those jobs. Once again, people say: Well, what kind of government subsidy is this?

In the face of the reality that the Ex-Im Bank actually returns dollars to the Treasury of this country, we are going to shut down the Ex-Im Bank and continue to keep it hobbled to the point where it cannot do its job, it cannot allow our manufacturing interests to be competitive.

As we leave this Congress and we open up the opportunity for further dialogue, I hope all the rhetoric we have heard over and over again about American jobs, American workers, and about American opportunity—I hope we live up to that rhetoric. I hope we take the steps we need to take to guarantee that American workers come first whenever we set our policies. There is no better place to address these pension concerns, there is no better place than the ''Buy American'' provisions, and there certainly is no easier way to get an immediate result than to get the Ex-Im Bank up and running. It is a tragedy that we are so unwilling to do this, not because it doesn't make huge common sense but because it doesn't fit in with an ideological position that was taken by the hard right against the vast majority of American interests and certainly the majority of people in this body.

With that, I turn to my colleague from the great State of Minnesota for her comments.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I stand here today with two incredibly strong women, Senator HEITKAMP of North Dakota and Senator SHAHEEN of New Hampshire—and of course the Presiding Officer as well from the great State of West Virginia. I think we all approach our jobs with a certain pragmatism about what matters. It is not about what is left or what is right, it is about what is right for the people of this country. The two issues the Senator from North Dakota has raised are both incredibly important for these workers. When people have felt nickel-and-dimed and pushed down by the system, they can't always put a bill number on what that means. They can always put a number on how things have changed and why they feel like, hey, my cable bill is eating me up or, hey, I can't get a mortgage or I can't send my kid to college, but we know that is happening now. We in this Chamber know what is going on.

The two things the Senator from North Dakota mentioned are both things we could do for the people of America. The first is to stand with the coal miners of West Virginia, promises made should be promises kept. It was Barbara Jordan of Texas, who once said: What the American people want is something quite simple—they want a country as good as its promise. These coal miners were promised things. Over 70 years ago, President Harry Truman brokered an agreement that provided health and pension benefits for coal miners in the United Mine Workers of America Health and Retirement Funds. The Coal Act and its 2006 amendments showed the continuing commitment to the health and retirement security of our Nation's miners and their families. Yet, in October, approximately 12,500 retired coal miners and widows received notices telling them their health care benefits would be cut off at the end of this year—retired miners and widows. Then, in November, another 3,600 notices went out. That is over 16,000 people who will lose their health care coverage. I know negotiations are going on as we speak, but we urge our colleagues and the leadership in the Senate to do all they can for these miners, many of whom are in the State of the Presiding Officer.

As Senator HEITKAMP mentioned, we have a similar situation with the Central States Pension Plan, 14,000 Minnesotans. I just met with 300 of them this weekend. The plan that was originally proposed was actually rejected by the Treasury Department because it was so unfair to these workers. They are continuing to look for a solution.

Lastly, I say about the coal miners, in Minnesota, we have iron ore miners. So while your miners might be covered in black soot, ours are covered in red iron ore.

My grandpa worked most of his life underground in the mines in Ely, MN. He had to quit school when he was in sixth grade because his parents were sick and he was the oldest boy of nine kids. He went to work pulling a wagon. When he was old enough as a teenager, he went to work in those iron ore mines. In sixth grade he quit school. He had dreamed of a career in the Navy. Instead, every single day he went down in a cage 1,500 feet underground with a little black lunch pail that my grandma packed for him every single day. His youngest sister had to go to an orphanage, and he promised we would go and get her. In a year and a half after he got the job and married my grandma, he went back, got his little sister Hannah, brought her back and raised her. That is our family story. It is a mining story.

I always think about what he thought when he went down in that cage every day—that career in the Navy, or out in the woods where he loved to hunt. Instead, he did that job. He did that job for his family, his two kids, and then the rest of his brothers and sisters because he knew if he worked hard, he would be able to support them because there would be a pension, because there would be health care, because he wouldn't die—like his own father—leaving behind kids, with the oldest one being 21 years old. That didn't happen. My grandpa raised two boys. One became an engineer. And my dad, the other boy, went to a 2-year college that was paid for at the time, went on to get a journalism degree, and became a reporter who interviewed everyone from Mike Ditka to Ronald Reagan, to Ginger Rogers. That is America, and these coal miners deserve that same support.

Another part of our State which believes if you work hard every day you should be able to get where you want to go are those who work in manufacturing, those who work in the rural parts of our State. I don't think they would ever put together the Ex-Im Bank—that Senator HEITKAMP has gathered us to talk about today—with their own livelihoods. That is a very complex matter about a guy getting confirmed on the Bank, but, in fact, it is true. Because while we have saved the Ex-Im Bank, which finances so many hundreds of small businesses in Minnesota that wouldn't be able to deal with going to a big major bank, we still haven't confirmed someone for that Board. Getting that person confirmed for that Board and through the Senate would mean the Ex-Im Bank could go back to its functional levels of financing major transactions.

That is why we are here, to ask the Senate to support the nomination of J. Mark McWatters to serve as a member of the Board of Directors. I join my colleagues to do that.

On January 11, the Senate Banking Committee received the nomination of McWatters to fill the Republican vacancy on the Board. This is a Republican candidate we are asking the Senate to confirm, but it is 333 days and counting since he has been nominated.

In 2015, I remember bringing together a group of small businesses from all over the country to talk about the importance of the Ex-Im Bank, to hear their stories of how they are going to go under if they are not allowed to continue their financing. Mostly, at a time when we are dealing with the winds of global competition being blown at us every single day, to be at such a disadvantage to other developed nations that have Ex-Im-type banks, that have financing authority—and it is not just China that is going to eat our lunch unless we can help businesses get over $10 million in financing. They must be laughing at us over there. There are about 85 credit export agencies in over 60 other countries, including all major exporting countries. Why would we want to make it harder for our own companies to create jobs here at home and then allow these other countries to have financing agencies that compete with us. That is exactly what is going on right now. The Ex-Im Bank has supported $17 billion in exports. Those are American jobs, 17 billion. It has a cap of $135 billion. That sounds like a lot, but an article in the Financial Times showed that the China Development Bank and the Export-Import Bank of China combined had an estimated $684 billion in total development finance. These two banks combined provide five times as much financing as the Ex-Im Bank, with its cap of $135 billion.

As Senator HEITKAMP explained, this is about jobs, and it is as simple as that. In FY2015, Ex-Im financing supported 109,000 U.S. jobs. Since we reauthorized the Ex-Im Bank, nearly 650 transactions have been approved. Now it is about time that we put the person on the Board—the Republican nominee—so the Bank can go back to fully functioning and be able to make transactions that are worth over $10 million. Without a quorum and Board approval, Ex-Im is not able to adopt any of the accountability measures or update the loan limits so American businesses have access to the financing they need to compete globally.

Here we are, three Democratic Senators on the floor simply asking the Senate to move ahead to confirm a Republican nominee. That may be irony, but it is irony that is on the backs of the American people and we need to get it done.

Madam President, I yield the floor to the Senator from New Hampshire.

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

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleagues Senator HEITKAMP of North Dakota and Senator KLOBUCHAR of Minnesota. I represent New Hampshire so I think we have three major regions of the country represented to talk about why we need to make the appointments to allow the Ex-Im Bank to continue to do their transactions.

As my colleagues have said, Ex-Im has a five-member Board of Directors. In order to consider transactions that exceed $10 million, they have to have a quorum—three people. Right now, again, as Senator KLOBUCHAR and Senator HEITKAMP explained, there isn't a quorum so they cannot continue to do transactions worth over $10 million. That is having a real impact on companies across this country.

After a period where Ex-Im was not reauthorized in 2016, where they were not able to do business, we finally got that legislation through. They were able to begin operating again.

In 2016, they were able to support about 52,000 U.S. jobs by authorizing more than $5 billion in transactions—2,000, almost 3,000 export transactions.

At the same time, Ex-Im returned $283.9 million to the U.S. Treasury and maintained a default rate of 0.266 percent. That is a pretty good record, but, by comparison, the last year that Ex-Im was fully operational, they authorized more than $20 billion in almost 4,000 transactions in 2014 when they were fully operational. Those transactions supported 164,000 U.S. jobs and returned $674 million to the Treasury.

So one might ask: What is wrong with this picture? Why is the Senate Banking Committee holding up the person who would allow Ex-Im to continue to operate at its full capacity and allow it to continue to help with job creation?

We have seen this very directly in New Hampshire. New Hampshire is a small State. We are a small business State. Yet we are the State that Ex-Im chose when they rolled out their small business program to help small businesses with the financing they needed to export. One of those first people to take advantage of that program was Boyle Energy Services & Technology. Their CEO, Michael Boyle, says that without Ex-Im, he would have to consider offshoring production in order to continue to grow his business.

Now, BEST does 90 percent of its business overseas, and it relies on Ex-Im for working capital guarantees. They are not doing a lot of transactions over $10 million, but we have a lot of companies in New Hampshire that are doing transactions over $10 million and that are subcontractors to big companies that are doing those transactions. So in New Hampshire, we have General Electric, which is very dependent and needs those exports and that financing. We have a growing aerospace industry that includes companies like New Hampshire Ball Bearings, and it includes companies like Albany Engineered Composites, which worked on the Dreamliner with Boeing.

I talked to the CEO of Albany after he came back from the Paris Air Show a couple of years ago. He said: The people who are getting the jobs, getting the accounts, are the companies that can provide financing around the world.

We make a lot of things in New Hampshire. We have a robust manufacturing industry because we have companies such as Boyle Energy Services & Technology, New Hampshire Ball Bearings, GE, and BAE. Yet we are hamstringing those businesses and their ability to continue to grow jobs, to continue to grow their business because we are not willing to make one appointment to the Ex-Im Bank that would allow us to create jobs in this country and that sends money back to the Treasury.

For all of my colleagues on the other side of the aisle who are so concerned about the fiscal health of this Nation—and I think we share that concern on the Democratic side—why would you not reauthorize and make sure that an agency like the Ex-Im Bank is fully operational, can create jobs, and can return money to the Treasury? It boggles my mind that, because of this ideological battle, we are not willing to do what is practical, what is in the interests of our businesses, of job creation, of making sure that we can compete around the world with other companies that are making things.

So I share the concern we heard from Senator HEITKAMP and from Senator KLOBUCHAR, which is that the longer we delay in approving the nomination of Mark McWatters, the longer we delay in making sure that Ex-Im is fully operational, the more jobs will be lost, the more difficult it will be for companies to compete, and the more money that will be lost to the U.S. Treasury.

So I hope that under the new administration there is more of a willingness on the part of my colleagues to actually approve these nominations and to move government forward so that we can create jobs and we can address the economic challenges that too many people in this country are facing.

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

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

REMEMBERING JOHN GLENN

Mr. PORTMAN. Mr. President, I rise today to talk about the heroin and prescription drug epidemic that has gripped our country and my State of Ohio. But first, let me just say a word about John Glenn.

I spoke on the floor yesterday about his passing. We lost him yesterday afternoon, at age 95. A true icon, his life was really the life of our country, over the time period from when he joined his fellow Mercury astronauts and was the first person to orbit the Earth to the time that he served here in the Senate and went on to found the Glenn College at Ohio State University—an amazing life.

Later today we are going to ask the full Senate to vote on a resolution that Senator SHERROD BROWN, my colleague from Ohio, and I are working on. We hope to have that resolution voted on successfully and allow the entire Senate to pay tribute to a remarkable American life—a former colleague of ours and one whose seat I am very humbled and honored to hold today—and that is John Glenn. We will be bringing that up later during the day.

OPIOID ADDICTION EPIDEMIC

Mr. PORTMAN. Mr. President, today I wish to talk about an issue that this Congress has focused on more in the last few months and to commend the Congress on that but also to continue to raise awareness of it and allow all of us the opportunity to figure out how we can do more—in our own way, in our own communities, in our own homes—to be able to address it. It is now to the point where we have somebody in our great country dying of an overdose every 12 minutes. One American is losing his or her life every 12 minutes. In my own State of Ohio, we have been particularly hard hit by this. We lose one Ohioan every few hours.

The statistics are overwhelming. It is now the No. 1 cause of accidental death in our country. It has been the case in Ohio since 2007. But behind those statistics are faces, families, and communities.

A 4-year-old boy recently came into his bedroom in Cleveland, OH, in the Old Brooklyn neighborhood, and he found his dad dead of an overdose—30 years old. That was just in the news this week.

A few weeks ago, there were two men in Sandusky, OH, who were found unconscious in a parking lot. Somebody was there and recorded both their overdose and the first responders coming. The Sandusky first responders found them barely breathing and brought them back to life with this miracle drug called Narcan, or naloxone. These first responders saved their lives, as they saved 16,000 lives last year in Ohio. This year it will be an even larger number, as we find out after the year closes. But this video is not for the faint of heart. It is now out on the Internet. Some have probably seen it. It has gone viral. But it shows what these first responders and our communities are dealing with every single day.

I have talked to firefighters around the State, and the Sandusky firefighters are no exception. They tell me that they have responded to more overdoses than they have fires over the past year—more overdoses than they have fires. These are firefighters who are, again, saving lives every day.

When I was in Canton, OH, last week, I was told there had been twice as many overdose deaths this year already as last year. Again, the firefighters and other first responders tell me it is their No. 1 focus and concern.

When I talk to county prosecutors and sheriffs around Ohio, they also tell me it is the No. 1 cause of crime in each of their counties in Ohio, whether

it is a rural county, an urban county, or a suburban county. It is everywhere. It knows no ZIP Code. This problem is one that, unfortunately, has gripped our country like no other.

I started off working on this issue over 20 years ago, when cocaine, marijuana, and, later, methamphetamines were an issue. Certainly, all those drugs are horrible. Our prevention efforts led to what was called the Drug Free Communities Act, which was passed to be able to help address this issue. Over 2,000 community coalitions have now been formed as a result of that. But this new wave of addiction, in my view, is worse. It is worse in terms of the number of overdoses and deaths. It is worse in terms of the impact on families, tearing them apart. It is worse than the crimes it creates, mostly with people creating more and more crime to be able to feed their habit. It is worse in terms of the ability to get people back on track, to help them with treatment and recovery. It is a very difficult addiction.

The Congress, including this body, has taken action, and I appreciate that. Let me tell you why we need to take action.

I talked about these two men in Sandusky, OH, who were found unconscious and had overdosed. This was something where someone video-recorded the first responders coming and saving their lives. When one of these men was revived, Michael Williams, this is what he said:

> I have a problem. If I could get help I would. I need it and I want it.

I believe that if someone needs treatment for addiction and they are willing to get it, we ought to be able to provide it. That is why it is important that Congress be involved, that State legislatures be involved, that we be involved in our communities to ensure that when someone is ready to get that treatment, it is accessible.

I have met with addicts and their families all over our State. I have probably met with several hundred addicts or recovering addicts just in the last couple years alone as we have put together this legislation and tried to work on something that is actually evidence-based and will help. So many of them tell me they are ready.

One grieving father told me his daughter had been in and out of treatment centers. Finally, after several years of trying to deal with her addiction, she acknowledged that she was ready. He personally took her to a treatment center in Ohio. They told him and told her that they would love to help, but they were fully booked. They didn't have a bed available. They would hope to have one within a couple of weeks. During those 14 days, he found his daughter in her bedroom having overdosed, and she died.

Those stories are heart-wrenching, yet they are stories from every one of our States. So access to treatment is important and access to longer term recovery is important so people can get back on track to lead healthy, productive lives once again.

It is also really important that we do a better job on prevention and education. Ultimately, to keep people out of the funnel of addiction is the most effective way to deal with this issue. We need to redouble our efforts there and to raise awareness, among other things, of the connection between prescription drugs and heroin and these other synthetic heroins, these opioids, because four out of five heroin addicts in your State—you are representing a State here in this body—probably started with prescription drugs and then shifted over to heroin.

There is an opportunity for us to do more about that by raising that awareness, because when people learn more about that connection, they are smarter about the danger that is inherent in taking these often-narcotic painkillers that are sometimes overprescribed.

To raise awareness about this issue, I have come to the floor every week we have been in session since February. This is now our 29th speech about this issue—the opportunity to talk about it, to raise awareness about it. I will say again that over the course of those 29 weeks, a lot of things have happened by raising awareness.

One is, this body passed legislation called the Comprehensive Addiction and Recovery Act, otherwise known as CARA. We passed it in this Chamber after taking it through committee after 3 years of work—conferences, bringing people in from around the country, experts. The legislation focuses on how to come up with a better way to do prevention, education, treatment, recovery, and to help our first responders with naloxone—this Narcan miracle drug—provide training, help get the prescription drugs off the shelves, drug take-back programs.

All of this resulted in CARA passing this body by a vote of 92 to 2. That never happens around here. It was overwhelming bipartisan support for legislation that is needed. This past summer, late this summer, President Obama signed that legislation into law, and it is now being implemented. I commend the administration for moving as quickly as possible.

There are a couple of programs that are already up and running. We have now provided, for instance, for nurse practitioners and physicians assistants to be able to help with regard to medication-assisted treatment. That is something that was urgent in my home State of Ohio and other places, the need to have more people able to help recovering addicts get back on track. That is happening right now. That is already being implemented.

Other aspects of the legislation, including some of the prevention programs and the national awareness campaign on connecting prescription drugs to heroin, are still being put into effect. Today, I again urge the administration to move as quickly as possible and for the administration-elect, the new administration, to be prepared to step in to ensure that this legislation moves quickly.

I think the legislation, CARA, is probably the most important anti-drug legislation we have passed in this body in at least two decades. It is evidence-based. It will improve prevention and treatment. It is the first time ever we have put long-term recovery into any legislation, which is incredibly important for success. We talked earlier about the difficulty of getting people out of the grip of addiction and having that longer term recovery aspect. Think of recovery housing and being supported by a supportive group rather than going back to the old neighbor or going back to a family who is suffering from this issue. That longer term recovery really helps to improve the rates of success. That is in our legislation.

It also begins to remove this stigma of addiction. In some respects, I think that may be the most important part of the legislation. It acknowledges that addiction is a disease, and as a disease, it needs to be treated as such. When people come forward to be able to get treatment—and probably 8 out of 10 heroin addicts are not—you obviously see much better results for the person, for the family, and for the community.

For example, think about Ashley from Dayton, OH. At just 32 years old, she died of a heroin overdose recently, leaving her three small children without a mom. After Ashley died, her mom went back and looked at her diary to see what she had said during her last several weeks. She found it, she read it, and what Ashley wrote in her diary will break your heart. It details her daily struggle with addiction. It talks about the pain and the suffering. Here is one passage:

> I am so ashamed. . . . I am an addict. I will always be an addict. . . . I know I need help [but] I'm afraid to get it . . . because I know I'll need to go away for it. . . . I'll be away from my kids.

CARA was designed to help women like Ashley. It not only helps erase the stigma of addiction and get women like her to come forward, acknowledge their illness, and get the help they need, but it allows women in recovery to bring their kids with them. You have family treatment centers and funding available for those kinds of treatment centers and for longer term recovery so we can keep families together.

It authorizes $181 million in investments in opioid programs every year going forward, and it ensures that taxpayer dollars are spent more wisely and effectively by channeling them to programs that have been tested and that we know, based on evidence, actually work.

Even with these new policies in place under CARA, we are going to have to fight every year for the funding as part of the appropriations process, and we are doing that today. In the most recent continuing resolution, which

funds the government until tonight, we were able to get $37 million in short-term funding to be sure CARA was fully funded during that 4-month period of time.

We will soon be voting on the next 4 months or so of a continuing resolution, and once again, we have fought the good fight on both sides of the aisle. We have asked the Appropriations Committee to include the funding for CARA. We have been successful in doing that. There is full funding in the continuing resolution that will be voted on shortly that provides for the implementation of this legislation. That is very important because if that funding had not been provided for this short term, it would have been difficult to get the programs up and going on prevention, treatment, recovery, and helping first responders with regard to Narcan training and supply. That is important. If we fully fund it and we support getting more people into treatment, we will save lives, there is no question about it. If we fully fund the prevention, we will save lives.

In addition to that funding, under the 21st Century Cures Act, which was just passed by the House and Senate over the past few days, there is additional funding, and it is immediate funding that goes to the States. It allows the States to use their own programs that they have through block grants to help address this crisis we face. I strongly support that. I think this epidemic is such that we need to do both—have the longer term, evidence-based programs in place year after year for the future, but also immediately give our States an infusion of funds to be able to help with their existing programs.

I believe that legislation is critical to my home State of Ohio, and I know how it is going to be used; it will be used well. Our Department of Mental Health & Addiction Services needs it.

That legislation was an authorization in the 21st Century Cures Act. It was 2 years of funding—$500 million next year, $500 million the next year—to fund dealing with this crisis immediately. That funding is now shifted into the continuing resolution. So for this year, under this appropriations bill we are about to vote on, we now have that additional funding of $500 million. So we had to do the authorization and then the appropriation, and that is part of the CR.

That is something people should think about as they look at this continuing resolution. We know this funding will help because we know prevention keeps people out of this funnel of addiction the most effective way, and the treatment can work. I have met so many people across Ohio who have taken advantage of treatment, of a supportive environment that comes with recovery programs, and have been successful.

There are so many stories of hope. One is the story of Rachel Motil from Columbus, OH. As a teenager, Rachel abused alcohol. She then turned to pills, and then once the pills were too expensive—as we said, all too common—she switched to heroin. She stole from her family, even selling her mother's arthritis medication. She stole jewelry from her boyfriend's parents. She wrote herself checks from her mom's checkbook.

For those who are watching and listening who have members of their family who are suffering from this illness, you know what I am talking about.

She received help, finally. Her help came from Netcare crisis services initially—detoxing and getting into treatment—and then Maryhaven Treatment Center.

I visited Maryhaven in October. I had a chance to meet with some of the recovering addicts who were there and talk to them about what they had been through.

Rachel is an example of a success story. She is now 2 years sober and studying finance at Columbus State Community College. She is a success. If we fully fund CARA and if we get this legislation in place with regard to these Cures appropriations, we will see more success stories like that. We will save lives across our country. For all those who are suffering from the disease of addiction—like Ashley from Dayton, Michael from Sandusky, or Rachel from Northland—let's do the right thing. Let's fight for them. Let's implement CARA quickly. Let's build on this commonsense law. Let's support additional funding now so we can help as many Americans as possible. By doing so, I believe we can begin to turn the tide on this addiction and not only save lives but help some of our constituents lead more productive and full lives.

I yield back my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent to proceed, but before I begin, I ask unanimous consent that the Senator from California, Mrs. BOXER, be recognized following my remarks.

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

Mr. COCHRAN. Mr. President, this resolution will provide government funding through April 28 at the level prescribed in last year's budget agreement.

I urge the Senate to support the resolution.

It provides funding to continue counterterrorism operations in Iraq, Afghanistan, and Syria. It supports our allies through the European Reassurance Initiative. It includes funding for humanitarian assistance and to protect American diplomats.

The resolution also funds important priorities here at home. It appropriates $872 million to fight opioid abuse and support innovative cancer research. These funds will begin to implement the CURES Act, which the Senate passed earlier this week by a vote of 94 to 5.

The resolution also contains funding to respond to Hurricane Matthew, severe flooding in Louisiana and other recent natural disasters. In total, $4 billion is available under this bill and will be allocated to recovery programs that benefit 45 of our States.

The resolution also provides funding to help Flint, MI, respond to the contamination of its water supply and to help communities around the country provide safe drinking water.

Mr. President, I urge the adoption of this resolution.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to thank Senator COCHRAN for his courtesy in getting the time for me.

COAL MINER HEALTH CARE BENEFITS AND WRDA

Mr. President, some people may wonder why on a Friday we are still here and we are still arguing and we are still debating. There are several issues that are troubling to many people in the Senate and in the country, and a couple of them have a focus on them today. How this all ends remains to be seen, but I feel it is important for the American people to understand that there are some people here who are willing to take the time to explain why we can't just go home right now. We are no different from any other American. We don't want to have to work on the weekend. We don't want to have to be here when we don't have to be, giving speeches that we don't have to give.

I also want to give a shout-out to my friends who are calling attention to the plight of widows of miners—miners who went into the coal mines knowing full well they risked their lives every day. They knew that if something happened to them, their widows would be taken care of. If we can't take care of widows and children who are left behind because a coal miner risked his or her life, who are we fighting for and what are we doing here?

Senator MANCHIN, Senator HEITKAMP, Senator CASEY, Senator SCHUMER, Senator WARNER—several of my colleagues—have been very clear. They have been taking to this floor warning the majority, the Republicans, that we want to take care of these widows. The money is there. It is there for them. Instead, my Republican friends want to take it away. You know what? That is not happening without a fight. That is not happening without a fight. If we can't defend widows and orphans, I have news for you, we don't deserve to be here.

Two days ago, I gave what was to be my final major speech on the floor of the Senate. Believe me, I don't want to be here. I don't want to talk on the floor. I wanted to go out with a great big smile on my face after working in politics for 40 years, but instead I am here to explain an issue that is very troubling.

If you asked the average person what troubles them about Congress—they hate Congress. I think we get a 17-, 18-

maybe 12-percent rating. It is bad. It is hurtful. One of the things they hate about Congress is when we have a special interest rider dropped on a bill. No one has looked at it, there have been no hearings, and it has nothing to do with the bill. People are then forced into a situation where either they swallow that garbage or they can't vote for the underlying bill, which may be very important to their State, their constituents, and their country. That is what is happening on the continuing resolution to keep the government open. There is a paltry 4-month extension on the health care for the widows of coal miners. What good does that do? They are going to be frightened to death. What if they go to the doctor in that first month and the doctor says: I am watching a lump. It may be cancerous. Come back in 3 months. They don't know if they will even have health care. It is a disgrace. The widows are not protected in the continuing resolution.

What are we facing? Either we shut down the government or fight for the widows. OK. This is what people hate about Congress, and we don't have to do it—not at all. If you believe you have great legislation, then go through the channels, introduce the bill, and have a hearing. If you think the miners' widows deserve only 4 months, let's have a discussion about it.

We have another situation on another bill. The bill is called WRDA. You may have heard about it. What does it stand for? It stands for the Water Resources Development Act. This WRDA bill is a beautiful bill. My committee has worked on it for more than a year. I am proud to be the ranking member on that committee. I was the chairman, but when Republicans took the Senate back, Senator INHOFE became the chairman. We worked hand in glove. We set aside our differences, we set aside poison pills, and we said we are going to put together a great bill, and we did. It is a great bill. It deals with flood control, ensures there is environmental restoration and that our ports are dredged and can, in fact, support the kind of commerce we need in the greatest country in the world. We have authorization for funding in there for desalination because we know we have droughts in the western States, and we need to work on that. We have authorization for ways to use technology to ensure we can increase our water supply, so we have authorization in there for water recharging and water recycling. It is quite a bill. It has authorization in there to move forward with all of the Army Corps projects that have been looked at up and down and inside out.

What we have in there for my State is incredible. I don't think I have ever had a bill that did more for my State. We have projects in Sacramento, Los Angeles, and the San Francisco area. We have projects from north to south, east to west. We have levee fixes and the Lake Tahoe restoration that Senator FEINSTEIN and I worked on. We have very important ecosystem restoration. We have projects in Orange County and all over the State.

Why do I say this? I say this to make the following point: If Senator BOXER has all of those great things for her State in the WRDA bill, why is she standing here saying, ''Vote no''? It isn't easy. It breaks my heart, but I will tell you why. In the middle of the night, coming from the ceiling and airdropped into this bill was a dangerous 98-page rider which will become law with the WRDA bill. What does it do? It attacks the Endangered Species Act head-on. It gives operational instructions on how to move water in my State away from the salmon fisheries and to big agribusiness, regardless of what the science says. If somebody says ''Oh, my God, this is terrible; we will lose the salmon fishery,'' it will take a very long time to have that study, and it will be too late to save the fishery. This isn't just about the salmon; it is about the people who fish. They are distressed about this issue. They represent tens of thousands of families who rely on having enough water for the fishery.

Mr. President, I ask unanimous consent that the letter signed by this vast array of fishermen and some letters from all of those who rely on salmon fishery be printed in the RECORD.

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

GOLDENGATE SALMON ASSOCIATION,
December 6, 2016.

Re OPPOSE—Anti-Salmon Provisions in WRDA

DEAR CONGRESSIONAL LEADERS: I write from the Golden Gate Salmon Association asking that you oppose the California drought language in the Water Resources Development Act (WRDA) bill.

This language calls for severe weakening of existing protections for salmon in California's Central Valley. Although those protections are designed primarily to aid ESA-listed winter and spring run salmon and steelhead, they also provide great benefit to unlisted fall run salmon which supplies the west coast fishery.

Tens of thousands of fishing jobs in both California, and Oregon hang in the balance.

The existing protections are based on the best available science, which has been affirmed in multiple court cases up to the Ninth US Court of Appeals as well as through an outside scientific review by the National Research Council requested by Senator Feinstein. The proposed language orders science-based measures to balance water for agriculture, municipal, industrial and fishing industry be tossed out and replaced with a political prescription aimed at rewarding a small group in the western San Joaquin Valley and points south.

California salmon fishermen, both sport and commercial, have suffered from very poor fishing seasons over the last two years. This is primarily due to the effects of drought and poor water management, which have undercut the ability of salmon to reproduce and survive in Central Valley rivers. Now is the time to help these salmon runs recover, not tear them down more.

The economic value of salmon derives not only from commercially caught fish, but also from the hundreds of millions of dollars sport fishermen spend annually to pursue salmon. These dollars breathe life into the not only the California coastal economy, but also inland river communities where recreational salmon fishing is big.

Commercial fishermen have suffered after not only back to back poor salmon seasons but also disruption in their other main income source, the Dungeness crab fishery. Adding more injury is not right especially when there are other, more sustainable ways to address California's water future. The drought bill language would allow far more diversion of northern California water to the massive pumps that send it south, especially at the sensitive time of year when baby salmon are trying to migrate to the ocean. As water is diverted from its natural course, so too are baby salmon which mostly die along the way to the pumps. Those that survive to the pumps usually die shortly thereafter.

The National Marine Fisheries Service, which authored the salmon protections currently in place, has tacitly acknowledged the need to strengthen, not weaken them, by calling for both amending the existing biological opinion as well as formally reinitiating consultation on the opinion. The last thing we need now is political interference in a process best left to fishery scientists and biologists.

Adoption of the Feinstein/McCarthy drought bill language into law would undo some of the progress we've made restoring our salmon runs since 2009, when the existing biop replaced a prior one found to be illegally un-protective of salmon. Under that prior, weak set of regulations, we saw our salmon runs decline to the point where the ocean fishery was shut for the first time in history in 2008 and 2009. The language being considered now would send us back to a similar desperate situation rapidly. It would almost certainly lead to another steep collapse of Central Valley salmon runs.

Please do what you can to stop this drought proposal from becoming law, including opposing cloture in the Senate. We have new and much better ways to address our water future in California that some old thinkers simply refuse to consider.

Sincerely,

JOHN MCMANUS,
Executive Director,
Golden Gate Salmon Association.

DECEMBER 6, 2016.

SALMON FISHING INDUSTRY OPPOSES CALIFORNIA DROUGHT RIDER IN WRDA

DEAR HONORABLE MEMBERS: The undersigned commercial fishing industry groups strongly oppose Mr. McCarthy's California water language inserted in the House version of the Water Resources Development Act. King salmon was once the West's most important fishery. It now hangs in the balance, as what should be an infinitely renewable resource has consistently lost political battles in the war over California's water. This last-minute rider is a knife in the gut of the thousands of commercial fishermen and fishery-dependent businesses that harvest and supply local, wild-caught seafood to millions of American consumers.

The language purports to offer drought relief, but in so doing, it picks drought winners and drought losers in California and beyond. The winners are the handful of industrial irrigators of the San Joaquin Valley that stand to benefit from rollbacks of the Endangered Species Act and other salmon protections, and the politically (not scientifically) mandated operation of the federal water system in California. The losers are the fishery-dependent businesses, such as commercial and charter-for-hire fishermen, seafood

wholesalers, ice docks, fuel docks, shipwrights, manufacturers, restaurants, hotels and direct-to-consumer seafood purveyors that make a living on the availability of salmon. It's a policy choice to sacrifice a naturally sustainable food system for a food system that requires government subsidies, massive publicly-funded infrastructure projects, and continual litigation. It is the wrong choice for the small businesses and families that harvest this resource on the West Coast.

West Coast salmon fisheries are in crisis. The salmon fishing communities in all three states have requested or are considering the need for fishery disaster declarations for the 2016 due to extremely low productivity. We are a proud community that wants to work, not resort to government handouts. We ask that you do everything in your power to prevent this language from becoming law.

Thank you for your consideration.

Mike McCorkle for Southern California Trawlers Association (Santa Barbara), Stephanie Mutz for Commercial Fishermen of Santa Barbara, Bill Ward for Port San Luis Fishermen's Marketing Association, Lori French for Morro Bay Commercial Fishermen's Organization, Mike Ricketts for Monterey Fishermen's Marketing Association, Tom McCray for Moss Landing Commercial Fishermen's Association, Joe Stoops for Santa Cruz Fishermen's Marketing Association, Lisa Damrosch for Half Moon Bay Seafood Marketing Association, Larry Collins for San Francisco Crab Boat Owners Association, Don Marshall for Small Boat Commercial Salmon Fishermen's Association (at-large), Lorne Edwards for Bodega Bay Fishermen's Marketing Association, Bill Forkner for Salmon Trollers Marketing Association (Ft. Bragg), Dave Bitts for Humboldt Fishermen's Marketing Association, Tim Sloane for Pacific Coast Federation of Fishermen's Associations, Joel Kawahara for Coastal Trollers Association (Washington).

DECEMBER 6, 2016.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to urge you to strip the anti-environmental rider regarding California water from the Water Resources Development Act (WRDA) (Subtitle J of Title III of S. 612). This poison pill rider would gut environmental protection in California's Bay-Delta, threatening thousands of salmon fishing jobs and worsening water quality conditions. These provisions are inconsistent with California law and expressly violate the requirements of biological opinions under the Endangered Species Act, and as a result are likely to lead to extensive litigation and undermine progress on long-term solutions. The White House announced today that the Administration opposes this language in WRDA. The broad opposition to this rider demonstrates that its inclusion threatens to scuttle enactment of WRDA.

This rider would not only affect California, but also threatens the thousands of fishing jobs across the West Coast that depend on salmon from California's Bay-Delta watershed. Moreover, the rider would authorize construction of new dams across the 17 Reclamation states, without Congressional review and authorization for these new projects.

Drought, not environmental laws, is the primary cause of low water supplies in California. The state of California is working to protect the environment and the economy by investing in sustainable water supply solutions including water use efficiency, water recycling, urban stormwater capture, and improved groundwater recharge and management. The Federal government should not undermine environmental protections under the guise of drought relief, but should instead complement state investments in sustainable water solutions.

Adding a poison pill rider undermining the Endangered Species Act and threatening thousands of fishing jobs sets up a false choice between clean water in Flint and healthy waterways in California. This is outrageous and unacceptable. The people of Flint have waited too long for safe drinking water to be victimized again by this kind of political backroom dealing.

We urge you to strike this anti-environmental rider from the bill. If this language remains in the bill, we urge you to vote to oppose cloture.

Sincerely,

Natural Resources Defense Council, League of Conservation Voters, Defenders of Wildlife, Earthjustice, Sierra Club, National Audubon Society, Clean Water Action, Greenpeace.

E2,
December 6, 2016.

DEAR MEMBERS OF CONGRESS: As business leaders focused on policies that promote a growing economy and healthy environment, we ask that you oppose cloture on the Water Resources Development Act (WRDA) if it contains the recently added language regarding California water.

Environmental Entrepreneurs (E2) is a national, nonpartisan group of business leaders who advocate for smart policies that drive innovation in business while protecting the environment. Our members have founded or funded more than 2,500 companies, created more than 600,000 jobs, and manage more than $100 billion in venture and private equity capital. In California, E2 has more than 500 members who belong to three regional E2 chapters and who do business across the state.

WRDA is critical legislation that supports dozens of badly needed water infrastructure projects in just as many communities, including emergency funds to help alleviate the crisis in Flint, MI. Moreover, it is unacceptable that this controversial language, which undermines environmental protections for wildlife and threatens the tens of thousands of fishing and recreation jobs that depend on them, was added to the legislation at the eleventh hour.

Water shortages in California are due to a sustained drought, overutilization of resources and a low groundwater table. Unfortunately this newly-added language will not solve any of those issues. What these short-sighted provisions could do, however, is damage the large salmon fishing industry that is fed from the Central Valley, and hurt thousands of fishing and recreational jobs up and down the West Coast.

Though we agree there is an urgent need to address California drought and competing needs in the state, we think that should be done through a comprehensive process in stand-alone legislation that factors in the importance of the fishing industry and other economic issues.

E2 urges you to aid a consensus WRDA bill that solves problems without putting jobs at risk.

Sincerely,

BOB KEEFE,
Executive Director,
Environmental Entrepreneurs (E2).

TROUT UNLIMITED,
December 8, 2016.

DEAR MEMBERS OF THE HOUSE AND SENATE: Trout Unlimited is opposed to the drought provision that has been added to the WRDA bill being considered by the House, as it undermines an otherwise salutary Water Resources Development Act (WRDA) bill developed in a bipartisan manner by the House and Senate authorizing committees. We urge Congress to strip this drought provision (Subtitle J—California Water, §§4001–4014) and pass the WRDA bill before it adjourns this month. We urge Congress to renew its efforts to address California and western drought through an open and collaborative process to arrive at solutions which work for all stakeholders.

Trout Unlimited works with agricultural producers, states, counties, communities and other stakeholders throughout the West to find solutions to pernicious drought. Durable and fair drought solutions are best developed through open and collaborative processes with all stakeholders. The Yakima and Klamath pieces of legislation in the Energy bill are two excellent regional examples, but in fact on the ground throughout the West, there are many more local examples of drought solutions which help rivers and fish, producers and communities.

Right now drought is most severe in California. Thus, we understand and appreciate the hard work that Senator Feinstein, Representatives McCarthy, Valadao and others have invested in trying to help interests in California deal with the drought. But, the drought provision added to the House WRDA bill in recent days is not the result of an open and collaborative legislative process.

Though California is the drought hardship epicenter, drought is prevalent in other areas of the West, and may well be coming soon to many others areas of the country. Congress should reward open and collaborative processes for dealing with drought. All of our interests must face drought challenges together. All of our interests must be included in fair and balanced solutions. Congress should not reward legislation not developed in an open and collaborative process—in California or any other state—that adversely impacts so many stakeholders.

Some sections of the ''Subtitle J—California Water'' drought provision extend west-wide, and risk upending years of local, watershed-based investment by stakeholders to arrive at water scarcity solutions that meet agricultural, environmental and municipal needs. Section 4007, for example, authorizes the ''design, study, and construction or expansion'' of new federal dams across the seventeen western states without Congressional oversight. §4007(b)(1). Section 4007(h)(1) also authorizes $335 million for new dam building. Allowing the Interior Department to authorize federal dams without Congressional oversight breaks with decades of longstanding law and practice.

Even more significantly, unilaterally favoring and underwriting a federal dam sets back local, watershed-based, collaborative efforts to find multi-pronged solutions to drought and water scarcity that benefit all stakeholders: agricultural, environmental, and municipal.

The legislation would directly harm Trout Unlimited members, fishing-related businesses, and the communities that depend on them. Central Valley salmon, when healthy, contribute $1.4 billion to the economy and support 23,000 jobs. This fishery constitutes 60 percent of Oregon's coastal salmon catch and part of Washington's as well. It would be a tragedy to have salmon disappear from the Sacramento and San Joaquin rivers. The drought has been hard on everyone, but nobody has been harder hit than commercial and recreational fishing businesses.

Finally, Congress should consider that the bill would undermine actions taken under California water law. This will lead to needless litigation, igniting more controversy and threatening the progress that California and the Interior Department has made toward finding sustainable drought solutions. Federal policies should support rather than undermine state water law.

It is never too late in a Congress to renew efforts to find lasting, fair, solutions to drought problems. Many members have worked hard on important provisions of the WRDA bill that deserve passage, including several provisions which will restore watersheds and provide clean drinking water. We hope Congress will not hold those meritorious provisions hostage to an unworkable and unrelated drought measure. We urge the House and the Senate to work together to find a better solution to the California drought, eliminate Subtitle J—California Water, §§4001–4014, from the House WRDA bill, and approve the WRDA bill before adjourning this Congress.

Sincerely,

STEVE MOYER,
Vice President, Government Affairs,
Trout Unlimited.

Mrs. BOXER. I know it is a holiday. God knows I know that. This year Hanukkah and Christmas come at the same time, and my grandkids celebrate both. I want to go home, but the people who depend on the water to support the salmon fishing industry may not be able to celebrate this year because someone over there named KEVIN MCCARTHY dropped—in the dead of night—a rider on a beautiful bill called WRDA and wrecked it. He never once thought about the people who rely on fishing. It is a disgrace. Who is signing the letter, saying, ''Don't do this, don't do this, don't do this''? The Pacific Coast Federation of Fishermen's Associations, the Golden Gate Salmon Association, the Southern California Trawlers Association of Santa Barbara, the Commercial Fishermen of Santa Barbara, the Port San Luis Fishermen's Marketing Association, the Morro Bay Commercial Fishermen's Organization, the Monterey Fishermen's Marketing Association, the Moss Landing Commercial Fishermen's Association, the Santa Cruz Fishermen's Marketing Association, the Half Moon Bay Fishermen's Marketing Association, the San Francisco Crab Boat Owner's Association, the Small Boat Salmon Fishermen's Association, the Fishermen's Marketing Association of Bodega Bay, the Salmon Trollers Marketing Association, the Humboldt Fishermen's Marketing Association, the Coastal Trollers Association. I am putting those in the RECORD.

In all of my lifetime serving, I have never seen such an outcry from one industry. There is no disagreement. The water will be taken away for agribusiness regardless of what the scientists think.

You may say: Senator, what was controlling this before this power grab? It is a law. It is a law called the Endangered Species Act.

You may then ask: What liberal politician or President signed that? Let me give you the answer. It was a Republican named Richard Nixon. What breaks my heart more than anything else—and I have said it before—is how the environment has become such a hot-button issue.

I want to talk about the Endangered Species Act. We have landmark laws in our Nation. It makes our Nation great. We have the Clean Water Act, Safe Drinking Water Act, Endangered Species Act, the Toxic Control Substances Act, and the Brownfields Law. These are landmark laws beloved by the people.

If you went out on the street or if I asked up in the gallery how many people think we should protect our endangered species, I would be surprised if more than a few disagreed with that. Let me show you why. What has been saved by the Endangered Species Act? How about nothing less than the American bald eagle. This species was on its way to extinction, but because of the Endangered Species Act, we learned that there were only enough left for a few years, and so the endangered species law said: No, no, no, no. We have to change what we do and protect this species. The American eagle was protected because Richard Nixon, as well as Democrats and Republicans, believed we needed an Endangered Species Act. That was in the 1960s. Now we have a frontal assault on the Endangered Species Act.

Let me show you what else we have saved under the Endangered Species Act. This is the California condor. It is a magnificent species. It is God's creation. We talk about our faith here, and I never ever doubt anybody's faith, but I am saying if you are truly a believer, then you work to protect God's creations. It is part of our responsibility. Here it is. What would have happened if this Endangered Species Act had been changed to say, ''Don't worry about the science, do whatever you want, and if it is bothering the hunters or fishermen, just throw it out the window''? We wouldn't have saved these creatures.

I will show some others. This is the Peregrine falcon. Just looking at this magnificent thing makes you smile. Again, it is endangered. If there had been legislation like what was dropped at midnight from KEVIN MCCARTHY on the Endangered Species Act, we might have lost this magnificent creature. So to say that we should just go home to our families, children, and grandchildren without calling attention to what is on the WRDA bill that I love—let me be clear. Personally, I win either way. One way I win is if we stop this bill and take off this horrible rider and pass it clean. That would be the most amazing thing. And if we don't, I bring home 26 incredible projects to my people. It is not about me.

We have one more to show you. This is the great sea turtle. This beautiful creature was saved by the Endangered Species Act. If we had similar legislation about this magnificent creature and it said that 7 out of 10 people believe it is harming their business, let's just forget about it, we don't really need it, we would not have saved this. So when you drop this—I call it a midnight rider—on a beautiful bill and say we are going to violate the Endangered Species Act unless somebody can prove it is really bad, you are destroying the Endangered Species Act. What right does anybody have to do that in the middle of the night, in the darkness, before Christmas, days before government funding runs out?

I say nobody should have the right to do it. Since they did it, I am going to make noise about it. Believe me, I am on the way out the door. Did I want to do this? No. I did my speech. I was so thrilled to do it. My family was up there. I am in the middle of a battle now. Well, I guess that is how it is. You come in fighting, you go out fighting. That is just the way it goes.

A lot of people say: Oh, BARBARA, why do you want to do this? You had such a beautiful speech. It was a high note. I can't. I am alive. I know what is going on. I am going to tell the truth. The truth is, KEVIN MCCARTHY has been trying to get more water for big agribusiness in his—water in my State is very contentious.

My view about water is that everybody comes to the table. We work it out together. I don't like the water war. He has launched another water war battle for big agribusiness against the salmon fishery. It is ugly. It is wrong. It is going to wind up at the courthouse door anyway. Why are we doing this? It is not right. We don't need to fight about water. All the stakeholders just have to sit down and work together.

I love the fact that my State produces more fruit and vegetables and nuts—it is the breadbasket of the world. Under most measurements, farmers use 80 percent of the water—80 percent of the water. In a drought situation, why would you then hurt the other stakeholders because an almond grower wants to do more almond growing? It takes 1 gallon to produce one almond. I love almonds. Believe me, they are a fabulous food. There is a recent study that they are really healthy for you. I want everyone to eat almonds. But they export a ton of them. We have to preserve the environment in our State and not run these fishermen out.

What has really been interesting is the editorials that have come about as a result of this midnight rider.

I would like to highlight an editorial by the Sacramento Bee on December 7, 2016, titled ''Feinstein, McCarthy strike water deal, but war goes on.''

This is it. This is what I am reading from.

''The Federal legislation almost surely will result in increased water exports, its basic point, and contains unfortunate language that would allow Federal authorities to override scientists and order water exports that could further damage the delta and fisheries.''

What is the delta? The delta is a series of islands through which the natural rainwater runs. The water gets purified. It runs into our rivers and streams. It supports the salmon fishery, and it supports clean drinking water, but if you rip away that water, you are going to have more salt in the

water that remains. It is going to be more expensive for the people to get it to drinking quality.

So what you have is a circumstance where you are not only running the salmon fishery out, but you are also destroying the water quality—the drinking water quality—for many users in the area who rely on the delta water and making it far more expensive to clean up the water because it has so much salt in it.

Here is the Sacramento Bee saying that ''the unfortunate language would allow Federal authorities to override scientists and order water exports that could further damage the Delta and fisheries.''

I think I have explained to you what that means. It destroys and harms not only the salmon fishery, but it also destroys and harms drinking water. Now, the bill, it says—this is the rider that is on my beautiful WRDA bill that I love so much, that I wrote with JIM INHOFE.

''The bill authorizes additional pumping unless fishery scientists can prove there will be damage to fish, virtually an impossible standard.''

So when those who support this say: Oh, don't worry, BARBARA, yes, they will pump at the maximum ability constantly, but there has to be a report. Well, by the time they finish their report, there will be a lot of dead fish or no fish.

It goes on to say: ''But no one should kid themselves. This bill will result in damage to the environment. And it won't end California's water wars.''

Let me say that again. This is the Sacramento Bee. This is not known for any type of liberal editorializing.

''But no one should kid themselves. This bill will result in damage to the environment. And it won't end California's water wars.''

So we put that in the RECORD along with all of the different fishing groups that strongly oppose this. So we are here, and everyone is calling me: Oh, let's go home. Let's go home. I want to go home. I really want to go home because this is the end of my last term, but I can't. Let the clock go. It will run out. But the fact remains, we have to take a stand against these midnight riders that drop from the ceiling that attack Richard Nixon's Endangered Species Act that we all supported forever until now. I guess it is easy to say, I support the Endangered Species Act until someone says: Oh, there is an endangered species. Then you say: Oh, never mind. No. No. No.

You support it because you want to protect God's creatures, and then you keep supporting it. You don't attack it on a rider that was dropped at midnight, never had a hearing on a bill that has nothing to do with the subject matter. What they did belongs in the Energy bill, but they did not want to put it in there. They wanted to put it in WRDA because WRDA is so popular. WRDA is a beautiful bill, a beautiful bill that I worked on that is going to be my legacy bill.

So here I am standing up making a big fuss on my own bill and saying vote no on it. That is really hard. I hope no one in this body ever has to do this. It is a very difficult thing. Now, you may ask: Who really cares about the salmon fishery? Who really cares about the Endangered Species Act?

Well, how about every environmental organization that I know of in the country.

So who are they? They are the Natural Resources Defense Council, that has clearly stated this is a violation of the Endangered Species Act; the League of Conservation Voters, an organization that follows this. They are scoring this vote. They are scoring this vote; Defenders of Wildlife, who are committed to protecting God's creatures; Earth Justice; the Sierra Club; National Audubon Society; Clean Water Action; Greenpeace; Trout Unlimited—that has a huge participation of fishermen, recreational fishermen; Environmental Entrepreneurs.

These are actually business leaders in this country who care about what we do. I will read a little bit of the Trout Unlimited letter.

> Trout Unlimited is opposed to the drought provision that has been added to the WRDA bill being considered by the House as it undermines an otherwise salutary Water Resources Development Act bill developed in a bipartisan manner by the House and Senate.

What a beautiful opening sentence. They get it. Trout Unlimited—they are not liberals or conservatives. They just like to go and have a good time with recreational fishing. There will not be a fishery left because of the bill that was dropped from the ceiling at midnight, because someone wanted to take water away from the salmon fishery and give it to agribusiness, disgraceful.

Why don't we work together on getting more water? This is not a drought bill. It is called the California drought bill. It is ridiculous. It has nothing to do with increasing the water. All it does is move water from one place to another, and the additional authorizations on it—on the rider—are already in the underlying WRDA bill.

We don't need this. It calls for desal. It calls for water recharging. It calls for recycling. So this is a phony name of the bill, California drought bill. It does zero, zero, zero to help with the drought. All it does is it attacks the fishing industry. That is it.

Thousands of jobs, because one Congressman over there represents a little district, and he is delivering to agribusiness. It is shameful. We stand here and we decry the fact that the widows of the miners are getting the shaft—and they are. I stand with them. I ask my colleagues to vote no on a bill that contains language that will undo the salmon fisheries on the entire West Coast.

I speak for MARIA CANTWELL, who will also be down here to speak, I speak for RON WYDEN, I speak for JEFF MERKLEY, I speak for PATTY MURRAY. We are apoplectic about this. You want to do in the salmon fishery, have the guts to have a hearing on it. Have the guts to look in the faces of those salmon fishery people, have the guts to tell it to their faces. Don't drop this thing at the last minute, Christmastime, and we are all going to be good little girls and boys and say: Oh, we are going to go home. No, we are not. We are not. It is not right. You know, I grew up, there was right and there was wrong. You can't turn away from wrong, even if it is inconvenient. It is inconvenient.

I have stood alone on this floor. I am not standing alone on this, but I would if I had to.

Let's see what some of these environmentalists have said. How about E2, the environmental business leaders—what do they say?

''As business leaders focused on policies that promote a growing economy and healthy environment, we ask that you vote no on the cloture on Water Resources Development Act if it contains the added language regarding California water.''

They say they are a nonpartisan group of business leaders, and they have funded venture capital and companies. They said that WRDA is critical and that this language will not solve any drought issues. Its shortsighted provisions could damage the large salmon industry that is fed from the Central Valley and hurt thousands of fishing and recreational jobs up and down the west coast.

What I am telling you is the truth.

Here is a bill that is called the California drought bill, and it does nothing—nothing at all—to bring water in because all of the language that would deal with desalinization and high technology is already in the WRDA bill. That is a phony bill, and there is no mandatory funding in it for those purposes. But what is mandatory is that, regardless of the situation, water will be pumped away from the salmon fisheries and toward big agribusiness. There are some who say: Oh, why don't we do this? It will be worse next year. Really? The agribusiness people have already said that this is just a start. So if we allow this to go on without people paying attention, we are opening up the door to more and more attacks.

Mr. President, I would like to discuss an editorial in the San Jose Mercury News on December 8, 2016, titled, ''As Boxer retires, Feinstein sells out the Delta.''

This editorial is very strong in favor of the salmon fisheries. They say that this rider sells out to Central Valley water interests. It guts environmental protections. We will have devastating long-term effects on the Sacramento-San Joaquin Delta ecosystem. They talk about my stand on this, and they note that I will not be here, and that I am taking a stand on this.

They call this rider, the one that takes the water away from the salmon fisheries and gives it to agribusiness, an ''80-page document negotiated behind closed doors [which] allows maximum pumping of water from the Delta

to the Central Valley and eliminates''—I am going to talk about this—''important congressional oversight over building dams.''

I am going to take a minute on this. I forgot to mention this. This bill—this rider that was added is called the California drought bill. It is way more than that; it is how to kill the salmon fisheries in the west coast bill because it doesn't only kill them in California, it kills them in Oregon and Washington. It kills thousands and thousands of jobs. That is why we put in the RECORD all the people in the salmon industry who oppose this rider.

It also says—and this is amazing—that in 11 Western States over the next 5 years, the administration coming in will be able to singlehandedly authorize the building of dams, which, as you know, wreak havoc with the natural environment in our rivers and are very expensive.

Congress has always been involved in the authorization of dams because we hold hearings. We ask questions. Why should we do it? Why shouldn't we do it? We bring together all the parties, and we make a decision. This rider takes away the authority from Congress to authorize dams in the 11 Western States.

So I say rhetorically to Mr. MCCARTHY: Do you really distrust your colleagues so much that you no longer trust them to have anything to say about whether a dam should be built or not? Do you really want to take away the authority from your colleagues to call experts together to ask why this dam is needed? What would the pluses be if this is built? What would the minuses be? What would happen to wildlife? What would happen to the environment if it is being built on an earthquake fault? You may laugh at that, but there was a proposal in Northern California to build enormous dams on earthquake faults. The only reason it was stopped was congressional hearings.

Now President-Elect Trump will be able to determine in the 11 Western States that have BLM land whether or not dams can be built, and Congress will have no say.

But the answer to that is: Oh, but they still have to fund it. Well, I have been in that dance before, and I know how that works. Allow just a few dollars in it, and it is on the books. This bill is awful. It is awful, and I am so grateful to these newspapers in California that have called them out on it.

Mr. President, I have a Republican Senator complaining that I am talking too long. What is the situation on the floor? Can Senators speak as long as they wish?

The PRESIDING OFFICER. There are no limitations.

Mrs. BOXER. So I will continue to speak, and when I am done, I am done. It may be soon because I am getting a little tired, but I will keep talking for a while. I say to everybody that I am sorry, but don't drop a midnight rider on a beautiful bill that I worked on for 2 years with my colleague Senator INHOFE, and then say: I am really annoyed because she is talking too much.

I am sorry. I apologize, but I am going to talk until I am done, and the Senator from Washington is going to talk until she is done.

Don't drop a midnight rider and destroy the fishing industry and say that Congress will no longer have the ability to authorize the building of dams.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, will the Senator from California yield for a question?

Mrs. BOXER. Of course I will.

Ms. CANTWELL. Mr. President, to the Senator from California, I thank her for being here in this discussion today about a very important public policy issue.

It is December and most people know that high jinks happen in December around here. People want to go home. People are doing last-minute deals.

I don't know if the Senator from California knows, but the whole deregulation of Enron and the energy markets—that whole thing was a December midnight rider kind of activity.

All of these things happen because they know that Members want to go home. They think it is the last deal and they can throw something in and everybody will go along with it and blame it on, oh, I didn't read the fine print.

There are a couple of things in here that I just wanted to ask the Senator from California about. I am going to talk later. I wanted to get over here and ask her because she is a knowledgeable person on this.

First, this rider that was placed in the WRDA bill—is that in the jurisdiction of your committee?

Mrs. BOXER. Absolutely not, my friend. As you know, it is in the jurisdiction of your committee. It has absolutely nothing to do with mine. I would say there are two pieces added that we have a little jurisdiction on, funding for desal, but that is already in the base WRDA bill. So I can honestly say to my friend that this is a horrible rider in and of itself. One of the other problems with it is it has gone through the wrong committee. That is right. It belongs in the jurisdiction of the committee which is yours and Senator MURKOWSKI's.

Ms. CANTWELL. Mr. President, I would ask unanimous consent to have printed in the RECORD an article from the San Francisco Chronicle that says, ''Stop Feinstein's water-bill rider.'' This is a great article about how it isn't the jurisdiction of this committee and how it is a rider, which is one of the most objectionable parts for our colleagues because regular order wasn't followed and it sets a bad precedent.

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

[From San Francisco Chronicle, Dec. 7, 2016]

STOP FEINSTEIN'S WATER-BILL RIDER

(Editorial)

Sen. Dianne Feinstein calls her rider to a bipartisan water appropriations bill a way to improve efficiencies and capture more supply from ''wasted'' river flows for California cities, agriculture and the environment. Sen. Barbara Boxer, the author of the bill the rider amends, calls it a ''poison pill'' and vows to filibuster it to death.

A more temperate read from President Obama's Department of the Interior: Feinstein's drought rider would further complicate already very, very complicated federal water operations in California with no clear gains. The department, and the White House, are opposed, and rightly so.

California's two senators, both Democrats, are expected to battle it out in the Senate after the Water Resources Development Act (S612) with Feinstein's California drought rider sails through the House Thursday. The Senate fight may be Boxer's last salvo before she retires, and it is unclear she can marshal enough votes to block her own bill. The 700-page bill authorizes funding for dozens of water infrastructure projects around the country and emergency aid for Flint, Mich., which has lead-contaminated water.

Feinstein defended her 90-page California drought resolution as a needed defense against an anticipated Republican effort to open up the Environmental Species Act for major revisions next year. This might include allowing water contractors to increase pumping to levels that would benefit agriculture but devastate already threatened native fish and essentially strip away hard-won protections for the environment. She teamed up with House Majority Leader Kevin McCarthy, R–Bakersfield, to squeeze the package which authorizes $558 million for desalination, water recycling, and storage (both dams and groundwater) projects, into an end-of-the year bill. ''If California is going to grow, we must be able to provide prudent amounts of water to our people, and we can't do that right now,'' she said in a telephone interview.

Feinstein said she has drafted 28 versions during the three years she has tried to pass such legislation.

But is the rider a shield against worse legislation action or a blueprint to gut the Environmental Species Act? McCarthy described the rider as a modest package of provisions to ameliorate the effects of California's drought, now in its sixth year.

Feinstein said the rider allows maximum diversions within the legal protections of the Environmental Species Act and the biological opinions (scientific findings) that guide federal water policy. The environmental community and Boxer see it as the first and immediate step of a larger plan to divert more water to San Joaquin Valley farmers and Los Angeles area water users.

Drought and warming temperatures, one of the effects of climate change, are tipping off mass extinction of the species in the San Francisco Bay and its estuary. We have to work to share water among people, farms and the environment of California—not try to benefit one interest with a midnight rider.

Ms. CANTWELL. I would also like to ask the Senator from California if she is aware that in this legislation there is also language—and I am not sure this is in the jurisdiction of your committee either—giving the ability to have dams built in 17 States without initial overview by the U.S. Congress, without any other discussions. There would be blanket authority given to

build dams in 17 States without the input of cities, counties, constituents, interest groups, river constituents, fishermen.

We have several projects we have been discussing in the Pacific Northwest that I have been involved with and have visited with many people to talk about. People go methodically through these issues and discuss them in a collaborative way because there are tradeoffs and every community has a different opinion. So the notion that we would forgo our own State's ability to raise questions here in the U.S. Senate about somebody building a dam in our State—why would any Member want to forgo their ability as a Member of the U.S. Senate or House of Representatives to provide their input on a dam being built on a river in their State? Is the Senator aware of this provision?

Mrs. BOXER. Senator, I was just talking about it briefly, and I actually misstated it, so I am glad I was corrected. This rider, dropped at midnight, going on a bill that is a beautiful bill that I worked on for so long and that the Senator from Washington has worked on—and there are a lot of wonderful things in there. This rider went through the wrong committee. The issue you talk about, the ability of the President of the United States to, by himself, authorize dams in the Western States for the next 5 years anywhere in those States is unheard of, and it is in your committee's jurisdiction. It is in the jurisdiction of the Energy Committee. I hope Senator MURKOWSKI is outraged as well.

The fact is, the Senator is absolutely right. We have a Senator and a Congressman getting together and saying that the Congress should be bypassed and have no say in where dams should be put, whether dams should be built at all, and it is in the jurisdiction of the Energy Committee. It is not in the jurisdiction of Environment and Public Works.

Ms. CANTWELL. Mr. President, I thank the Senator from California for that explanation.

I also ask unanimous consent to have printed in the RECORD another San Francisco story from just yesterday where an attorney, Doug Obegi, basically says, to my colleague's point about the midnight darkness of this, that the densely technical text ''explicitly authorize[s] the Trump administration to violate the biological opinions under the Endangered Species Act.''

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

[From sfgate.com, Dec. 8, 2016]

HOUSE OKs BILL TO INCREASE PUMPING FROM STATE RIVERS; FISH AT RISK

(By Carolyn Lochhead)

WASHINGTON.—With the help of Sen. Dianne Feinstein, D–Calif., House Republicans moved closer Thursday to achieving their long-sought goal of undermining the Endangered Species Act to deliver more water to California farmers, with the overwhelming passage of a popular water infrastructure bill.

The bill, which moves to the Senate, contains a legislative rider inserted by Feinstein and House Majority Leader Kevin McCarthy, R–Bakersfield, that would allow the incoming Trump administration to increase pumping from the state's rivers by overruling biological opinions from fish and wildlife agencies that protect salmon, smelt and other native fish that are nearing extinction for lack of flowing rivers.

The nearly 100-page rider, filled with dense, technical language dictating operation of California's water system, blindsided retiring Sen. Barbara Boxer, who plans a last-ditch effort in the Senate to block the entire Water Infrastructure Improvements for the Nation Act, which she co-authored.

Boxer has rounded up support from Sen. Maria Cantwell, D–Wash., and other West Coast senators but will need 41 votes to prevent the bill from getting beyond the Senate.

Killing the popular infrastructure bill is an uphill climb, but Boxer said the vote will be close.

On Thursday, the House passed the bill 360–61, with Bay Area Democrats powerless to stop it. It authorizes billions of dollars in water projects across the nation, including a few for lead poisoning for the municipal water system in Flint, Mich., and elsewhere. It also contains a raft of California projects, including rebuilding levees to protect Sacramento from flooding, restoring wetlands to reduce flood risk around San Francisco Bay, and reducing pollution of Lake Tahoe.

House Speaker Paul Ryan, R–Wis., specifically hailed the rider for delivering ''much-needed water relief to Californians.'' McCarthy said the rider would prevent water front being ''sent out to sea'' by being left to flow in rivers, and ''will increase pumping.''

Feinstein said she introduced the rider to forestall worse legislation under the Trump administration. But McCarthy and other San Joaquin Valley Republicans promised that more such legislation can be expected next year, when it will no longer face a veto from President Obama. President-elect Donald Trump has promised to turn on the taps for the state's farmers.

The rider came out of years of closed-door negotiations between Feinstein and powerful San Joaquin Valley Republicans to address California's five-year drought. These efforts have repeatedly foundered over GOP insistence on weakening protections for endangered salmon, smelt and other fish.

Feinstein and House Republicans insisted that the rider does not violate the Endangered Species Act, because it contains language saying that nothing within the legislation shall violate existing environmental law.

But Boxer and Bay Area Democrats said that such general clauses will not override the bill's direct authorizations that mandate higher water deliveries.

''When an act of Congress specifically supersedes peer-reviewed biological opinions that are the very mechanism of how the Endangered Species Act gets implemented, that is a grave undermining of the act,'' said Rep. Jared Huffman, D–San Rafael.

Doug Obegi, a water lawyer with the Natural Resources Defense Council, an environmental group, pointed to three sections of densely technical text that he said ''explicitly authorize the Trump administration to violate the biological opinions under the Endangered Species Act.'' He said there is no question that if the bill is enacted, ''it is going to be headed to court. It is wholly inconsistent with state law.''

Ms. CANTWELL. So in the dark of night—I think that is the part where the States are going to be told: You are just going to have to build a dam. That is it. We decided.

Then everybody calls us and says: Wait a minute, wait a minute, I don't want to dam the river or I want that stream to produce fish or I want that to flow downstream for people further downstream, not right here. All of that has basically now been given over to someone else.

I would also like to ask the Senator from California if she is aware of provisions of the bill, as people are referring to it, that jilt the taxpayers? I know there are a bunch of groups, Taxpayers for Common Sense and even the Heritage Foundation—all of these people are basically calling out the ridiculous spending aspect of this California provision.

I wonder if the Senator from California is aware that this basically authorizes prepayment on construction obligations that basically are going to take millions of dollars out of the U.S. Treasury. Just by passing this legislation, we would be taking money out of the Treasury, resulting in basically $1.2 billion in receipts that we would have, but giving us a loss of $807 million.

This is a provision in the bill that I think has had little discussion, and this sweetheart deal for people is going to rip off the taxpayers, in addition to all of this authorization that is in the legislation.

Is my colleague from California aware of this provision?

Mrs. BOXER. I wish to say to my friend that I was aware of the provision, but I did not know the details of what you just said. My staff confirms that you are absolutely right. Are you saying to me that water contractors will be relieved of certain payments and the Federal Government will be on the hook—Federal taxpayers? Is that what you were saying?

Ms. CANTWELL. What is happening here is that people who are under current contracts on water payments, they would be given a sweetheart deal in deduction of their interest, which would allow them to shortchange our Treasury on revenues we are expecting.

That is a big discussion and if everybody wants to take that kind of money out of the Treasury and basically give a sweetheart deal to people, then we should have that discussion. We should have that discussion and understand that this is what we are doing, bless that, and hear from our appropriators that this is a worthy thing to do for some reason. I can't imagine what that reason would be, given that we are shortchanged here, and every day we are talking about how to make ends meet with so little revenue. So I don't know why we would give a bunch of contractors this ability to cost the Treasury so much money by giving them a sweetheart deal. I will enter something into the RECORD about this. As someone said, it would really cause very substantial headaches for Treasury, OMB, and various agencies.

Again, I think, in the event of somebody thinking it is December and people want to go home for the Christmas holidays, people aren't going to read the details of this legislation. I hope our colleagues will read this detail because I don't think we can afford to cost the Treasury this much money.

Mr. President, I also ask my colleague from California: I assume you have had a lot of discussion with our House colleagues about their earmark rules. I think one of the reasons the WRDA bill is something people support is that it is a list of projects that have been approved by various agencies and organizations.

Mrs. BOXER. That is right.

Ms. CANTWELL. Has this project been approved by any of those agencies or organizations?

Mrs. BOXER. Well, not only is it this whole notion of moving water from one interest. I would call the salmon fishery a critical interest—not only in my State. That is why I hate that it is called the California drought. It impacts not only California's fishing industry, but it impacts Washington's and Oregon's. This is why—save one—all of our Senators on the west coast are strongly opposed to this. Don't call it California water.

But the fact of the matter is that this has not been looked at in any way. Whether it is the money, whether it is what it does to the fishery, no one has really looked. There hasn't even been a hearing about this specific bill. I know your committee has looked at a lot of ways to help with the drought.

I compliment my friend from Washington, Senator CANTWELL, and Senator MURKOWSKI. You have come up with real ways to work with every stakeholder and not continue these absurd water wars where we take money away from a fishing industry—that is a noble, historic fishing industry and tens of thousands of fishermen who support their families—and giving it over to big agribusiness. That is not the way you want to approach the drought, I say to the Senator. It is not the way I want to approach the drought.

I would never be party to picking a winner and a loser. That is not our job. Our job is A, to make sure there are ways through technology to get more water to the State that needs it—mostly California at this point—and for all of us to work together to preserve that salmon fishery. The salmon doesn't know when it is in California, when it is in Washington, when it is in Oregon. Let's be clear. We need to protect it.

I am just so grateful to you for being on this floor today because your reasons for being here, first and foremost, are that you are protecting jobs in your State. Second, you are protecting the environment in your State. Third, you are protecting the rights of the States, the tribes, and the municipalities to have something to say over this. You are protecting the Endangered Species Act, which—as I pointed out before you came—was signed by President Richard Nixon, for God's sake. This is not a partisan thing. These are God's creatures. I will quickly show you this and then take another question. I showed the bald eagle and several other species. If there had been shenanigans like this, Senator CANTWELL—oh, well, we are not going to listen to the science; we are just going to do what we want to do—we wouldn't have the bald eagle. We wouldn't have these creatures I showed.

Senator, the fact is that what you are fighting for is not only your State, not only for jobs, but you are fighting for the larger point—that in the dead of night, you don't do a sneak attack on one of the landmark laws that you and I so strongly support.

Ms. CANTWELL. Mr. President, I wish to ask the Senator from California—because there is another element she is alluding to—about how to resolve water issues. While my understanding is your committee is very involved in basically the Federal Government programs that help communities around our country deal with water infrastructure and clean water, the larger issues of how a community settles these disputes about water on Federal land has really been the jurisdiction of the Energy and Natural Resources Committee.

But my understanding is that this bill is also trying to weigh in on disputes as it relates to the larger Colorado basin. I know my colleague from Arizona is very concerned because his views weren't heard. I know this is a big fight as a result of the language that is in here on the southern part of our country, where there is also a water dispute, and various States are debating this.

I remember when our former colleague Tom Daschle was here, and there was a whole big fight on a river issue that the Upper Midwest was concerned about. If my understanding is correct, basically what we are trying to do in this legislation is, instead of having the collaborative discussion among these various States to work together to resolve it, they are basically saying: No, no, no, we can just put an earmark rider in and instead make all the decisions for everybody and choose winners and losers. So it is not just a Pacific Northwest issue—of San Francisco, Oregon, and Washington—but also relates to challenges we have on the Colorado River and challenges in the southeast part of our country.

Basically, it sets up a discussion in the future of why would you ever regionally get together to discuss anything if you could just jam it through in the legislation by, basically—as our colleague ELIZABETH WARREN said—putting a little cherry on top and getting people to say: Oh, this must really be good. Then the consequences of this are that the thorny, thorny issues of water collaboration aren't going to be about the current rules of the road or collaboration. It is going to be about earmarks and riders that Taxpayers for Common Sense, the Heritage Foundation, and all of these people object to as the worst of the worst of Congress.

Mrs. BOXER. Right. I would say this: I did hear, along with my colleague, ELIZABETH WARREN describe it. She described it a little bit like this. You take a beautiful bill like WRDA. For the most part, it is not perfect, but it is a pretty darn good bill. Then you put a pile of dirt on top of it, which I call the McCarthy rider, and then you stick a little Maraschino cherry on top, which is Flint, and a couple of other good things, and you say: OK, eat the dirt. That is another way of explaining it.

My friend is right. What is the message if we don't fight this darn thing, perhaps defeat it, and get it stripped out. We have an amendment to strip it out if we could get to it.

What we are essentially saying to all the people, the stakeholders in the water wars, is this: You know, what is important is to your clout. Give enough money to this person, agribusiness and maybe you can control him, or give enough money to this person and maybe you control her.

The bottom line is we need to bring everybody to the table because my friend and I understand a couple of things. The water wars are not going to be solved unless everyone buys in. There are ways we can do this. We have done this work before. We can reach agreement, because if we don't, what happens? Lawsuits. Let me just be clear. There are going to be lawsuits and lawsuits and lawsuits because this is a clear violation of the Endangered Species Act. Some colleagues say: Oh, no, it isn't. It says in there it is not.

Well, very good, let's say we loaded a weapon and we dropped it on another country, and they said: This is war; you just dropped a bomb on us. We said: No, it isn't. We said we weren't declaring war on you. It is the action that counts, not what you say. A rose is a rose, as William Shakespeare once said—call it any other name.

This is an earmark. This is wrong. This is painful. This violates the Endangered Species Act. This is going to lead to the courthouse door. That is why my friend and I are not very popular right now around this joint because we are standing here and people want to go home. They are annoyed. Why is she still talking?

Well, I am still talking. I don't want to.

I say to my colleague, I ask her a question on my time, which is this: Does she think it is really painful for me to have to filibuster my own bill?

Ms. CANTWELL. I thank you for your steadfast leadership in the Senate. As to the fact that you are retiring, you are certainly going to be missed. I am sure you would like to have legislation on the water resources pass. I think you brought up a very important point: Strip out language for which there is bipartisan support asking for it to be stripped out. And there

is bipartisan support asking for it to be stripped out because people with true water interests have not been allowed to have their say.

We could get this done today—be done with this and be on our way.

I think, for our colleagues who want us to be done, there is an easy path forward—a very easy path. Just strip out the language on California and send it back.

Mrs. BOXER. Mr. President, since we are kind of reversing things, I ask unanimous consent that my friend control the time right now.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. OK, I will just hold the floor forever. That is fine.

I say to my friend, you have been through these kinds of wars before when you were standing alone trying to stop drilling in the Arctic. I remember all of our colleagues saying: Oh, my God, this is terrible. This drilling in the Arctic is on the military bill. Imagine—drilling in the Arctic. They put it on the national defense bill.

My friend was approached, and she was told: Senator, you are going to bring down the entire defense of this country if you don't back off.

My friend said: I don't think so. All you have to do is strip this Arctic rider, and we are done.

Am I right in my recollection of that?

Ms. CANTWELL. The Senator is correct. It was December and the same kind of scenario. Basically, jamming something onto a must-pass bill was a way that somebody thought this body would just roll over. In the end we didn't. We sent it back to the House, and the Defense bill was passed in very short order.

In fact, it is the exact same scenario. The House had already gone home, and I think they basically opened up for business again and passed it with two people in the Chamber. So it can be done. It has been done. If people want to resolve this issue and go home, then strip out this earmark rider language and we can be done with it and we can have the WRDA bill and we can be done.

So I think that what my colleague is suggesting—because it isn't really even the authority of the WRDA committee—is that she probably would be glad to get language that is not her jurisdiction off of this bill and communicate to our House colleagues that this is the approach that we should be taking.

So I would like to ask through the Chair if, in fact, the Senator from California understands that that kind of approach on earmarks is something that she has heard a lot about from our House colleagues, about how opposed they are.

Mrs. BOXER. Yes, I have. I wish to say, since our friend is here—I am not doing anything, an attack on anything, and I never would. It is not my way.

I am going to ask unanimous consent right now, Senator CANTWELL, without losing my right to the floor and making sure I get the floor back; is that correct? After I make a unanimous consent request, I assume I would still have the floor under the rules.

The PRESIDING OFFICER. It depends on what the unanimous consent request is.

Mrs. BOXER. The request would be to strip the rider out. My colleagues look perplexed. We have been talking about a 98-page rider that was added to the WRDA bill, and we have filed an amendment to do that.

The PRESIDING OFFICER. It is not in order.

Mrs. BOXER. Excuse me?

The PRESIDING OFFICER. This request is not in order.

Mrs. BOXER. A unanimous consent request is not in order?

The PRESIDING OFFICER. It is not in order to strip out House language by unanimous consent.

Mrs. BOXER. Then I would ask through the Chair, what would the appropriate language be to get unanimous consent? Is it to allow an amendment to do that? Would that be the right way to go?

The PRESIDING OFFICER. A motion to concur with an amendment.

Mrs. BOXER. So we could ask for that by unanimous consent—to have such an amendment, and I want to make sure that after I make that, I would not lose the right to the floor.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Thank you.

UNANIMOUS CONSENT REQUEST

So on behalf of my friend from Washington and myself, I ask unanimous consent that we be allowed to offer an amendment to strip a rider that was placed on the bill by KEVIN MCCARTHY in the House, and it is 98 pages, and it is in the House bill. It is called the California draft provision. I ask unanimous consent that we be allowed to have an amendment to strip out that language.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. That was a good test.

We can see where this is coming from, I say to my friend from Washington. All we are asking for is to go back to a bill that we worked on for almost 2 years, and now we are looking at a situation where we will be harmed in many ways by this rider.

When I say ''we,'' I mean our States. We have thousands of salmon fishery jobs that will be lost. We have a frontal attack on the Endangered Species Act, which has been called out by every major environmental group in the country. We have letters from every salmon fishery organization saying that this is dangerous. Yet all we are asking for is a simple amendment to strip out a midnight rider, and the Republicans object.

In that rider, it takes away the right of Congress to approve dams. So whether it is in Colorado or Wyoming or California or Washington or Oregon or Montana—and there are many other Western States—the President-elect will have the right to determine where to put a dam. He will have the ability, for the first time in history, to authorize the building of dams. And the answer comes back from those who support the rider: But Congress has to appropriate.

Well, we know where that goes. I have been here a long time. All you need is a little appropriation every year, and the deal continues.

So we have a circumstance on our hands. I know people in the Senate are really mad at me right now. What a perfect way for me to go out. I was a pain in the neck when I came, and I am a pain in the neck when I go.

Ms. CANTWELL. Mr. President, I have a question for the Senator from California.

The irony of this situation—first of all, I appreciate the Senator from California, because she is such a stalwart in so many different ways on so many different issues. What people may not know about the colleague we love dearly is that she is greatly theatrical. She has a beautiful voice. She writes music. She obviously lives in L.A. and probably hobnobs with all sorts of people in the entertainment industry. She sang beautifully the other night at our goodbye dinner for the retiring Members.

This reminds me of that movie ''Chinatown.'' There was a famous movie that Jack Nicholson was in that was all about the corruption behind water——

Mrs. BOXER. And Faye Dunaway, just so you know.

Ms. CANTWELL. Yes, and Faye Dunaway. So Jack Nicholson and Faye Dunaway did a movie a long time ago about the water wars in California; am I correct?

Mrs. BOXER. Yes.

Ms. CANTWELL. So it was a movie about the fight between Southern and Northern California about who gets water, and then people found out that there was so much corruption behind the deal that basically people were trying to do a fast one.

So the subject, if I am correct—that is what the subject of the movie is about. This is not a new subject; it is a very old subject. The question is, are people trying to supersede a due process here that consumers—in fact, I would ask—I hope the ratepayers and constituents of the utilities in Los Angeles would be asking the utility: What are they doing lobbying against the Endangered Species Act? My guess is there are a lot of people in Southern California that have no idea that a utility would lobby, spend their public

dollars lobbying against a Federal statute by undermining it with a rider in the dark of night.

But I wanted to ask my colleague: This issue is a historic issue in California, correct? And when it is done in the dark of night, as that movie depicts, what happens is that the issues of public interests are ignored and consequently people are shortchanged. Is that the Senator's understanding?

Mrs. BOXER. Yes. I wish to yield my time to my friend. But here is what I am going to say right now. The Senator from Washington is absolutely right that this issue has been around California for a very long time. So I will yield my time to the Senator from Washington—I yield for a question. I can't yield the full time; I can yield for a question.

But the answer to the other question is of course the Senator is right. She talks about the movie ''Chinatown.'' Do you know what year? I think it was the 1980s, a long time ago. I remember it well. It was about the water wars, and it resulted in people dying. It was corruption. It was about who gets the water rights.

Here is the deal: Here we have our beautiful State and, as my friend knows, because of the miracle of nature, Northern California gets the water; Southern California—it has been called a desert. So we have always had a problem.

When I came to the Senate, we had 18 million people, and now we have 40 million people. So we have urban users, suburban users, rural users, farmers, and fishermen. We have to learn to work together. Do we do that? Not the way KEVIN MCCARTHY did it, which is a grab for big agriculture, which destroys the salmon fishery and is going to bring pain on the people who drink the water from the delta because it is going to have a huge salt content that has to be taken out before they can drink it. So this is the opposite of what ought to happen.

I yield back to my friend for another question.

Ms. CANTWELL. On that point, in the process for discussing these water agreements, the Senator from California is saying they don't belong in her committee, and they have been controversial over a long period of time, and the best way to do this is not through an earmark, which this is—the notion that the House of Representatives is jamming the U.S. Senate on a half-billion-dollar earmark is just amazing to me because of the water agreements that people have negotiated and that have passed through these committees and that have been agreed to. They are not letting those go, but they are letting this particular earmark go, and sending this over. But the normal process would be for these Federal agencies and communities to work together on a resolution, and then if resources were asked for, they would come through, I believe, the Energy and Natural Resources Committee for authorization because we are the ones who deal with the Bureau of Reclamation and the public land issues. Is that the understanding of the Senator from California as well?

Mrs. BOXER. Absolutely. What is such a joke is that my Republican friends, who were just objecting to our having an amendment to take this earmark off, always give big speeches about how Congress is putting all of these earmarks in. Well, this is a clear earmark because it is directing a project to run in a certain way and diverting water to a special interest and taking it away from the fishery. Therefore, by its very nature, it is giving a gift of water to big agribusiness and letting the salmon fishery just go under.

I would say to my friend that the reason she is down here is that this is not just about California. The provision is called California drought. It is not about the drought. It doesn't cure the drought.

Yes, my friend is right. Every provision, including the one about giving President-Elect Trump the right to decide where a dam will be built and taking it away from Congress, that all belongs in the jurisdiction of the Senator's committee. I am surprised Senator MURKOWSKI isn't here because this is a direct run at her as well as the Senator from Washington.

Ms. CANTWELL. Mr. President, I would ask the Senator from California then, the question is on this process of deciding the authorization. I notice we had a few colleagues here who were—I don't know if they were coming to speak—but in the Senator's region, there is a lot of discussion among the Western States on how to balance issues on water; is that correct? There are a lot of meetings and discussions?

Mrs. BOXER. Well, we have no choice, because, as the Senator from Washington knows, my State gets a lot of water out of the Colorado River. It is under a lot of stress. We have a lot of problems. My heart goes out to every single stakeholder in my State. That is why I am so chagrined at this, because we all have to work together, I say to my friend, in our State.

We are all suffering because we don't have the water we need. But the way to deal with it is not to slam one complete industry called the salmon fishery, which not only impacts my State but the Senator's State of Washington and Oregon was well.

Ms. CANTWELL. I have a question for the Senator from California because some of our colleagues that were here—my understanding is if you can get water from Northern California by just agreeing to kill fish and not meeting those obligations, then Southern California can take some of that water as well. Then, the consequence is these Western States, which might be supporting this bill, have less obligation to make more conservation efforts.

So, in reality, if you are talking about the Colorado River and all the various resources that have to be negotiated, if somebody can be let off the hook because you are just going to kill fish instead, then you have more water. Sure, if you just want to kill fish in streams and give all the money to farmers, of course you have more water. Then, no one in the Colorado discussion has to keep talking about what are we going to do about drought.

I think the Senator from California is going to tell me that drought is not going away; it is a growing issue of concern, and so we actually need more people to discuss this in a collaborative way than in an end-run way.

Am I correct about the partners and all of that discussion?

Mrs. BOXER. My friend is very knowledgeable and very smart. People tend to look at a provision, I say to my friend, in a very narrow way. They say: Oh, what is the difference? It doesn't matter. But my friend is right on the bigger picture. If all the fishery dies and all of the jobs with the fishery die and there is no demand for the water for the fish anymore, my friend is right. That relieves the discussion.

So, yes, you know what it reminds me of, I say to my friend. I don't know if she agrees with this analogy. But I remember once when they said: Let's raise the retirement age for social security because people are working longer and it will help the Social Security trust fund.

Well, if you take that, my friend, to the ultimate, why don't we say people should work until they are 90? Then there won't be any Social Security problem because everyone will die before it kicks in. It is the same analogy here: You kill off all the fish and the entire salmon fishery, then all you have is agriculture demanding water, and then they will try to step on the urban users and suburban users and the rural users and say: We are the only thing that matters. And they are already using, under most analyses, 80 percent of the water in my State.

So you are right. You kill off the fishery, then that is one less stakeholder to care about. You tell people ''Don't retire until you are 90,'' the Social Security trust fund will be very vibrant.

Ms. CANTWELL. Mr. President, as the Senator from California knows, one of the States concerned about this is Arizona because they have kind of been left out of that discussion. It also says to people: You don't have to have these discussions amongst everybody together; you can just write it into law. My understanding is that our colleagues from Florida and Alabama also have a similar concern. People are trying to use the legislative process to unbalance the negotiations so they can legislate instead of negotiate. Not only are they trying to legislate instead of negotiate, they are trying to use earmarks to do it and overrule existing law.

So am I correct, to the Senator from California—are we going to get anywhere with getting California more

water if, in fact, this ends up in courts and it is stayed, and you really won't get any water in the next few years?

I should make a footnote for my colleague from California. Thank you for your compliment.

I had to chair a 3-hour hearing once on the San Joaquin River settlement. It was about 18 years of dispute on what to do about the San Joaquin water. Because of that, I learned a lot about the fights in California and all of the problems that California had then. This was at the time my colleague Tim Johnson was the chair of that subcommittee and had been stricken ill, and they asked me if I could step in. I had no idea I was going to spend 3 hours hearing about 18 years of litigation. That is right—18 years of litigation on the San Joaquin River. Basically, people came to that hearing that day—which is now probably 10 years ago—to tell me it was not worth the 18 years of litigation. They had determined that while they could sue each other all they wanted, that getting to a resolution about how to move forward on water had to be a much more collaborative solution to the process.

Secondly, I would mention to my colleague from California and see if she knows about this—the same happened on the Klamath Basin, which is legislation we passed out of committee and tried to pass here. The Klamath Basin basically said: Let's negotiate.

The various people in that dispute had a dispute and actually went to court, and the regional tribe won in the court and basically didn't have to do anything more on water issues but decided that, in the good interest of trying to have a resolution, it was a good idea to come to the table and try this collaborative approach.

I was mentioning my time chairing a 3-hour hearing on the San Joaquin River settlement that people had come to after 18 years of fighting each other in court. They came and they said: Oh, we have a settlement. The point was, we tried to litigate and sue each other for 18 years and we didn't get anywhere, and now we have a settlement and we would like to move forward.

My point is, the best way for us to move forward on water issues is to have everybody at the table and come to agreements because there are a lot of things you can do in the near term while you are working on water in a more aggressive fashion to get to some of the thornier issues. But if you basically try to litigate and legislate instead of negotiate, you end up oftentimes just getting litigation, like what happened with the San Joaquin. So you never get a solution and people don't have the water. You end up not having a resolution, and the whole point is to get people water.

So does the Senator think that is where we are headed if we end up just trying to tell people: You can legislate.

Well, it sounds interesting, and if you get somebody to write an earmark for you, you are in good shape, I guess, if you can get that out of the House of Representatives. But in reality, you are not in good shape if you don't actually get water because you end up in a lawsuit for so many years, like San Joaquin.

Is that where we are going to head on this?

Mrs. BOXER. I say to my friend, she is so smart on this. Of course that is where we are headed. And I encourage this. If this happens and the Senator and I are not successful and this winds up to be the law of the land—a provision added in the dead of night that forces water to be operated in a certain way that violates the biological opinions on fish, that violates the science—I hope they take this to court day one. I don't care; say whatever you want: Oh, this isn't a violation of the Endangered Species Act. Really? Clearly it is.

The Senator is absolutely right. Eighteen years in court over an agreement. That is another reason I am totally stunned at this. But I think it is about what my friend said—who has the most juice, who has the most power to sit down and get someone who is a Senator or a Member of the House to add language? It is a nightmare.

The reason we have been obstreperous, the reason we are standing on our feet, the reason we didn't yield to other people is we are trying to make a simple point. The Senator shows it with her chart.

For all the people who said we shouldn't do earmarks, this is such an incredible earmark, it actually tells the Federal Government how to operate a water project—it is extraordinary—and to walk away from a biological opinion from the science. Of course it is going to wind up in court. I hope it does. What I would rather do is beat it. What I would rather do is get it out because it is only, as my friend said, going to encourage more similar types of legislating, where people have the power and the money and the ear of a Senator to call up and say: You know what. I am having trouble in my agribusiness. I need more water.

It is ridiculous. We are all suffering in this drought, I say to my friend. California is in a drought. There is a lot of rain coming down in the north, very little in the south, and I pray to God it continues. I do. We have been getting a lot of rain so far, but I don't trust it at all.

There are two ways to meet this challenge. One way is to figure out a way to get more water to everyone. That means taking the salt out of water—and we do it. I have toured the desal plants, and it is very encouraging. One way is to take the salt out or put more water in the system. Another way is to recycle. Another way is conservation. Another way is water recharging. We know how to do it. The Senator is an expert. All of this is in her committee, which was bypassed.

The other way to do is the wrong way to do it, which is take the side of one business group—agribusiness—versus a salmon fishery and destroy the salmon fishery. Then, as my friend points out, in years to come: Well, isn't that a shame? There are no more salmon fisheries, so we get all the water. In the meantime, we are eating farmed salmon, and all these people are out of work and their families are devastated after a way of life they have had for a very long time.

So my friend is very prescient on the point, and she talks about the reality. We are here. We are not dreamers. We are realists. We know what happens in the water wars.

I continue to yield to my friend.

Ms. CANTWELL. Mr. President, I would ask my colleague—again, I don't think this is in the jurisdiction of her committee. That is why I am asking—if we did want to pursue with the Bureau of Reclamation the notion that we should do more underground water storage, again, that would be something we would authorize. That is what I want to ask the Senator, if that is, in fact, the case.

My understanding—because we have to deal with this so much in the Pacific Northwest. We are a hydro State which has affordable electricity, but we get it out of a snowpack that comes in the wintertime. Now that the climate is changing and it is getting warmer, we don't have a large snowpack, so one of the ways to store that snowpack—which would be great to do—would be to have underground aquifer storage. I think that is an idea Stanford University has signed off on. They basically signed off on it because they said it was the most cost-effective thing for the taxpayer and had the most immediate impact.

What the Senator was just saying about rain—if you get a lot of rain right now—because it is not snowpack. If it is rain, store it, just like we were storing the snowpack, but now store it in aquifers underground, and that would then give us the ability to have more water. Stanford is like: Yes, yes, yes, this is the best thing to do. And this is what I think your State is trying to pursue.

In that regard, I don't even think that is the jurisdiction of the Senator's committee, if I am correct, but is that an idea that you and California would pursue as a way to immediately, in the next few years, start a process for getting water to the Central Valley and to various parts of California?

Mrs. BOXER. Without a doubt. My friend is right. It is not like we are dealing with a subject matter that has no solutions, and science has shown us the various ways to do it. Certainly underground storage is fantastic, recharging. There are all these things we know—recycling, conservation, and desal. These are just some thoughts.

My friend is right: The jurisdiction is mostly in her committee. We may have a few things to do. Wonderful. But that is not the important point. To me, the important point is here we have—and I am going to sum it up and then I will

yield the floor and hope my friend will take the floor because I need to run and do 17 things, and then I will be back.

Here is the situation. We have a Water Resources Development Act bill. It passed here with 95 votes. Nothing passes here with 95 votes, even saying ''Happy Mother's Day.'' It is a beautiful bill, my friend. Is it perfect? No. But it was very good. For my State, for the Senator's State, it was very good. Now, it is moving through the House, and in the middle of the night, without anyone even seeing it, this horrible poison pill amendment is added which essentially is a frontal attack on the salmon fishery and all the people who work in it not only in my State, but in the Senator's State and Oregon. So all of the Senators, save one, are apoplectic about what it means to jobs and what it means to tradition and what it means to have wild salmon. It is very important. So it is a frontal assault on the industry; it is a frontal assault on the ESA; and it is a frontal assault on the notion that there are no more earmarks.

Then it has another provision cutting the Congress out of authorizing new dams in all of the Western States for the next 5 years. This is dropped from the ceiling into the WRDA bill.

Now, I stand as one of the two people who did the most work on that bill saying vote no. It is very difficult for me. But I think it is absolutely a horrible process, a horrible rider. It is going to result in pain and suffering among our fishing families.

With that, I thank my friend, and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from California for her steadfast support of doing the right things on clean water and clean air and for focusing on this issue for her State because ultimately she wants water for her State. She knows litigation is not the route to get it. She knows that there are things we can be doing here but that we have to get people to support that. So I thank her for her obligation to making sure her constituents get real results.

This rider is a giveaway to projects that are basically described as deadbeat dams, projects in California that are opposed by tribes and fishermen and sportsmen and environmental communities. Basically, it writes a blank check to them, allowing millions of taxpayer dollars to be used to construct dams throughout the West without any further congressional approval.

That, in and of itself, should cause our colleagues to pause. You are going to go home and have to tell your constituents all of a sudden that someone is building a dam on a beautiful river in your State and you can't do anything about it. I would hope our colleagues in those 17 Western States that would be impacted by this would do something to help tell our colleagues to strip out this controversial provision and send it back to the House in a clean bill.

In addition, as I mentioned, section 4007 authorizes the Secretary to pay up to one-quarter of the cost of State water storage in any of these 17 reclamation States. The Secretary would have to notify Congress within 30 days after deciding to participate.

These issues on our process are going to make it much harder for us in the future to not have the taxpayers paying for projects that are nothing but further litigation in the process. Why is collaboration so important? Collaboration is important because these are thorny issues. There are lots of different national interests at stake and a lot of local interest and a lot of jobs. My colleague from California, probably not in the last hour that we have been discussing this but probably earlier in the afternoon, mentioned the huge amount of Pacific West Coast fisheries that are also opposed to this bill, and Trout Unlimited which is opposed to this legislation, and various fishing groups and organizations because fishermen want to have rivers that are functioning with clean water and enough stream flow for fish to migrate.

The fishing economy in the Northwest, I can easily say, is worth billions. Anybody who knows anything about the Pacific Northwest—whether you are in Oregon or in Washington, maybe even Alaska—the pride of our region is the Pacific Coast salmon. The Pacific Coast salmon is about having the ability to have good, healthy rivers and stream flow. For us in the Northwest, this is an issue I can easily say we have at least 100 Ph.D.s on; that is to say, the subject is so knowledgeable, so formulated, so battled over, so balanced that it would be like having 100 Ph.D.s in the subject. That is because we have a huge Columbia River basin, and because the Columbia River basin has many tributaries and because the salmon is such an icon, it needs that basin.

We also have a hydrosystem, and we also have an incredible agriculture business in our State. I think we are up to something like—when you take varieties of agricultural products, something like 70 different agricultural products—we, too, have to balance fish, farming, fishermen, and tribes, the whole issues of our environment and recreation and the need for hydro, and balance that all out. We have to do that practically every single day.

It has been these kinds of decisions that have taught us as a region and a State that by collaboration, we can get results and move forward. I and one of my colleagues in the House who was the former leader on the Committee on Natural Resources, Doc Hastings, probably now more than 10-plus years ago, had regional discussions with then-Secretary of the Interior Salazar who came to the Northwest, and we sat down and we asked: What do we do about the Yakima Basin?

It was Sunday morning, and you would think that everybody getting together on Sunday morning, is it that important? Well, it was. There were probably 50 or 60 different interests meeting with us—the Bureau of Rec, the Secretary of the Interior, Congressman Hastings, me, and many other interests, and we talked about what do we want to do with the Yakima Basin.

There has been great pride that I have had to offer legislation, along with my colleague Senator MURRAY, on how to move the Yakima Basin project forward in the U.S. Senate. I say with ''pride'' because it was a collaborative effort. These are people who do not agree with each other, who have fought each other, who basically probably disagree on the most essential elements of their viewpoint, and yet reached consensus—delighted in their resolve—and came forward with legislation to say this is how you should deal with our water problems in a drought when your State has both farming and fishing needs.

Our Governor got behind it, Governor Inslee. Other people got behind it. I have been at several forums. National organizations, California institutions are holding up the Yakima deal as the example of how water management should be done in the future. Why? Because it was holistic. That means it included everything on the table. It was a regional approach and everybody came to the table, and because it didn't try to solve every single problem up front but came to what we could agree to today and move forward—because it would claim some water that we need now.

The fact that the Yakima project became such a milestone, our colleagues in Klamath, OR, did the same things: They worked together in a collaborative fashion and tried to discuss these issues. I would say, for the most part, all of these issues have been, with these discussions in the past that our colleagues bring legislation to the U.S. Senate, very rarely has somebody brought language without everybody locally working together and agreeing.

I don't know of times when my colleagues have brought legislation where they are basically just trying to stick it to one State or the other—except for now, this seems to be the norm. This seems to be what we are being encouraged to do today. The California project is one in which we wish that they would seek the same kind of collaborative approach to dealing with both fishermen, whose economy is immensely important in California, and farmers who also are important but should not have the ability to supersede these laws that are already on the books.

What they should do is learn from the San Joaquin River proposal. You can battle this for 18 years or you can resolve these differences and move forward. When you can write an earmark and send it over here as a poison pill on a bill, you are hoping that you don't have to sit down at the table and work in a constructive fashion.

It is very disappointing to me that some of the partners in this deal, as we put ideas on the table to give 300,000 acre-feet to the farmers in the Westlands region over the next 2 years, give them 300,000 acre-feet of water over the next 2 years while we are working with them on an aquifer recharge. Their answer back to us was: We want to play our hand here and see if we can jam this through first.

Basically, they don't want to work in a collaborative fashion. They don't want to work with the region to find solutions. They want to legislate something that will lead to litigation. Litigation is not going to lead to more water, it is going to lead to longer delays in getting water to everybody who needs it.

I wouldn't be out here spending this much time with our colleagues if it wasn't for the fact that this issue is just at its beginning. Drought has already cost our Nation billions of dollars, and it is going to cost us more; that is, drought is causing great issues with water, fish, and farming. It is also causing problems with fire. It is making our forests more vulnerable to the type of explosive fires that we have seen in the Pacific Northwest that wiped across 100,000 acres of forest land in just 4 hours. Those are the kind of things that hot and dry weather can do.

Our colleagues need to come together on what would be the process for us dealing with drought. The fact that California has been the tip of the spear is just that; it is just the tip of the spear. Everybody else is going to be dealing with this in Western States. My colleagues who represent hot and dry States already know. They have had to deal with this from a collaborative process.

I hope our colleagues who care greatly about the fact that drought is going to be a persistent problem for the future would come together with us and say: We can get out of town tonight. We can get out of town in the next few hours. All you have to do is accept our offer to strip this poison pill earmark, which is costing taxpayers one-half billion dollars, off the WRDA bill because it is not even part of the WRDA jurisdiction and send back a clean WRDA bill to the House of Representatives.

That is what my colleagues on the other side of the aisle want, and that is what we want. The only people who are holding this place up are the people who want to jam somebody in December at the end of a session because it is the way to get poison pill ideas done.

People are taking note. I know the San Francisco Chronicle had a story about the House OKs a bill to increase pumping from our rivers and putting fish at risk. There was a quote about undermining the Endangered Species Act.

There was an editorial as well, I believe, from the same newspaper. I don't know that we have a quote from the editorial here, but I think I submitted that earlier for the RECORD. It basically said: Stop the Feinstein water bill rider. It basically said that we have to work to share water among people, farmers, and the environment, not try to benefit one interest over the other with a midnight rider.

The press is watching. I think there was a story today in the San Jose newspaper as well. I don't know if I have that with me, but we will enter that later into the RECORD. Having other newspapers in California write editorials on this is most helpful because it is bringing to light the kinds of things that are happening in the U.S. Senate that people all throughout the West need to pay attention to.

We wish that drought could be solved so easily by just giving one interest more resources over the other, but that is not the way we are going to deal with this. If we have colleagues in the House who would rather steal water from fish than fund aquifer recharge, then we should have that debate in the U.S. Senate in the committee of jurisdiction or even here on the floor as it relates to whose jurisdiction and funding it really is. To stick the taxpayer with the bill of paying for dams in 17 States without any further discussion by our colleagues is certainly putting the taxpayers at risk, and that is why taxpayer organizations have opposed this legislation.

If we want to get this done and if we want to get out of here, let's strip this language off and let's be done with it and send to our colleagues a clean WRDA bill and be able to say to people that we did something for water this year, but we didn't kill fish in the process of doing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

MONTENEGRO MEMBERSHIP INTO NATO

Mr. CARDIN. Mr. President, we have been running the hotline on the accession of Montenegro as a member of the NATO alliance. As a member of the Senate Foreign Relations Committee, the Presiding Officer knows we have held extensive discussions and hearings on NATO and the accession of Montenegro as a member into the NATO alliance.

Quite frankly, this is a very important matter for us to try to complete before we adjourn this session of Congress, and let me say why. Montenegro has taken all of the necessary steps in order to be in full compliance for joining the alliance of NATO. We have very carefully reviewed their commitment in regard to their military, defense budgets, institutional changes they have made, their willingness to take on the responsibilities as a full NATO partner, and quite frankly, they have endured outside interference which has tried to compromise their ability to complete the process.

What do I mean by that? Montenegro recently had parliamentary elections, and Russia tried to interfere with the parliamentary elections to try to instill some instability in that country as an effort to influence not only Montenegro but the international community's—the members of NATO—interest in completing the approval of NATO. Every member state of the alliance must approve any new member and requires votes in all states. Several have already voted to approve the accession of Montenegro into the alliance.

The reason I say this is extremely important to get done now is because Russia does not hold a veto on the accession of new countries and new states into the NATO alliance. They have done everything they could to try to interfere with this process.

I think the clear message is that the Senate is not going to be intimidated by Russia and that we are going to stand by this alliance. We have a chance to do that within the next, I hope, few hours before the Congress completes its work.

I really wanted to underscore the importance of us taking action on the Montenegro issue. The Ambassador to Montenegro has attended our committee meetings frequently and kept us informed on everything that has taken place.

I had a chance to meet with many of our partner states in regard to Montenegro. Many of these countries have already taken action, but quite frankly, it is U.S. action that will be the most significant.

It is important that we speak with a very strong voice. If we don't get it done now, it will not be allowed to come up until the next Congress, and we have a new administration coming in on January 20. I think it is important that we complete this process now. It is strongly supported by the administration and by the Democrats and Republicans. The recommendation passed our committee with unanimous support.

I thank Chairman CORKER for handling this matter in a very expeditious and thorough way. We didn't shortcut anything. We have gone through the full process. It is now time for us to act. If we want to send a clear message that Russia cannot intimidate the actions of the Senate or our partners, then I think the clearest way we can send that message is to vote and make sure we complete action on the accession of Montenegro before Congress adjourns sine die.

I think it is pretty much clear that both the Democratic and Republican hotlines—there have not been any specific objections I am aware of that have been raised by any Member of the U.S. Senate to taking final action on this issue. I know we have other issues interfering with the consideration of some bills. I urge everyone to resolve those issues so this very important matter can be completed.

As the ranking Democrat on the Senate Foreign Relations Committee, and again working with Chairman CORKER, I can tell you this is a very important step for us to take in this Congress,

and I urge our colleagues to figure out a way that we can bring this to conclusion before Congress adjourns.

As I said, I come to the floor to speak in support of the Senate providing its advice and consent to the Protocol to the North Atlantic Treaty of 1949 on the accession of Montenegro.

I have been a strong supporter of Montenegro's bid to join NATO. It will enhance our security. It will strengthen the alliance. And it will send a strong message of resolve to Russia as it invades its neighbors and seeks to upend the international order. Montenegro may be a small country, but its inclusion in NATO will have positive repercussions across the continent and will send an important message of hope to other aspirant countries.

Republicans need to take the modest steps my colleagues, including Senator MANCHIN of West Virginia and Senator BROWN of Ohio, are asking for to take proper care of coal miners and their families in this country. And then we need to move on the Montenegro NATO resolution—today. I am pleased to say that no one in the Democratic caucus has expressed any concern to me about this resolution, and they are ready to pass it once our coal miners are taken care of.

I stand here today in support of NATO enlargement. The Senate Foreign Relations Committee recently voted by voice vote in support of this bid—unanimously with Republican and Democratic support. And so even if Republicans don't take care of our miners today, and as a result we cannot pass this resolution, I fully expect my colleagues across the aisle, and the President, to fully support this effort in early January. We can get this done. We must get it done.

So what is the case for Montenegro's membership?

Admission of Montenegro would mark another important step towards fully integrating the Balkans into international institutions which have helped to contribute to peace and stability over the years in Europe. Croatia and Albania joined the alliance in 2009 and have been valuable contributors to accomplishing NATO objectives since then, and I hope that Montenegro's admission will help to motivate the reforms necessary in other Balkan countries to join.

Montenegro has made outsized contributions to NATO missions despite not being a full member. I understand that in Afghanistan, Montenegro has rotated 20 percent of its armed forces through the ISAF and Resolute Support missions. It also contributed to the peacekeeping mission in Kosovo and other NATO missions.

This small country has clearly made significant contributions to the alliance's efforts around the world and made necessary internal reforms to address governance, rule of law and corruption issues. I will continue to monitor these issues closely and expect Montenegro to continue with these reforms.

Montenegro has been subject to a wave of anti-NATO and anti-western propaganda emanating from Russia. There are also allegations that a recent coup plan has Russian ties. Blocking Montenegro's ability to join NATO will have real implications for how NATO is perceived—Russia does not get a veto over the decisions of the alliance. We need to send a strong message of resolve.

No country outside the alliance gets a veto over who gets to join—epecially Russia, so we must send a strong signal. I urge my colleagues to pass this resolution as soon as possible and get it to the President so the President can deposit the instrument of ratification at NATO in support for Montenegro's bid.

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

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

CALLING FOR THE RELEASE OF AUSTIN TICE

Mr. CORNYN. Mr. President, recently I met with the parents of Austin Tice, a constituent of mine in Texas who unfortunately was abducted in Syria a few years ago. Of course, his parents have been keeping the flame alive, hoping that Austin has survived the situation of his capture.

At their suggestion, last week when I was in Austin, they traveled over from Houston to visit with me about a briefing they had received recently from James C. O'Brien, the Presidential Envoy for Hostage Affairs.

Earlier today, I had a chance to be briefed by Mr. O'Brien. He delivered some positive yet cautious news about Austin Tice, an American journalist who we know was taken hostage in Syria 4 years ago. Mr. O'Brien and his team informed me that they have high confidence that Austin is alive in Syria, along with other Americans who are being held captive.

While this is certainly positive news, I can't help but think of his parents and what they have had to go through these last 4 years. They are not just counting the months, they are not just counting the days, but they are literally counting the minutes and the seconds since he has been gone and then counting these milestones that we typically observe in our family—birthdays and holidays—that they will never recover.

So today's news should remind us that we cannot give up until we bring Austin Tice home. I renew once again my call for his immediate release by his captors, and I strongly urge the current and future administration to continue to utilize all possible means to secure his safe return. Nothing can bring those years and months back, but we can start the healing process by doing everything possible to find Austin and bring him home and to bring him home now.

WORK BEFORE THE SENATE

Mr. President, we have gotten quite a bit done this week, but we are not finished yet. We passed a major medical innovation bill, which contains not only the Cancer Moonshot project advocated by Vice President BIDEN and the President but also other dramatic investments in the research and development of lifesaving drugs. It also contains a very important component of mental health reform.

I was glad to contribute some to that effort, particularly the part that has to do with the intersection of our mental health treatment regime and our criminal justice system. As I have learned and as many of us have learned together, our jails have become the treatment center of last resort for people who are mentally ill, whose condition is not diagnosed. And if not diagnosed, these people tend to get sicker and sicker, until they become a danger not only to themselves but potentially to the communities in which they live.

So we have made good progress, and perhaps thanks to the great leadership of Senator ALEXANDER, Senator MURRAY, Senator MURPHY, Senator CASSIDY, TIM MURPHY over in the House, and the leadership there, we can be proud of that accomplishment.

Yesterday we finished up our work on the Defense authorization bill to help our troops both here at home and abroad, to make sure that they not only got a modest pay raise but that they continue to be supplied with the equipment and training they need in order to keep America safe here at home and abroad.

I am hopeful we will continue our work and finish our work, actually, on the continuing resolution, a bill we need to get done today in order to keep the lights on. I know my colleague from Illinois, the Democratic whip, has been working on this. I am hopeful we can get everybody back to a position of voting yes on this continuing resolution and we can complete our work.

There are folks across the aisle who want to keep the continuing resolution from moving forward and literally to shut down the government. I would have hoped we would have learned our lesson the hard way that that is not a way to solve our problems.

Unfortunately, the senior Senator from West Virginia, Mr. MANCHIN, has taken a position that even though we have funded the health care benefit program for the miners whom he cares passionately about—we all certainly understand that—we have done it through the end of the continuing resolution into April. He is not satisfied with the length of that continuing resolution. He said he would like to have it up to a year. But, frankly, I think he is unwilling to take us up on my commitment, for example, to continue to work with him now that we have gotten that short-term extension, to work on a longer term extension once we get our work done.

The truth is, this bill, the continuing resolution, passed the House yesterday with overwhelming support from both sides of the aisle. It received support of 87 percent of the House Republicans and 77 percent of House Democrats. The House of Representatives has now left town for the holidays, and it is up to the Senate to finish the job. So at this point, working all night and into the weekend will not change the inevitable outcome. Shutting down the government does not help anyone, especially those holding up the process.

So we are not done yet, but we are close. With a little cooperation, we will be able to wrap up this Congress soon and turn our focus to the Nation's priorities.

Let me just mention a couple of other aspects of the continuing resolution because I have heard, just among conversations with my own colleagues, some misunderstanding about what we are doing in terms of, let's say, defense spending, which is one component of it. This continuing resolution funds the defense sector by a $7.4 billion increase over the continuing resolution we are currently operating under. It is true that it is less than the Defense authorization bill has provided for, but, as we all know, an authorization is not an appropriation. And when you compare an appropriation or spending for defense under the continuing resolution we are currently operating under compared to the one we will pass soon, it represents a $7.4 billion plus-up for defense.

Now, I am one who believes that is the single most important thing the Federal Government does—providing for the common defense—and I would argue that is probably not an adequate number, but it is a plus-up, and it is the number that was passed by the House, and frankly, the House having left town and gone back home for the holidays, we are left with a choice of either accepting that level or not doing our job on a timely basis.

This funding supports troop levels of up to 8,400 in Afghanistan, $4.3 billion to support counterterrorism and forward operating missions. This was supported by Chairman THORNBERRY of the House Armed Services Committee. It provides a procedure for waiver for the next Secretary of Defense. This continuing resolution also provides $872 million in funding for the 21st Century Cures legislation we passed just a few days ago, $500 million to deal with the scourge of opioid abuse but also to deal with prevention and treatment activities, as well as $372 million for the National Institutes of Health. It provides emergency flood and natural disaster relief for potentially up to 45 States, including my own—$4.1 billion in emergency natural disaster relief. As I mentioned earlier, it does provide a short-term coal miners fix while we work on a longer term solution. So my hope is, again, we can get it done.

NOMINATIONS

Let me turn to what will be the business of the Senate when we return in January. One of the first orders of business when we reconvene next month will be to consider and vote on the new President's nominees to fill his leadership team, the Cabinet nominees we have been hearing a lot about in the last couple of weeks.

Last week, I came to the floor to congratulate my friend and our colleague Senator JEFF SESSIONS on his nomination to be the next Attorney General. He is a man of strong conviction and real character, and I have no doubt whatsoever that he is the right man for the job. I know that many in our conference share my eagerness to start the confirmation process so we can give President Trump the team he needs to hit the ground running.

But I am disappointed, I have to say, in the way some of our colleagues on the other side of the aisle are already posturing against the President-elect's nominees. Fortunately for us, they telegraph their obstruction in the news media, so we know about some of their nascent plans to obstruct President-elect Trump's Cabinet.

Earlier this week, Politico said that this was the Democratic strategy: ''Delay tactics could sap momentum from the President's 100 days'' was the headline. The articles goes on to cite conversations with several Senate Democrats who have already laid out a plan to slow-walk—because they know they can't block—President-elect Trump's nominees in the new year. It is one thing to obstruct and to slow the Senate down, but it is even a bigger problem when they intentionally try to keep the President-elect from doing his job too. I would ask, for what? Just to delay progress? To drudge up partisan rhetoric and to do all they can to damage the administration of the next President of the United States before it has gotten started? This is absolute nonsense.

I think this is the kind of activity the American people repudiated in the last election on November 8. They are sick and tired of the partisan rhetoric on both sides. They literally want us to get some things done on their behalf for the American people.

Holding up the confirmation process for purely political gain is irresponsible and dangerous, but it is also ironic that some of our Democratic colleagues have changed their tune so much. Here is just one quote from our friend, the Senator from Michigan, part of the Democratic leadership. Senator STABENOW said on April 20, 2015: ''When a President wins an election, they have the right to have their team.''

You know, one thing I have learned is, if you have been around here long enough, there is a great danger of being on both sides of an issue, so you have to try to be consistent, even with the temptations to change your position based on who is up and who is down. But I agree with the Senator from Michigan. No matter what side you are on, Donald Trump won the election to the White House. As President, he has the authority to surround himself with whom he sees fit to advise him for our country. For our Democratic colleagues to suggest that keeping the President understaffed is somehow in the best interests of the American people is absolutely ludicrous.

Let me remind my friends on the other side of the aisle what happened when Barack Obama became President in January of 2009. Senate Republicans respected his nominees and gave them quick consideration. Seven Cabinet members were confirmed on his first day of office. Other high-level positions followed just days later.

In other words, we came together, understood that the people had elected a new President, and went to the table ready to cooperate in good faith even though we knew there would be disagreements about policy. That is because we didn't want the President to begin his time in office without the support and the staffing he needed to do his job. But, at least so far, our Democratic colleagues—some of them—don't seem to share this same perspective now that they have lost this last election. I would just ask them to reconsider and to be consistent in the way they asked us to respond when President Obama won and treat the people's choice as the next President of the United States with the respect their vote deserves in terms of making sure he has the Cabinet necessary to get his administration up and running.

The American people really are disgusted by the sideshows of dysfunction and obstruction. They want results, and they deserve results. They made clear, since giving this side of the aisle control of the White House, the House of Representatives, and the Senate, that they really wanted the clear to way to making progress on behalf of the American people. But we all know we cannot do this as one party or the other; we have to find ways to work together for the common good.

I hope those on the other side of the aisle who indicated they are determined to obstruct and block the President-elect's new Cabinet members, his nominees, change their tune and reconsider. Keeping the new President from the men and women he has chosen to serve alongside him only makes us less safe, our economy more fragile, and the government less efficient. In short, it doesn't serve their interests well.

We are ready to work with our colleagues across the aisle to roll up our sleeves and get to work next year. I only hope our Democratic colleagues decide to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The assistant Democratic leader.

Mr. DURBIN. Mr. President, next to the Senator from Texas, who just spoke, is the Executive Calendar of the U.S. Senate. There are about 30 pages

of that calendar on his desk that contain the names of individuals nominated by the Obama administration, then sent to committee, approved by the committee, then sent to the calendar to be approved on the floor of the Senate. The Republican majority in the Senate refuses to call these names.

The plea that is being made by the senior Senator from Texas is, why can't we just get along? Well, I hope we can, but this is a bad place to start, with all of these names sitting right in front of us, waiting patiently—some of them for over a year—to be called for a vote on the floor of the Senate. They all were reported out by committees that have a majority Republican membership.

Of course, there is exhibit A in this, and that is Merrick Garland. Merrick Garland was President Obama's nominee to fill the vacancy on the Supreme Court after the death of Antonin Scalia. Since February of this year, the process has been going forward by the President and the White House to send a name to fill the vacancy on the Supreme Court. For the first time in the history of the Senate, the Republican majority refused to give the President's Supreme Court nominee a hearing or a vote. It has never—underline that word—never happened before. So we hear the plea from the Senator from Texas for cooperation: We have to get along here. Well, we should. We owe it to the country. But, for goodness' sake, let's be honest about where we stand. There are dozens of names here of men and women who are highly qualified to serve this Nation, who went through the process of being nominated by the administration, of being approved by Republican-majority committees, who have been languishing on the floor of the Senate because of the refusal of the Republican leadership.

Judge Merrick Garland, who was judged ''unanimously well-qualified'' to serve on the Supreme Court by the American Bar Association, never even got a hearing before this Republican-controlled Senate. In fact, the leader of this Senate and many others said: We will not even meet with him. We won't discuss it with him.

What was their strategy? Well, it is one that paid off, I guess. They felt if they violated what we consider to be the tradition and duty of the Senate and not have a hearing and a vote on a nominee, they might just elect a Republican President. Well, they did. Now they want to fill their vacancies and they are begging us: Cooperate. Join in with us. Let's be bipartisan.

I am going to try. I am going to give a fair hearing to each of the nominees. They deserve it. There are no guarantees on a final vote; it depends on whether I think they are the right person for the job. But I do hope there will be some reflection in the process about what we have just lived through.

There are over 100 vacancies on Federal courts across the United States. Many of them—30—would have been filled with just the names on this Executive Calendar that have already cleared the Senate Judiciary Committee with a majority of Republican Senators. Yet they sit. They languish. In just a few hours and a few days, they are going to become part of history as we move to the new Senate on January 3. I wanted to make that point for the record.

Mr. President, I also wish to say a word about where we are with the continuing resolution. What is a continuing resolution? Well, we are used to it around here because we have done it so often. Both political parties have done it. Here is what it basically says. Think about your family budget. Let's assume that last year you spent, on average, $100 a month on your utility bills. What if we said to you: In this next year, we want you to spend $100 a month.

You say: Well, I don't know if that is what it is going to cost. I hope it is less; it might be more.

Well, the continuing resolution says: Stick with last year's budget, and you can make special provisions and special allowances if it happens to be wrong.

You think, that is a heck of a way to run my family. That is what a continuing resolution does. It takes last year's budget and says: Let's repeat. Well, things change.

I am on the Appropriations Defense Subcommittee. It is the largest subcommittee in terms of the amount of domestic discretionary money that is spent. Things change with our military all the time. You know that. Presidents come forward and say: We need additional money for our troops, to prepare them, to equip them, to make sure they are where they need to be in this world to keep America safe.

What we do with a continuing resolution is we say: Well, we are going to tell you that you have to live within the bounds of last year's budget—a continuing resolution.

The people in the Department of Defense, of course, will do their best. They are not going to spend money this year on things that are finished. They are not going to repeat and keep building if they have already finished their building. They are not going to buy things they have decided are not valuable. But when it comes to making important budget decisions, their hands will be tied by this Congress.

For the second time, we are going to come up with a 3- or 4-month budget resolution as we move forward. It is no way to run a government.

Here is the good news: We didn't have to do that. On this Appropriations subcommittee, Senator THAD COCHRAN of Mississippi and I worked a long time. Our staff worked even longer and prepared a Department of Defense appropriations bill. We are ready—ready to bring it to the floor, ready to debate it. And it is a good one. It keeps our country safe. On a bipartisan basis, we agreed on what it should contain. We can't bring it forward. All of the spending is going to be done under this continuing resolution. We will be halfway through this current fiscal year with continuing resolutions if we ever get around to the appropriations process.

The Presiding Officer is also on the Appropriations Committee and works in a very bipartisan way in the authorizing Appropriations Committee on some critical programs for health and education. We should have brought that before the Senate on the floor, but we did not.

We have this continuing resolution before us, and it has a few things in it that I think the American people should know. One of them relates to retired coal miners and their families.

Coal mining has always been a dangerous job, and it is also a job that has diseases that come with it, such as black lung. So for those who retire from coal mining, health care is critically important.

Senator JOE MANCHIN of West Virginia has a lot of coal miners, and they are worried about a cutoff on the health care benefits for retired coal miners and their surviving widows. He has come before the Senate over and over again begging the Senate to come up with a plan to make sure their health care is funded for this next year and for years to come.

In this continuing resolution, we managed to provide that health care protection for several months, 3 or 4 months—but not any longer. He is worried about it. I have talked to him twice today. He has spoken on this issue countless times on the floor of the Senate. We believe he is making the right fight.

The fight to ensure that coal miners don't lose their benefits has been before Congress for 4 years. It has been through the regular order of committees. It was passed by the Senate Finance Committee with Democrats and Republicans supporting it. Even in the midst of dysfunction of partisanship in the Senate, this is apparently one measure that apparently both parties agree on. Despite all of this, the continuing resolution does not reflect the needs of and it does not provide the resources for these families.

The other day, Majority Leader MCCONNELL came to the floor and he insisted that the continuing resolution addressed the expiring benefits of retired workers. What he did was extend those benefits for 4 months. There is no indication of what is going to happen beyond that. It requires the United Mine Workers health plan to deplete its reserves to pay for this temporary extension, but then they are broke. There is nothing in the bank when the CR expires in April. It subjects the health plan to a reduction in funding from what they currently receive from the abandoned mine land funds, and it makes no mention of the pension shortfall that these same mining families face.

We are looking for a real solution, and we are hoping to get one soon. Before the end of the day, I think Senator MANCHIN, Senator SHERROD BROWN, Senator CASEY, and others will come to the floor and speak to this specific issue, but it has been one of the things that has held us up.

In Illinois, there are nearly 2,000 coal miners and their families whose health care benefits are in jeopardy, and I have heard from them.

Linda Fleming of Taylorville, IL—that is about 30 miles from where I live. She is afraid her 86-year-old mother will lose the benefits her father, who worked at Peabody coal for 30 years, left for her mother when he passed away 2 years ago. Her husband, who retired from Freeman coal in Central Illinois after 33 years of service, also received notice that he was going to lose his benefits.

Larry Garland, a retired coal miner in Millstadt, IL, worked in the coalfields because it was a good job—a hard job, a dirty job some days, but it had a promise of lifetime health care for him and his family. His wife has MS, and he is wondering how he is going to afford her medical expenses if this isn't funded properly.

Karen Williams, a nurse and daughter of a retired coal miner in Du Quoin, IL, sees firsthand how important these benefits are to retirees like her dad, who has a lung disease directly related to his coal-mining years.

These are just a few of the stories in my State, of the 2,000 affected by this decision, so we take it personally.

There is another provision in here as well. The President-elect has designated General Mattis to be the next Secretary of Defense. James Mattis was the head of U.S. Central Command, an extraordinary general, given some critical assignments by previous Presidents, and every report that I have read is positive about his service to our country and his leadership skills in the Marine Corps. But the appointment of General Mattis is in violation of a basic law. The law, which was passed over 50 years ago, limited the availability of these retired military officers to serve as Secretaries of Defense.

In America, we have always prided ourselves—and particularly since the reorganization of the military after World War II—on civilian control over the military. It is something that is really built into the American view about the military and the civilian side of the Federal Government.

Here we have General Mattis, who is eminently qualified to lead in many respects, but he is going to be violating that basic law that says there must be 7 years of separation between your military service and your service as Secretary of Defense.

There has only been one exception in history, and that was back in 1950, when President Truman asked GEN George C. Marshall, a five-star general—there aren't many in our history—to come out of retirement. General Marshall had retired as Secretary of State. President Truman asked General Marshall to come out of retirement to serve as Secretary of Defense under the new reorganization plan of our government.

Congress had to change that law. At that time, there was a 10-year separation. Congress had to change the law, and it took some time to do it—to debate it, to make sure the policy decision was the right thing for our country, and to make sure that whatever we did was consistent with this idea that civilians should control the military. They ultimately gave the waiver to GEN George C. Marshall, this hero of our World War II defense, Sectary of State, and a man who won the Nobel Peace Prize, I might add. So he was an extraordinary man.

This bill that we have before us is going to ask us to expedite this decision. At the time it was debated before with General Marshall, the Senate took the time to really consider this. So expediting and changing the rules of the Senate in this bill is something that hasn't been done before.

I worry about the impact it is going to have in the long term. It complicated what should have been a pretty simple and straightforward bill.

Let me speak as well about the impact on the Department of Defense of this continuing resolution. A continuing resolution for defense might be harmful to our Armed Forces, and the longer we live under it, the worse it could get. If Congress were to pass a 3-month continuing resolution for the Department of Defense, they are going to feel it right away. The Pentagon has identified more than 150 programs costing tens of billions of dollars that will be disrupted by a continuing resolution. House Republicans fixed no more than a few of these. There are a lot of others in disarray.

The Defense bill has provided $600 million, for example, for the Israeli missile defense programs, a substantial increase over last year's funding level of $487 million. This includes increased funding for the Arrow 3 program, which will protect Israel against new threats from long-range Iranian missiles. Under a continuing resolution, this new initiative is put on hold until we get around to passing a full-year Defense appropriations bill.

The impacts of the 3-month continuing resolution will also be felt by the defense industrial base. There is a similar story for the Air Force's new B–21 bomber. Funding for this program is planned to nearly double this year to more than $1.3 billion, in order to design the replacement for the decades-old B–52. The CR makes that difficult, if not impossible.

The Pentagon's R&D efforts have already been hamstrung by continuing resolutions, and there the story gets worse. Important medical research will be postponed in the Department of Defense, and agencies like DARPA, which had planned to award contracts worth $24 billion, is on hold.

Instead, due to putting defense funding in this continuing resolution on autopilot, less than $16 billion, instead of $24 billion, will be awarded. That is going to slow down innovation and impact untold numbers of suppliers for our Department of Defense.

The old adage ''time is money'' certainly applies to the Pentagon. Every day, every week, every month that defense programs are delayed adds up to more costs to American taxpayers. When the government can't keep up its end of the contract because funding isn't available, costs go up, and taxpayers pay more for things they should pay less for. Every Member of Congress has criticized the Pentagon—I have been in that queue—for spending too much on weapons systems, but every time we do a CR, we raise the cost of weapons systems by delaying these payments.

Our constituents didn't elect us to delay making decisions. They elected us to get things done. Months of bipartisan committee work and weeks of bipartisan negotiation shouldn't be cast aside. Putting government spending on autopilot is not responsible.

Whether you work in a Fortune 500 company or in any agency of the Federal Government, budgets must adapt to innovation, new challenges, and new opportunities. Failure to do so is a waste. We owe it to the American taxpayer and we sure owe it to the men and women in uniform to do more than just kick the budgetary can down the road. We owe it to thousands of retired miners to keep our promise, to respect their years of hard work and give them the benefits they deserve.

Now is not the time to give up and go home. Now is the time to rededicate ourselves to truly working together, as the Appropriations Committee has historically done, use their work product, and pass a bill and an appropriations spending measure that really reflects what is needed for the national defense of America.

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. BARRASSO. 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. BARRASSO. Mr. President, in just a few hours, funding for the Federal Government will run out. It is going to run out in just a few hours. It looks like we are going to blow through that deadline right here in the Senate.

POLITICO, one of the local newspapers, had an article this morning, and this is what the headline said. They ran an article with this headline: ''Democrats push government toward shutdown.'' Let me repeat that: ''Democrats push government toward shutdown.''

The article says that Democrats are pushing the government to the brink of a shutdown. They are doing it with ''coal country Senate Democrats leading a strategy to oppose a GOP spending bill if their demands are not met for a longer extension of expiring health care benefits for coal miners.''

We are talking about a continuing resolution that passed the House with overwhelming numbers, and it has bipartisan support. The vote was 326 to 96—Republicans and Democrats joining together in the House to keep the government open—but not the Senate Democrats.

I have been on this floor time and again with Democrats talking about shutting down the government, and they say that it is the Republicans. The headline today says: ''Democrats push government toward shutdown.''

Now, the continuing resolution that is being asked to be voted upon actually includes money to help these miners well into the new year—through April—and we are going to be looking at everything in the legislation again when it expires in April. So there is no rush to settle this issue today.

But here we are in the Senate, with Democrats preparing to shut down the Government of the United States.

Our goal should not be to bail out a union health plan—and it is a fund that does have problems. The solution actually ought to be to let coal miners mine coal again. Let them go back to what they know how to do—mine coal. That way they can take care of themselves and take care of their own.

I want to be really clear on this point. The only reason we are in the position we are in today is because the Obama administration and Democrats in Washington have been waging a war on coal for the past 8 years. That is the reason we are in the position we are in today.

In 2008, when Barack Obama was running for President, he promised that this was what he was going to do. He said it. He said that under his policies, ''if somebody wants to build a coal-fired powerplant, they can; it's just that it will bankrupt them.''

The President was very clear. So the Democrats should not be surprised with what we see happening today.

Once he got into office, he did everything he could to keep that promise and bankrupt as many coal companies as possible. That is actually what happened. His administration has pushed out one unnecessary regulation after another on coal producers, on powerplants, and on customers.

The Environmental Protection Agency wrote new regulations on powerplant emissions where the emissions go from one State over to another. The Agency put out extremely stringent rules on emissions from any new powerplants that were built in this country. Then they wrote tough rules on the powerplants that were already in existence—rules, not new laws but rules.

The Obama administration hasn't just tried to bankrupt anyone who used coal, but they have been doing all they can to make sure the coal never gets out of the ground.

The Bureau of Land Management imposed a moratorium on new mining leases on Federal land. In the Rocky Mountain West, that is a significant amount of the land, and, in many States, it is over half of the land.

The Obama administration has been doing all they can to make sure that American coal can't be used not just here in America but can't be used anywhere in the world.

The Department of the Interior wrote a new rule on coal valuation to discourage coal exports.

Now, the Army Corps of Engineers has even delayed or denied permits for new coal export terminals so we could ship a product that is produced in the United States to people who want to buy our product overseas. So Americans can't sell the product that we have—that coal—overseas.

The Obama administration even worked to get the World Bank—the World Bank and the International Monetary Fund—to stop financing new coal-fired powerplants in developing nations, even though for them, it is the least expensive cost for electricity, for energy, for the people there who don't have energy and desperately need it. It has been one roadblock after another for the last 8 years.

Layer after layer of redtape, strangling the coal industry and coal miners—the people who go to work every day.

Now, someone wants to say the issue is bailing out one union health plan and pension fund. The Democrats have waged an all-out comprehensive war on coal. That is why we are in this situation.

During the Presidential campaign, President Obama has said to Americans: Please elect Hillary Clinton. Vote for her to protect the Obama legacy. Well, candidate Hillary Clinton during the election, during the campaign, said that she would put a lot of coal miners out of business. So as to the actual people who work, she wants to put them all out of business.

It has been a war on multiple fronts and a Presidential election all designed in many ways to keep Americans from using coal, from exporting coal, and even from mining coal.

The administration has blocked coal production. They have made it more expensive. Then they have tried to use the smaller market for coal—since you can't mine it, you can't sell it, and you can't export it; so there is a smaller market for coal—as an excuse to impose even more burdens.

The people who are hurt by these policies are hard-working Americans who just want to go to work, make a living, and support their family. That is what the coal miners have been up against by the Obama administration in the last 8 years.

So any attempt by Democrats to blame someone else is just a distraction. They want to hide the simple fact that it is their intentional and intensive campaign against coal that has led us to where we are today—on the brink of a government shutdown tonight.

Health and pension funds can pay benefits for retired workers as long as the mines are actually working and they can mine coal and sell coal and make money. If the money coming in goes down, then the money they need to pay out is not there. That is why we have this problem. Companies can't meet their obligations, and it is the Democrat's policies that have caused it. So if the Democrats want to help retired miners, they should let the other miners get back to work. That is the way to help the retired miners, let the other miners get back to work. Well, that is not what they have done. The Obama administration has done all they can to destroy the market for coal, to force mines to cut production and to put miners out of work.

Now, I understand there are people in the home States of these Senators who are very worried, and they have a right to be worried, but let's just be honest about the real reason these people are hurting: Miners are struggling because President Obama has been standing on their necks for a straight period of 8 years. When Democrats focus on things like health benefits for retirees, they are missing the point entirely, and they are just trying to dodge the responsibility—the responsibility for their own disastrous policies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the distinguished Senator has just asked me if I would yield to her; that she has a very short set of remarks, and I am happy to do so.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I ask unanimous consent to use a prop during my remarks.

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

WRDA

Ms. BALDWIN. Mr. President, I have come to the floor to address a very important choice for this Senate and, frankly, for President-Elect Trump.

The time is now for Donald Trump to take a stand in support of American workers by calling on Republican leadership in Congress to support strong ''Buy American'' requirements in the Water Resources Development Act, also known as the Water Infrastructure Improvement Act.

Just 1 week ago in Cincinnati, OH, President-Elect Trump said his infrastructure plan would follow two simple rules: ''Buy American and hire American.'' I support that position, strongly, but unfortunately the Republican establishment in Washington didn't hear him. They have removed my ''Buy

American'' standard from this very important water infrastructure legislation, and Trump Tower has gone silent on this topic since last Thursday.

I believe the iron and steel used in water infrastructure projects should be made in America and that taxpayer dollars should go to support American jobs and manufacturers, not be spent on Chinese or Russian iron and steel.

My provision to require this was included in the version of the bill that passed the Senate with strong bipartisan support on a vote of 95 to 3. However, Speaker RYAN and House Republicans removed this ''Buy American'' reform from the Water Infrastructure Improvements Act, and there hasn't been a peep or a tweet from President-Elect Trump. It is clear to me, and it should be clear to President-Elect Trump as well, that congressional Republicans are allowing corporate lobbyists, working on behalf of companies who import steel from Russia and China, to write the rules in Washington. Importers of cheap foreign steel from China and Russia have sought to eliminate or loosen these rules for their own benefit. According to media reports, including the Wall Street Journal, the importers and their foreign suppliers have hired the Washington, DC, lobbying firm Squire Patton Boggs to lobby the Republican leadership in the House against my ''Buy American'' standard, which would provide a long-term and solid commitment to American workers.

The firm's strategy relies upon, oh, that old revolving door—the firm employs former House Speaker John Boehner and several former top Republican aides—to gain access and influence over Congress. These reports suggest that corporate lobbyists are using their influence over Congress to support clients that do business with Russian and Chinese steel companies at the expense of American workers. That is why I am calling on President-Elect Trump to turn his words in Cincinnati, spoken just a week ago, into action and to join me in demanding that Republican leaders in Congress restore our strong ''Buy American'' standard in the final water infrastructure bill.

Together, with Senators BROWN and CASEY, we offered an amendment to restore this ''Buy American'' reform, and today we are demanding a vote. I come to the floor today to ask Majority Leader MCCONNELL for that vote.

American manufacturers and steelworkers, like the men and women at Neenah Foundry in Wisconsin who helped build our Nation's water infrastructure, support our amendment, and they deserve a vote and a solid commitment from us on a strong ''Buy American'' standard.

Many people in the United States have seen this iconic symbol. Neenah Foundry—which supports the strong ''Buy American'' amendment—manufactures, among other things, these manhole covers that we see all over.

Let us not ever see this.

President-Elect Trump has said that we need to ''drain the swamp,'' and that he will take on lobbyists and special interests that are writing the rules and rigging the game in Washington against American workers. If he is serious about ''draining the swamp'' and supporting American workers, it is time for him to end his silence and speak out publicly supporting and restoring this ''Buy American'' standard to the water infrastructure bill that is before the Senate today. It is time for a vote on a ''Buy American'' standard that respects and rewards American manufacturers and American workers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, are we going back and forth?

The PRESIDING OFFICER. There is no order at the moment.

Mrs. FEINSTEIN. May I ask the Senator—because I thought Democrats had an hour at this time, I agreed to yield to Senator BALDWIN. Senator MCCAIN, do you know how long you will be?

Mr. MCCAIN. About 30 minutes.

Mrs. FEINSTEIN. Well, you go ahead. I will defer.

Mr. MCCAIN. I thank my friend from California, but if she had a shorter time—

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I say to my dear friend from California, if she had a few minutes she would like to take at this time, I would be happy to yield to her.

Mrs. FEINSTEIN. Senator, I have about 20 minutes.

Mr. MCCAIN. OK. I take it back.

Mr. President, I understand that, as usual, as we get to the edge of the cliff or the edge of the weekend, that somehow we will have an agreement and we will vote and we will pass a continuing resolution and we will all go home. We will all go home for the holidays and congratulate ourselves on doing such a great job and passing a congressional resolution.

Meanwhile, the 8,000 men and women who are serving in Afghanistan will be having a different kind of next couple of weeks. It will be in combat, it will be in jeopardy, it will be in fighting an implacable enemy that we have been challenging and fighting for the last 12, 14 years. The 5,000 troops who are in Iraq and Syria, with their lives literally in danger—there has been a couple, a few casualties, tragic deaths in recent days. The siege of Aleppo continues and the slaughter continues of innocent men, women, and children. As the exodus, I am told, takes place from Aleppo, the Russians, Iranian Revolutionary Guard, and Bashar al-Assad's thugs are culling out the young men for special treatment and interrogation. God only knows what that is like. Of course, the flow of refugees continues, now adding to the 6 million. The 500,000 who have been killed, that continues. And we are about to pass an appropriations bill that reduces our ability to help those men and women who are serving our country in uniform get their job done. We are talking about a continuing resolution that is a reduction in spending, that freezes accounts in place, and does not give us the capability to move them around to meet the threats we are facing around the world. I must say to my colleagues, this is disgraceful. This is absolutely disgraceful.

We are going to kick the can down the road because we failed to fund our troops. The fiscal irresponsibility of another continuing resolution will force the Department of Defense to operate for 7 months in the fiscal year without a real budget. Tell me one company or corporation in the world, small or large, that has their budget frozen for 7 months of the year and expects to operate with any kind of efficiency. You can't. You can't.

Now, the incoming President of the United States says he wants to spend more money on defense. Are we doing that with this continuing resolution? Of course not. The incoming President of the United States says we don't have a big enough Army, Navy, Marine Corps, Air Force, and we are cutting the size of the military.

Meanwhile, the President of the United States gives one of the most bizarre speeches I have ever heard in my life about what a great job he has done, what a fantastic job; and thank God ISIS does not pose an existential threat to the United States of America—never mind San Bernardino, never mind all the other attacks across the country and Europe. Never mind those. It is not an existential threat. This is the same Barack Obama who said ISIS was the JV and couldn't carry Kobe's T-shirt.

So what are we doing? By God, we are going to be out of here. Thank God, we are going to be out of here. And what are we doing? We haven't passed a defense appropriations bill that funds our troops. Earlier this year we had a defense appropriations bill, approved unanimously by the Appropriations Committee, but Democrats put politics ahead of our troops, filibustered that legislation, and brought the Senate to a halt.

Does anybody wonder about the approval rating of Congress when we will not even appropriate the money to defend this Nation and pay for the men and women in uniform who are sacrificing as we speak? Of course not.

Why haven't we passed the bill? Now, fresh off an election—the election is over. Republicans won control of the House and the Senate and the White House in part by promising to rebuild our military. Congress is about to cut defense spending again by passing another irresponsible continuing resolution.

Let me be clear, this continuing resolution would cut resources to our troops, delay the cutting-edge equipment they need, and hamper the war in Afghanistan. A lot of my colleagues

may not understand, you authorize certain amounts of money for certain programs. With a continuing resolution, you can't shift that money around. Suppose there is a new product, there is a new weapon, there is a new ability we have. With a continuing resolution, now going on for 7 months, we will do that. Congratulations. Congratulations.

So this is Washington. Democrats filibuster funding for our troops in a political game to extort more funding for pet domestic programs. Republicans feign outrage. Then those same Republicans return months later to negotiate a continuing resolution that gives Democrats the domestic spending increases they always wanted, does so by—guess what. Guess what. There is an increase in this continuing resolution for domestic programs, some of them pork-barrel projects, and cutting funds for defense. I am not making that up. I wonder how many of the 100 Senators who will be voting on this continuing resolution know that this continuing resolution increases domestic spending and decreases defense spending. What a sham. What a fraud. Is there any wonder the American people hold us in such contempt? We are down to paid staff and blood relatives.

There is a lot wrong with this continuing resolution, but let me start with the rank hypocrisy embedded deep within its pages. Five years ago Congress recognized the need to rein in Federal spending, but instead of addressing the actual drivers of our deficits and debt, in one of the great copouts in history, it settled for a meat-ax approach. Congress passed the Budget Control Act, which cuts spending across the board. No matter how worthwhile, no matter how necessary, treat it all the same and cut it across the board, OK? It is designated to be so terrible, this sequestration—remember, it was 5 years ago—sequestration would be so terrible it would force Republicans and Democrats to negotiate a more reasonable compromise.

We know how that worked out. The Budget Control Act failed to force a grand bargain on the budget, but it was so genuinely terrible that Congress had to negotiate a series of short-term agreements to get out from under it. The latest of these was the Bipartisan Budget Act, which was passed last year and provided small increases for defense and on defense spending.

This agreement was consistent with the principle articulated by many of my Republican and Democratic colleagues—that defense and nondefense were supposed to be treated equally. It does not matter when you see the world on fire, no matter when you see 6 million refugees out of Syria, no matter when you see 500,000 dead, no matter when you see the Chinese asserting control over the Asia-Pacific region, no matter that you see Vladimir Putin dismembering Ukraine and putting pressures of enormity on the Balkan countries, no matter that you see the Russians, now a major power in the Middle East for the first time since Anwar Sadat, threw him out of Egypt in 1973—no matter all that. No matter that we continue to increase because we react to the number of troops and the amount of equipment that we are having to send to Iraq and Syria and other places in the world—treat the EPA the same as the U.S. Marine Corps. Treat the IRS the same as our brave pilots who are now flying in combat in Iraq and Syria. Treat them the same. This was the so-called principle of parity.

For the record, I never believed this trope. Instead, I held fast to another principle—that funding our troops would be based solely on what they need to defend the Nation. Isn't that an unusual sentiment—to fund the troops with what they need to defend the Nation, to give them the very best equipment so that, in the testimony of the uniform service chiefs before the Armed Services committee, who said in unvarnished words—these great military uniformed leaders said: We are putting the lives of the men and women in uniform ''at greater risk.''

Is no one in this body embarrassed that we are putting the lives of the men and women in the military at greater risk? What is happening here?

Many of my colleagues disagreed with me, which was their right. Over the last 2 years as Chairman of the Senate Armed Services Committee, having listened to the testimony of our most senior military commanders about the growing risk to the lives of our servicemembers, I have tried to break the hold of these arbitrary spending limits, increase defense spending, and give our troops the resources they need to defend the Nation.

Let me tell you what is happening to the military today. We have seen the movie before—after the Vietnam war. They have less ability to train. They have less ability to operate. Our pilots in the Air Force, Marine Corps, and Navy are flying fewer hours per month than Chinese and Russian pilots are. They are having to rob planes. They have even had to go to the Boneyard in Tucson, AZ, to find parts for their airplanes. They are that short of them.

You know what is going to happen? The pilots of these services are going to get out in droves because the commercial airline pilots who were hired after the Vietnam war are all retiring. All these people want to do is fly airplanes. When they are in Syria and Iraq, yes, they fly a lot. When they get back, they don't fly at all. Why? They don't have the money. When you cut defense, the first thing that suffers is operations, maintenance, and training. Again, it is not as if it is a new phenomenon. We have seen the movie before.

Here we are. We passed a defense bill last year that provided $38 billion in additional resources to give our servicemembers the modern equipment and advanced training they need. President Obama vetoed that bill because, as his White House explained, he would ''not fix defense without fixing nondefense spending.''

Think about that. The President of the United States puts defending this Nation on the same level as domestic programs. I am all for the domestic programs. I am not objecting to them, but to put them on the same level as the defense of the Nation partially explains the disasters over the last 8 years. America has decided to lead from behind, and America is now held without respect or regard throughout the world. We see all kinds of bad things happening, and I will not bother my colleagues because all I have to do is pick up the morning paper or turn on the television.

This year I offered an amendment to the Defense authorization bill on the Senate floor to add $18 billion to the defense budget, an increase that would have returned defense spending to the level the President himself had requested and for which the Department of Defense had planned. The Senate Democrats and some Republicans voted against that amendment. One Democratic Senator objected, saying: ''If defense funds are increased, funding for domestic agencies must also be increased.''

Got that? ''If defense funds are increased, funding for domestic agencies must also be increased.''

Some Republicans, mainly on the Appropriations Committee, argued that the amendment would not adhere to the Bipartisan Budget Act and stall momentum to pass appropriations bills as we consider yet another continuing resolution. We see how well that worked out.

So entrenched was this absurd notion of parity between defense and nondefense spending that when President Obama decided to keep more troops in harm's way in Afghanistan—finally recognizing a little reality—he refused to pay for them unless nondefense spending received an identical funding increase. Let me make that clear. The President of the United States—recognizing that the Taliban was not only not defeated but was gaining ground in parts of Afghanistan, the Afghan military sustaining unsustainable casualty rates—sent more troops to Afghanistan, sent more help to Afghanistan, but wouldn't pay for them unless we increased domestic spending.

Is that some kind of nonsense? So entrenched was this absurd notion of parity between defense and nondefense spending that the bottom line is this: Congress has had multiple opportunities to give our troops the resources they need. Each time, aided and abetted by the President and his administration, we squandered these opportunities because of the so-called principle of parity—that ''any increase in funding must be shared equally between defense and nondefense.''

After all that, it turns out that parity was merely politics masquerading

as principle. Because, dear friends, now Congress is about to pass a continuing resolution that shatters any notion of parity, breaks the spending limits of the Bipartisan Budget Act, increases nondefense spending at the expense of our troops, and even creates a loophole that allows nondefense spending to skirt the law and avoid sequestration—not defense spending, nondefense spending. It is crazy.

Under this continuing resolution, nondefense spending—get this. I don't know how many of my colleagues know this. Under this continuing resolution, nondefense spending is $3 billion above the Bipartisan Budget Act. Where does this additional money come from? It was taken from our troops. Under the continuing resolution, defense spending is $3 billion below the Bipartisan Budget Act.

As a result of increased funding, nondefense spending violates the Bipartisan Budget Act and would face sequestration at the beginning of next year to bring it back in line with spending levels allowed under the law. Not so fast, my friends—the continuing resolution contains a ''get out of jail free'' card that allows nondefense spending to break the Bipartisan Budget Act to avoid sequestration.

Here is what we are doing: We are cutting defense spending. We are increasing nondefense spending, even though it breaks the act and we have a provision in there that that is OK. I just hope that everybody knows what they are voting on in this.

Am I missing something? Am I missing something? Do Republicans control the House of Representatives? They are the ones who put this provision in. It is the Republicans who control the House of Representatives. Do Republicans fill the majority of the seats in this Senate? The last time I checked, they do. Did the Republican candidate just win the White House?

What on Earth are we doing here? Why are Republicans who complained for so long about runaway government spending about to vote on a take-it-or-leave-it continuing resolution that increases nondefense spending? Why are Republicans doing that? Why are Republicans who proclaim that ours is the party of strong defense cutting funding for our military to plus up spending on domestic programs? What is going on here?

Why are Republicans who voted down increased funding for our military because of the Bipartisan Budget Act voting for a continuing resolution that allows nondefense spending to exceed that law and creates a loophole to escape sequestration?

Why are Democrats who lectured for years—I got that lecture for hours and hours about the principle of fairness, of parity—who insisted that funding increases must be shared equally between defense and nondefense. Why are those Democrats about to support a continuing resolution that explicitly breaks that principle and that funds increases for nondefense by taking from defense?

Regretfully, as I say about Republicans and Democrats, the answer, and the only answer I can offer is hypocrisy—rank hypocrisy. What is so disheartening about the hypocrisy of this continuing resolution is how unnecessary it is. We can pass an appropriations bill. The appropriations bill was passed out of the Appropriations Committee unanimously. We can pass it. We can do it tomorrow; we can do it tonight. But they don't want to do that. They want this continuing resolution with all this stuff hidden in it, with a lot of legislative things in it that we find out, guess what, 10 hours, 24 hours, maybe even 48 hours before we vote on it. That is when we find out what is in the bill.

I would challenge—I would like to take a poll of my 100 colleagues here. How many of them have read the continuing resolution? I will bet you the number is zero. With this legislation, Congress has already done the hard work of negotiating a bipartisan compromise for defense spending. The Defense appropriations bill from earlier this year could easily be amended to reflect the compromise, and the Senate could be taking up the bill, but we are not. Instead, we are about to vote on another continuing resolution that would cut $6 billion from the level authorized by the NDAA.

I want to point out again: Who is being harmed by this? My friends, obviously, as I have stated, absolutely the men and women who are serving. They are the ones who are suffering from this. In the Defense authorization bill, we have a 2.1-percent pay raise for the military. In the continuing resolution, it is not in there. We are not even going to reward our men and women in the military with a pay raise that they have earned.

Some of my colleagues on the Appropriations Committee will argue that this continuing resolution is an increase to defense spending. That is a lie. I don't say this very often, but anyone who says there is an increase in defense spending in this continuing resolution is lying. For those of you who are not familiar with Washington doublespeak, let me explain how cut translates into increase inside the beltway. The new continuing resolution represents a modest increase over the previous continuing resolution passed in September, but that legislation contained a large cut to defense spending. Just as now, Members of this body were asked to go along with this cut with a promise that a Defense appropriations bill would soon follow. None appeared.

In other words, the best we can say about the continuing resolution we are considering today in this body today—and I am sure it will be passed on a Friday night—is that it merely contains a smaller defense cut than its predecessor. Twist the figures all you want, and I guarantee you that somebody on the Budget Committee or the Budget Committee chairman will twist it. The fact is, this continuing resolution is $6 billion less than what Congress just authorized for defense spending. Yesterday, we passed a Defense authorization bill, and this is $6 billion less than what we authorized. That is what we should be grading ourselves on because that is what our military has told us they need and what this body has agreed to provide them.

Let me emphasize that we go through weeks and months of hearings, markups, input, and debate, and we come up with a Defense authorization bill and provide this body in the Congress and the Nation with our best judgment of what America needs to defend this Nation and how much it costs. This continuing resolution will cut that number by $6 billion. That may not be much money among some, but it is one heck of a lot of money overall.

The hypocrisy of this continuing resolution is nauseating. The defense cut it contains is blind to the needs of our military, but ultimately it is the basic fact that Congress has failed to pass an appropriations bill and will be forced to pass another continuing resolution that will have the most real and immediate consequences for our servicemembers. Our Nation asks a lot of the men and women serving in uniform. As I mentioned, we are going to go home tonight, I am sure, because of the pressures that always take place on a Thursday or Friday, and they will still be out there. They will still be out there on the front line. They will be in Syria, Iraq, and helping the Afghan fighters defend their nation. They won't be going home, but we will. And what will we leave them with? A $6 billion reduction in their ability to defend this Nation.

The continuing resolution locks our military into last year's budget and last year's priorities. Tell me a company in the world where you have to stick with the priorities from the year before as you approach the coming year as to what you want to do and you are locked into the last year's provisions.

Consider what happened to our counter-ISIL efforts under the continuing resolution that is about to expire. Last week, military leaders had to come to Congress hat in hand seeking relief from the constraints of a continuing resolution in order to keep up the fight against ISIL. Since the beginning of the year, the Defense Department requested money to support local forces in Syria who are fighting to drive ISIL out of Raqqa, but because we are on a continuing resolution, money wasn't there. The Secretary of Defense, the highest civilian leader of our military, had to spend his time searching couch cushions to continue our fight against ISIL. Every day that ISIL remains entrenched in Raqqa is another day they can plot attacks on our homeland. It is another day they can terrorize Syria. It is another day

they can call themselves a caliphate. It is another day they can attract foreign fighters to their murderous cause. All of the Defense authorization and appropriations bills included the money to fund Syrians fighting to remove ISIL from its sanctuary, but the continuing resolution did not. If we had done our jobs, this wouldn't be an issue, but it was.

The same thing will happen under a new continuing resolution that does not fully fund the war in Afghanistan. The legislation will force the Department of Defense to pay for urgent requirements to deter Russian aggression in Europe by cannibalizing funds needed to help our Afghan partners take the fight to our common terrorist enemies. When it comes to national security, robbing Peter to pay Paul is not a strategy; it is a disgrace. This wouldn't be necessary under an appropriations bill, but it is under this continuing resolution, which is blind to the realities of our dangerous world, and the consequences will be felt on the battlefield.

The Department of Defense had requested $814 million to provide our Afghan partners with the helicopters and fixed-wing aircraft they need to take the fight to the Taliban and ISIL. This continuing resolution contains none of that funding. If there is anything we need in this fight, it is airpower.

General Nicholson, the commander of U.S. and international forces in Afghanistan, sent me a letter yesterday, and he warns that without this funding, ''the Afghan security forces risk losing the positive close air support momentum gained over the past year, which proved instrumental in enabling them to thwart the enemy eight separate times in its efforts to seize provincial capitals.''

What are we doing here? With the continuing resolution, we are putting the lives of countless Afghans in danger because we are not giving them the air support that they need.

Our failure to do our jobs and pass this bill and this irresponsible continuing resolution will make it even harder to achieve success in our Nation's longest war. This is shameful. A continuing resolution will also make the job of managing the government's largest agency even more difficult and at the worst possible time. The Presidential transition process currently underway is difficult enough on its own, but no incoming President has ever had to inherit a Department of Defense operating under a continuing resolution. I will repeat that: No President has ever had to inherit a Department of Defense operating under a continuing resolution, and this is not the time to break the streak.

Under a continuing resolution of any duration, our military, by law, has to delay 78 new military systems and stall additional production of 89 others. A continuing resolution delays major research and development initiatives. The latest continuing resolution provides DOD relief from these restrictions for the Ohio replacement program, the KC–46 tanker, and the Apache and Black Hawk helicopters, but that is only four programs out of hundreds. Worse still, this leaves DOD with the wrong mix of funding, causing shortfalls in important accounts totaling $22 billion. Let me repeat: The continuing resolution leaves the Department of Defense with a $22 billion shortfall across important accounts. Locking in funding at last year's level across all accounts is willful ignorance of the Department's plan to grow necessary programs and cut wasteful ones. This is not wise fiscal stewardship. This is reckless government on autopilot, and here are just a few of the consequences.

The continuing resolution is totally blind to the military readiness crisis that is putting the lives of servicemembers at risk. We are asking our troops to be ready to defend this Nation at a moment's notice. We are asking our troops to be ready to take the fight to ISIL. We are asking our troops to be ready to deter, and if necessary, defeat aggression in Europe, the Middle East, and Asia-Pacific. We are asking them to be ready today, but a continuing resolution would force tradeoffs that undermine readiness.

We heard about the readiness crisis all year, but what does it really mean? It means the Navy doesn't have enough money to maintain ships and aircraft. It means that ships that taxpayers spent billions of dollars to buy will be anchored at docks instead of out to sea. It means our Navy and Marine Corps aircraft will be grounded and their pilot skills wasting away. It means the Air Force won't have the funding required to recruit airmen to keep its aircraft maintained and flying.

The NDAA we just passed would have stopped the military from cutting soldiers, sailors, and airmen. But because of this continuing resolution, the Army will begin firing 3,000 qualified captains. That is 3,000 soldiers with families. That is 3,000 soldiers who want to stay in the military and continue to serve their country. That is 3,000 soldiers willing to put their lives on the line for us, but because we refuse to do our jobs, 3,000 soldiers are going to get pink slips. That is shameful. It is madness.

Every senior leader at the Department of Defense has warned Congress about the negative impacts of a continuing resolution on our troops.

Secretary of Defense Ash Carter stated that ''a continuing resolution is a straitjacket'' that ''prevents us from fielding a modern, ready force in a balanced way.'' A continuing resolution, Secretary Carter said, ''undercuts stable planning and efficient use of taxpayer dollars.''

The Commandant of the Marine Corps, General Neller, warned that a long-term continuing resolution ''dramatically increases risk to an already strained fiscal environment and disrupts predictability and our ability to properly plan and execute a budget and a 5-year program.''

The Chief of Staff of the Air Force, General Goldfein, warned that a continuing resolution would reduce procurement of critical munitions for the ISIL fight, affecting not only the United States but our coalition partners that rely on us to deliver preferred munitions.

The Chief of Naval Operations, Admiral Richardson, warned that a continuing resolution would lead to wasted taxpayer dollars. Under a continuing resolution, the Navy would be forced to break up its contract actions into smaller pieces. As a result, Admiral Richardson warned that the Navy would not be able to ''take advantage of savings from contractors who could better manage their workload and pass on lower costs to the Navy. These redundant efforts drive additional time and cost into the system, for exactly the same output.''

The Chief of Staff of the Army, General Milley, made a similar warning about waste and inefficiency resulting from budget uncertainty, saying, ''things like multiyear contracts''—et cetera, et cetera. General Milley is right.

I say to my colleagues: This madness has to end. It is time for Congress to do its job. When it comes to doing our constitutional duty to provide for the common defense, there is no call for lazy shortcuts that shortchange our troops. We passed the Defense authorization bill. Now let's fund it by passing the Defense appropriations bill, which gives our troops the resources, predictability, and flexibility they need and deserve. Next year, with a new President and Congress, let's go to work immediately on ending sequestration once and for all and returning to a strategy-driven defense budget. That is what the American people expect of us, and it is what the men and women who serve and sacrifice on our behalf deserve from us.

As I said, if I know my history—and I have been around here long enough—there will be an agreement. We will have a vote, and then go home and congratulate ourselves. For the next 15 days—or whatever it is—we are going to enjoy the Christmas holidays with our families and friends, pat ourselves on the back, and tell each other what a great job we have done.

We shouldn't do that. There are men and women serving in uniform overseas away from their families and friends and putting their lives in danger. We haven't done our job. We haven't done our job to provide for their security and their defense. What we have done is miserably failed, and this is another—not the first—and maybe the most egregious, given the state of the world today as we watch thousands being slaughtered in Aleppo, as we watch the Syrian refugee crisis, as we watch the Chinese act more aggressively, as we watch a buildup of the

military in Kaliningrad, a place most people have not heard of, and we watch the continued aggression and advantage that our enemies and adversaries believe are appropriate action for them in light of our weakness.

What do we do? The message we send to the men and women who are serving in our military is that we care more about being home for the holidays than we do about you.

I yield the floor.

The PRESIDING OFFICER (Mr. BARRASSO). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, just to ensure that there is no confusion, I ask that I be recognized for such time as I may consume at the conclusion of the remarks of the distinguished senior Senator from California.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, before I begin, I wish to say a few words about my colleague from California who is retiring. I very much regret that I was not able to be here for her remarks on the floor. However, I have written a rather extensive statement for the record. I want to say here and now that no one has fought for California or for this country harder. She has had a dedicated and long career of service to our country, and her accomplishments are many.

Those are documented in the record, and I believe they will stand the test of time. So I want to offer my heartiest congratulations to her for 24 years of service to this country. We came to the Senate together. I have very much respected her, her work, and her diligence over these years.

WRDA

Now, Mr. President, I rise to speak about the Water Resources Development Act, which the House passed yesterday afternoon 360 to 61. My colleague Senator BOXER was the author of that bill. I believe it is a good bill. There is a whole litany of excellent projects that benefit the environment as well as the economy of so many of our States.

I want to say something else about my remarkable colleague. We first arrived here in the Senate 24 years ago. She has accomplished a lot in that time, protecting the environment, defending the downtrodden and vulnerable, and fighting for California. She is a tremendous Senator, and I believe her record will withstand the test of time.

Mr. President, I would like to focus on two provisions in this bill, the water infrastructure provisions and funding for Lake Tahoe restoration and protection.

First, this bill includes many vital water infrastructure projects that will limit the risk of flooding, restore critical wildlife habitat and keep our ports running smoothly.

The bill authorizes $177 million for the South San Francisco Bay Shoreline. I have been working on this project for decades, alongside the local sponsors and Army Corps of Engineers.

With nearly 200 square miles of communities in low-lying areas along the shoreline, some that are more than 13 feet below sea level, this area faces a significant threat of major tidal flooding.

Coupled with the restoration of more than 15,000 acres of wetlands, this project will protect vulnerable communities and improve wildlife refuges and public and private infrastructure valued at more than $50 billion.

The bill also authorizes the Los Angeles River Project. At a cost of $1.42 billion, this project will restore 11 miles of the Los Angeles River from Griffith Park to downtown Los Angeles.

The bill also authorizes $880 million to reduce floods along American and Sacramento Rivers near Sacramento, $780 million to reduce flooding in West Sacramento, and expands eligibility of an existing Federal program increasing funding for harbor maintenance to include the ports of Hueneme and San Diego.

The bill also includes a piece of legislation that deals with a passion of mine, saving Lake Tahoe.

This summer, more than 7,000 people joined together for the 20th Annual Lake Tahoe Summit.

I proudly shared the stage with Senators REID and BOXER, California Governor Jerry Brown, and President Obama.

This summit was an impressive bookend to Senator REID's efforts to save Lake Tahoe.

In 1997, he invited President Clinton for the first Lake Tahoe Summit to highlight the declining health of the lake and to announce a major Federal restoration effort.

That summit launched an impressive public-private partnership that has since invested $1.9 billion in restoration projects in Lake Tahoe and the surrounding basin.

This remarkable partnership brought Federal, State, local, tribal, and private interests together to help save the lake.

Their work got a real boost in 2000 when we passed the original Lake Tahoe Restoration Act, which authorized $300 million over 10 years.

That $1.9 billion has been invested in nearly 500 completed projects and 120 more that are in the works. These include erosion control on 729 miles of roads, 65,000 acres of hazardous fuels treatment, more than 16,000 acres of wildlife habitat restored, and 1,500 acres of stream environment zones restored. And 2,770 linear feet of shoreline has been added, creating or improving 152 miles of bike and pedestrian routes.

But we still have more work to do.

The Tahoe Environmental Research Center at UC-Davis recently released their annual State of the Lake report.

Their research highlighted several threats to the lake: Climate change and drought are creating increasing the potential for a catastrophic wildfire in the Tahoe Basin, sedimentation and pollution continue to decrease water quality and the lake's treasured clarity, and invasive species threaten the economy of the region.

The time to act to is now, and the Federal Government must take a leading role—close to 80 percent of the land surrounding Lake Tahoe is public land, primarily in more than 150,000 acres of national forest.

This bill authorizes $415 million over 10 years to help address those challenges.

This bill authorizes $150 million for wildfire fuel reduction and forest restoration projects, $45 million to fight invasive species including a successful boat inspection program, $113 million for projects to prevent water pollution and help improve water infrastructure that helps to maintain the lake's water clarity, $80 million for the Environmental Improvement Program which prioritizes the most effective projects for restoration, and $20 million for the U.S. Fish and Wildlife Service to help with the recovery of several native fish species.

The bill also requires an annual report to Congress detailing the status of all projects undertaken to make sure dollars are expended wisely.

We have an opportunity to ensure the future of Lake Tahoe by passing the Water Resources Development Act of 2016 and, thus, passing the Lake Tahoe Bill of 2015.

I want to speak today about the California drought language in this bill, which represents 3 years of effort on my part. I believe these provisions are both necessary and will help our State. I think it is noticeable that both Democrats and Republicans in the California House delegation voted for this bill. In fact, a substantial majority of California House Democrats—21 out of 37—voted yes for the bill.

I particularly want to thank Representatives COSTA and GARAMENDI for their help in this bill throughout this effort. They really made a major effort. Overall, 35 of the 51 California representatives from both parties who voted, from up and down our very big State, voted for this bill and its drought provisions.

California is now entering into our sixth year of drought. Experts have indicated that even if this is the final year of drought, which many doubt, it will take an additional time of 4 years to recover. The effects of the drought have been devastating. In the past 2 years, 35,000 people have lost jobs; $4.9 billion has been lost to the California economy; 1 million acres of farmland were fallowed in 2015; 69 communities have little or no water; and 2,400 private water wells have gone dry. We had 102 million trees on Federal land die during this period of time. Parts of the Great Central Valley have seen as much as 1 foot of land subsidence. That is where the ground actually sinks because of groundwater depletion. This

means cracks in canals, bridges, and pipelines. I have seen those photos. We have had 95- and 98-percent salmon mortality in the past 2 years because of problems with cold water temperature valves and probes at Shasta Dam, which provides the cold water to the Sacramento River.

To address the devastating impacts of this drought and to create a long-term new infrastructure that moves away from dams, the bill contains two key parts: short-term provisions and long-term provisions. Before I go into them, I want to say that the drought part of the bill is supported by 218 cities, 6 county governments, 446 water districts, both urban and agricultural.

I ask unanimous consent that that information be printed in the RECORD directly following my remarks.

Those operational provisions are short term. They last just 5 years. They don't contain any mandatory pumping levels. This bill does not say that if the water flow is such and such, the pumps that move that water must pump at X, Y, or Z. There is none of that. Instead, what this bill does is require daily monitoring for fish when water is turbid.

This monitoring also takes place more frequently and closer to the pumps than it does today. Today, it is at 17 miles from the pumps, and the change is 12 miles from the pumps. It also requires agencies to explain their decisions when they reduce pumping. This will bring about transparency, provide solid reasoning for decisions, and, I think, reduce the angst that exists out there about how those systems are controlled.

Those provisions simply require the agencies to use the best available science based on real-time monitoring so that we can save some water from those heavy flows, as you see on the chart next to me. These are the heavy flows that came in February and March, and we were not able to hold this water and use it later in the year.

What we have done here is tracked every single day from the beginning of the year and what the pumping level was and what the water level was. We also talk about the numbers caught, which are very small: adult smelt, 12; juvenile smelt, 8, and winter-run salmon, 56. So this can be improved, and we seek to do that.

We also provide provisions that simply require the agency to use the best available science based on real-time monitoring, so, again, we can save water from the heavy flows, as you have just seen. Even if this sixth year is a bumper crop of water, UCLA predicts that it is going to take 4½ years to recover from the drought.

Other short-term provisions include extending the time period for voluntary water transfers by 5 months; ending the winter storm payback requirement, which says: If you save this water, you must put it back into the ocean; allowing a 1-to-1 ratio for voluntary water transfers that can help both fish and farms; and allowing expedited reviews of transfers and construction of barriers to protect water quality.

These water supplies are not for big corporate agriculture, as some would have you think; this water is for the tens of thousands of small farms that have gone bankrupt, like a melon farmer who sat in my office with tears in his eyes and told me how he lost a farm that he had struggled to pay for and that had been part of his family for generations. There are also small towns in the Central Valley, where people are still bathing with bottled water and some 2,500 wells have run dry.

We worked for 2 years with Interior, NOAA fisheries, and the Council on Environmental Quality to make sure there were strong environmental protections, including a very comprehensive savings clause, and we will get to that in a minute.

So the bill in this measure requires agency scientists to review every proposed action. That is right. Scientists must review and approve every proposed action under this bill. These are agency biologists and experts in endangered species. The bill requires them to carefully review every proposal to move water under the provisions of this bill. That is what they do today, and that is what they would do under the bill. That is what the ESA requires, and that is what this bill will require.

The savings clause in this bill also makes clear that the provisions will not override existing environmental law, like the Endangered Species Act and biological opinions.

The bill also makes clear that nothing in this bill will affect water quality. Drinking water will still be available at the same levels of quality as before. The State will have the same ability to regulate water in the delta as it always has had. To make this even clearer, each individual section also requires consistency with the environmental laws and biological opinions.

These protections are referenced in the bill no less than 36 times throughout. In fact, the Commissioner of the Bureau of Reclamation wrote on June 27. He wrote about the savings clause: ''[The savings clause] leads me to conclude that the directives in this legislation are to be implemented in a manner consistent with the ESA and the current biological opinions for federal and state projects.''

I ask unanimous consent to have this letter and my memo concerning the drought savings clause be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, DC, June 27, 2016.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter of February 24, 2016, addressed to President Barack Obama regarding your legislation entitled the California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act, numbered S. 2533 and H.R. 5247. I apologize for the delay in this response.

As you know, I testified on S. 2533 before the Senate Energy and Natural Resources Committee's Water and Power Subcommittee on May 17, 2016. Your legislation authorizes significant new investments in proven water supply and conservation activities that will help make California's water supplies more resilient in the face of drought. Locally supported projects such as water recycling, water efficiency improvements, desalination, groundwater storage, distributed treatment systems and surface water storage are given thoughtful consideration in S. 2533, with allowance for robust non-federal cost-sharing for new projects.

In addition, the bill contains an important savings clause in section 701 which states that the bill shall not be interpreted or implemented in a manner that ''overrides, modifies, or amends'' the Endangered Species Act (ESA) or the application of the biological opinions governing operations in the Bay Delta. The combination of these provisions leads me to conclude that the directives in this legislation are to be implemented in a manner consistent with the ESA and the current biological opinions for the federal and state projects.

While S. 2533 and H.R. 5247 codify the flexibility Reclamation has exercised in its drought contingency plans over the past several years, I also wish to be clear that there is little, if any, operational flexibility remaining in the biological opinions beyond that already being exercised. Consequently, as indicated by the 2015 Statement of Administration Position on H.R. 2898 (Valadao), the Department would be concerned about, and would likely oppose, any subsequent change in the authorizations contained in S. 2533 or H.R. 5247 that purport to create additional flexibility in the biological opinions by amending those opinions or the ESA itself.

I believe that on balance, S. 2533 is a beneficial piece of legislation and will help California's water supply in the near- and long-term. I appreciate your ongoing efforts to work with Reclamation and the Department on this bill. [intend to continue this partnership moving forward.

Sincerely,

ESTEVAN R. LÓPEZ,
Commissioner.

From the Office of Senator Dianne Feinstein, Dec. 9, 2016

Re Drought language savings clause

SAVINGS LANGUAGE

The drought language included in the Water Resources and Development Act of 2016 contains a comprehensive savings clause. The savings clause states that nothing in this legislation overrides, modifies, or amends, the Endangered Species Act or the relevant provisions of the smelt and salmonid biological opinion that govern the coordinated operations of the Central Valley Project and the State Water Project, located in California.

In fact, the Interior Department (responsible for developing and implementing the smelt biological opinion) and the Commerce Department (responsible for developing and implementing the salmonid biological opinion) drafted sections that govern impacts to these endangered species. The intention behind three years of work with the federal agencies responsible for enforcing the Endangered Species Act was clear: To prohibit any federal agency, under any administration, from taking any action that would violate the Endangered Species Act, 16 U.S.C.

§§ 1531–1544 (2012) or the relevant biological opinions.

That the Act is to be implemented in a manner that complies with the protections within the Endangered Species Act is highlighted by a June 27, 2016 letter from the Commissioner of Reclamation. In that letter, the Commissioner states the savings clause and other environmental protections contained in S. 2533 (upon which this savings clause was based) ''leads me to conclude that the directives in the legislation are to be implemented in a manner consistent with the ESA and the current biological opinions for the federal and state projects.''

To make clear this legislation's goal of consistency with the Endangered Species Act and biological opinions, each individual section of the bill likewise requires consistency with the environmental laws and biological opinions. These protections are referenced no less than thirty-six times throughout the bill.

The argument that a savings clause—of the kind that is routinely included in bills passed by Congress—may be rendered ineffective by more specific provisions of an act misses the mark. As a general matter, the Supreme Court has made clear that it will take its guidance from a ''common-sense view'' of the language of the savings clause itself. And the language here is unmistakable and clear: Nothing in the Act ''overrides, modifies, or amends the applicability of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the application of the smelt and salmonid biological opinions to the operation of the Central Valley Project or the State Water Project.''

In fact, the Supreme Court concluded that language in a savings clause worded almost identically to the clause in S. 2533 did, in fact, govern in the event of conflicts between the act and already-existing legal standards. The statute there made clear that nothing in the act could be construed to ''modify, impair, or supersede'' the applicability of antitrust laws and any other federal, state, or local law. That reading led the Court to the logical conclusion that nothing in the act (much like the language here) could be read to alter already-existing standards (the analogue here would be the biological opinions and the ESA).

Moreover, the argument for applying the savings language to each individual provision of the bill is even stronger in this case, because each individual provision repeats the same environmental protections. Rather than conflicting, the savings language and the individual sections reflect the same intent: that any action implementing the bill must be consistent with the environmental laws, including the ESA and the biological opinions.

Mrs. FEINSTEIN. In fact, the savings clause here is drafted to be nearly identical to the savings clause in a case called Verizon Communication v. Trinko. This is a Supreme Court case in which the Court took a commonsense view of the same clause as we have in this bill and concluded that clause prevented any modification to existing law.

I also want to talk about process. The bill before you today is the result of 3 years of painstaking and public work. I first introduced a version of this bill in July of 2015. That bill received significant public input, including a Senate energy committee hearing last October. Based on feedback, I revised that bill and then circulated a public discussion draft in December of that year. We incorporated feedback from a variety of stakeholders, including environmentalists, water districts, and State and Federal agencies. We made dozens of changes.

Incorporating all of this, I then introduced a revised bill in February of 2016. That revised bill received a second Senate hearing in the committee in May. The administration testified at that time that the bill complied with the Endangered Species Act and relevant biological opinions.

The short-term operational provisions in this bill are largely the same as the bill I introduced in February. We also made the savings clause and environmental protections even stronger, referencing them no fewer than 36 times. I truly believe the long-term provision, as well as the environmental protections, would not be included in any bill under a Congress that we might expect in the future.

While the short-term provisions will alleviate some suffering, I believe that the most important part of the bill is actually the long-term section. In California, we have depended on a water system that is overallocated and overstressed. I want to explain that.

We have two big water systems. One is the State water system, put forward by Governor Pat Brown in the middle 1960s, when California had 16 million people. The other is the Central Valley Water Project, bonded and paid for by agriculture water contractors. That was put forward in the 1930s.

By census, California today is 39.1 million people, and the number of undocumented in addition to that is estimated to be 2.5 million. I often say, and it is conservative, the State today is 40 million people with a water infrastructure created when we were 16 million people.

To address the demands of a growing population and changing climate, we have long-term provisions that include $550 million in authorizations for programs, including fish and wildlife protection, desalination, storage, recycling, and water grant programs. Over the course of 3 years of work, we heard the concerns of many people about the loss of salmon. And I've been told that the pumps actually were not to blame for the high mortality rates of salmon in the past 2 years. In fact, only 56 out of an allowable 1,017 salmon were caught at these pumps. I said I was disappointed. The word is surprised. The problem has been a malfunctioning cold water valve at Shasta Dam that meant there was not enough cold water for fish in the Sacramento River. According to NOAA Fisheries, these mistakes resulted in a salmon kill of 95 percent in 2014 and a salmon kill of 98 percent in 2015. Of the $150 million in the energy and water appropriations I have acquired the past two years, we have used some to fix this problem and Shasta, in addition to other infrastructure problems. We also have $43 million of environmentally beneficial bills, some of which can be used to make sure we avoid a devastating loss to salmon.

Let me tell you what that $43 million includes: $15 million for habitat restoration projects, $15 million for fish passage projects, $3 million for a long-wanted delta smelt distribution study requested by Fish and Wildlife, and a program to reduce predator fish. Let me tell you what a big problem that is in the delta. People add predator fish such as striped bass to be able to encourage a fishing industry. The smelt go where the turbid waters are. The fishing magazines say if you want to catch fish, go to the turbid water. So fishermen go to the places where the striped bass are feeding on the endangered species. Additionally, in this bill, we have money to eliminate what has been a huge growth of water hyacinth, which drain the nutrients from the water.

I would also say we have about a dozen sewage treatment plants that put millions of gallons of 1.75 million gallons of ammonia per year into the delta. The delta is a troubled place, and let there be no doubt about it. There are a lot of islands, there is farming, and the soil is peat. When the levees leak, the peat soil goes into the delta, throws off trihalomethanes, and pollutes the water further.

We add $10 million to connect important wildlife refuges to sources of water, and the bill also includes $515 million that can go to a new kind of water infrastructure for California.

This includes $30 million for design and construction of desalination plants. These projects actually do work. What I am told is what we need to secure is a third-generation membrane because the energy coefficient of desal has been negative. With a third-generation membrane, you can turn that deficit into a positive coefficient.

The bill also includes $335 million for storage and groundwater projects. The only way we will be able to weather future droughts is by holding water in wet years for dry years, and that means more storage, including groundwater storage. We have money in there for WaterSMART, and this will help fund water supply and conservation. We have $50 million included for the existing Colorado River System Conservation Program. To date, this popular program has resulted in 80,000 acre-feet of water saved throughout the West, including through projects in Arizona, California, Nevada, Colorado, and Wyoming.

I wish to address my colleagues' concerns that this bill will allow the next administration to build dams all over the country without any congressional approval, and this is simply not true. Let me set the record straight about how storage projects work under this bill. The drought language here gives Congress veto authority through control of appropriations for any storage project. This means that reclamation will do the same rigorous studies it has

always done, including feasibility studies and environmental impact statements.

Reclamation would then submit a list of recommended projects to Congress, and Congress would decide how to fund them. If Congress has concerns, it doesn't fund the project. It is that simple. This will allow Federal funding to go to qualified, environmentally mitigated, and cost-beneficial projects on the same timeframe as projects funded under the California State water bond. That is just common sense, making sure the Federal Government partners with States such as California to ensure the best projects get funding but only with Congress's approval.

It was said on this floor that groundwater projects are the best solution for California water problems, and this bill helps build those groundwater projects. Again, this proposal made so much sense 1 year ago that my colleague from California cosponsored the measure. Moreover, this is not the Federal Government building projects that States and local governments oppose. To the contrary, the bill sets up a process where the Federal Government can contribute up to 25 percent of the cost of projects built by States or local agencies in collaboration with a broad range of local agencies.

The Federal Government cannot contribute more than 25 percent of the cost. They have to work with the States and local agencies that would fund the rest.

This provision has also been the subject of two public hearings and the Obama administration supported it.

The Obama administration stated the following in relationship to the water storage programs in the bill at the May 26 hearing in the Energy Committee:

> We are finding that State and local jurisdictions are developing their own funding for many of these types of projects and would like to have a federal partner but are unable to wait for an authorization for Reclamation to participate in such a project. Consequently, we are of the view that in addition to the traditional Reclamation paradigm for study, authorization, then participation in federal water projects, Congress should revisit a standing authorization that allows some kind of investment in the state and local projects as contemplated.

I want to talk about the offsets on the bill. On this floor, it has been said that this is a sweetheart deal that would cost the taxpayers billions of dollars, and that is simply flatly untrue.

In fact, the CBO budget office has said that the bill will save Treasury $558 million, and that is the truth.

As I said, California is home to more than 40 million people and our major water infrastructure hasn't been significantly changed in the past 50 years when we had 16 million. We must modernize the system, both the infrastructure and operational flexibility, or I fear we risk eventually becoming a desert State.

To the best of our ability, we have addressed concerns raised by environmentalists, water districts, Federal and State agencies, and the ag sector. This bill has bipartisan support in both Houses, and I believe these provisions will place California on a long-term path to drought resiliency.

I wish to say thank you. A lot of people have had a very hard time through this drought. It is my hope that we can get this bill passed and then, on a bipartisan basis, this Congress, both Senate and House, can see that we do what we can to abate this drought and also begin to build a new water infrastructure in California.

I thank the Chair.

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

California Drought Relief

SUPPORT FOR PROVISION IN WATER RESOURCES DEVELOPMENT ACT OF 2016

SUPPORT FOR DROUGHT PROVISION IN WRDA 2016

Endorsed Bill & Voted for Final Passage

House Majority Leader Kevin McCarthy,
Rep. John Garamendi (D-CA3),
Rep. Jim Costa (D-CA16),
Rep. Ken Calvert (R-CA42),
Rep. Devin Nunes (R-CA22),
Rep. David G. Valadao (R-CA21),
Rep. Douglas LaMalfa (R-CA1),
Rep. Tom McClintock (R-CA4),
Rep. Darrell E. Issa (R-CA49),
Rep. Mimi Walters (R-CA45),
Rep. Stephen Knight (R-CA25),
Rep. Edward R. Royce (R-CA39),
Rep. Paul Cook (R-CA8),
Rep. Jeff Denham (R-CA10),
Rep. Scott H. Peters (D-CA52).

Letters of Support & Press Releases

Metropolitan Water District of Southern California,
Ducks Unlimited,
California Waterfowl Association,
City of Fresno,
City of Pasadena,
Water Infrastructure Network,
San Francisco Public Utilities Commission,
Gateway Cities Council of Governments (list of members available at http://www.gatewaycog.org/gateway/who-we-are/member-agency-contacts),
Southern California Association of Governments (list of members available at https://www.scag.ca.gov/about/Pages/members.aspx),
Association of California Water Agencies (list of members available at http://www.acwa.com/membership/directory).

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I stayed on the floor and listened to all of the remarks of the senior Senator from California. While doing that, we did some checking. My staff informs me that probably this bill has more benefits for the State of California than any bill since I have been here for 22 years so I think it is very important the people understand that if for some reason this bill doesn't pass, none of the things, the provisions the Senator was talking about, will happen so it is very significant.

Since we are going to have a vote on a continuing resolution, I think at this point we need to make sure our government does not shut down. It is very important that it not shut down right in the middle of—arguably, three wars—but that could be as late as 1 a.m. tomorrow morning. After that is when we will be considering the WRDA bill. That is the Water Resources Development Act. It is one of which I am very proud, as the current chairman of the Environment and Public Works Committee, to be involved in this bill that has been so eloquently described by Senator FEINSTEIN.

For the last several months, our committee has been working to put together the final WRDA package with our counterparts in the House, actually, the House Energy and Commerce, the House T&I Committee, and the Natural Resources Committee of the House. This legislation is truly a win for America. While we just heard of many things that be of benefit for the State of California, there is not one State that doesn't have benefits there. They are long overdue and coming from this legislation.

WRDA authorizes 30 new navigation, flood control, and environmental restoration projects and modifies eight existing projects based on reports submitted to Congress by the Secretary of the Army. These projects support our Nation's economic competitiveness and our well-being by deepening nationally significant ports, providing protection from disastrous floodwaters, and restoring valuable ecosystems.

Let me just list a few: the Little Diomede Harbor and Craig Harbor in Alaska, the Upper Ohio River in Pennsylvania, Port Everglades in Florida, and 17 flood control and hurricane protection projects in California, Florida, Mississippi, New Jersey, Illinois, Wisconsin, and Oregon. This bill also includes ecosystem restoration in the Florida Everglades, which will fix Lake Okeechobee and stop algae blooms on the Florida coast.

The bill also includes ongoing flood control and navigation safety in the Hamilton City project in California, the Rio de Flag project in Arizona, and in critical fixes for the Houston Ship Channel. The bill includes programs to help small and disadvantaged communities provide safe drinking water and will help communities address drinking water emergencies, such as the one facing the city of Flint, MI.

Let's ensure that we all understand that without the authorization of this bill, there will be no Flint relief. That is very important. I want to repeat that. People don't seem to understand. There is a lot of support in this Chamber to try to help out with the problems, the disasters that took place in Flint, MI, so we have a relief package that is included in this bill, but if the bill for some reason doesn't pass, there will be no relief for Flint, MI.

The House has voted to authorize Flint funding in the WRDA bill and spending in the continuing resolution. Both of these bills provide the benefit for Flint, MI, passed by over a three-fourths majority. We could not have worked closer with Senator STABENOW

and Senator PETERS to ensure we keep relief for Flint. I appreciate their partnership and their persistence. They were very persistent, because these provisions were in here before, but the relief is delivered. But if for some reason the bill doesn't pass, Flint gets nothing, and people have to understand that. We could not have had a closer working relationship with Senator STABENOW and Senator PETERS, and I really appreciate the fact that we all worked together to accomplish this one thing. There is unanimity, and that is help for Flint, MI.

The bill includes the Gold King Mine spill recovery. This section, championed by Senators GARDNER, BENNET, and UDALL, requires EPA to reduce costs incurred by States, tribes, and local governments to respond to the Gold King Mine spill.

This bill includes rehabilitation of high-hazard potential dams. This section of the bill authorizes FEMA assistance to States to rehabilitate unsafe dams. There are 14,726 high-hazard potential dams in the United States. What that means is—the definition means that if a dam fails, lives are at stake. So the program will prevent loss of lives.

The WRDA bill is bipartisan. It will play a critical role in addressing problems faced by communities, States, and our country as a whole.

Earlier this week, Senator BOXER said that the House Republicans ruined a beautiful bill because some of them ''wanted to flex their muscles.'' I don't know about that, but I do agree with her that this is a beautiful bill because it does things that we haven't had the courage to get done before, so we want to make sure it passes.

The House passed the WRDA bill with the drought provisions by a three-fourth vote—360 votes. I can't think of another time the House has passed something with 360 votes. But that is the popularity of this WRDA bill and all the work that has gone into it.

However, there is something I don't think anyone has heard. This drought provision was drafted by the U.S. Department of the Interior and the U.S. Department of Commerce. The savings clause prohibits any Federal agency under any administration from taking any action that would violate any environmental laws, including the Endangered Species Act and biological opinions. Don't just take my word for it; ask Senator FEINSTEIN. She articulated this very well. People have to realize that this came from the Department of the Interior and the Department of Commerce; it was not just stuck in there by the committee.

We have heard claims that these operational provisions would violate environmental laws. Let's look at the actual text. Under this section 4001, any operations to provide additional water supplies can only be implemented if they are consistent with the applicable biological opinions and only if the environmental effects are consistent with effects allowed under the Endangered Species Act, the Clean Water Act, and the California Water Quality Control Act.

Section 4002 and section 4003 reiterate the requirement to comply with the smelt biological opinion and the salmon biological opinion. Senator FEINSTEIN also covered that.

Finally, section 4012 includes a savings clause—a savings clause written by the U.S. Department of the Interior and the Department of Commerce—that ensures that the entire subtitle must be implemented in accordance with the Endangered Species Act or the smelt and salmon biological opinions.

So that is significant. I think that documents well enough that all of these environmental provisions are complied with.

How I would rather spend my time on the floor is talking about the positive things in the bill because there is much more to say. Coal ash State permitting is something that has been desired for a long period of time. It is finally allowed in this bill. SPCC—that is, spill relief—for our Nation's small farmers is included thanks to Senator FISCHER. And that provision is not just good for her State, it is certainly good for my State of Oklahoma. To say that this violates environmental law and regulations is simply not the case.

Many Senators have contributed to this piece of legislation, and there is literally crucial infrastructure and accomplishments in every State contained in this bill.

Let me just repeat—it is very important because there has been a lot of discussion about what has happened in Michigan. If the bill is not passed, Flint, MI, gets nothing.

I was going to talk about some of the other provisions in the bill, but since there is some concern expressed by one of the Senators from Washington State, I want to mention—just Washington State; I won't mention anything more about California because Senator FEINSTEIN has already done that. But in Washington State, for the Skokomish River, Mason County, WA, the bill authorizes $20.26 million to remove a levy, which has the economic benefit of restoring 40 miles for salmon habitat and for the fishing industry. So the fishing industry—for those concerned with the salmon, this is a huge thing for them.

For Puget Sound, the bill authorizes $461 million to provide refuge habitat for 3 listed species and 10 threatened species, including 5 species of Pacific salmon. The project is part of the Puget Sound Chinook Salmon Recovery Plan. It is in this bill for Washington State.

The Columbia River ecosystem restoration. The bill increases the authorization ceiling for ecosystem restoration studies and projects for the lower Columbia River in Oregon and in Washington State, authorized by section 536 of our WRDA bill that we passed in 2000.

Watercraft inspection stations, Columbia River Basin. The bill clarifies that the watercraft inspection stations to protect the Columbia River Basin from invasive species may be located outside the basin if that is necessary to prevent introduction of invasive species. Again, Washington State.

Tribal assistance. This bill authorizes relocation assistance to Indian families displaced due to the construction of the Bonneville Dam and requires a study of Indian families displaced due to the construction of the John Day Dam and the development of a plan to provide relocation assistance associated with that dam.

Additional measures at donor ports and energy transfer ports. This section permanently extends the authority to provide additional funds for donor ports and energy transfer ports.

Harbor deepening. The bill aligns the cost share for construction of harbors with the change in WRDA 2014 modifying the cost-share for maintenance of harbors—a huge thing, and it is certainly of great benefit for the State of Washington.

Implementation guidance. The bill requires the Corps to issue guidance to implement section 2107 of WRDA 2014 relating to maintenance of emerging ports and Great Lakes ports.

Columbia River ecosystem restoration. The bill increases the authorization ceiling for ecosystem restorations studies and projects for the lower Columbia River in Oregon and Washington, authorized in section 536 of WRDA 2014, the last WRDA that we passed.

Watercraft inspection stations, Columbia River Basin. This bill clarifies that the watercraft inspection stations to protect the Columbia River Basin from invasive species may be located outside of the basin if that is necessary to prevent introduction of invasive species.

The oyster aquacultural study requires the GAO to study the different regulatory treatment of oyster hatcheries across the Corps districts.

Everything I have mentioned was in Washington State. I could go State by State, but there certainly isn't the time.

I would remind my colleagues that the next vote that takes place that everyone has been concerned about is going to pass, and it is going to pass to stop us from having to shut down the government. But after that is when we are going to bring up the bill that we have been talking about all day today that the Senator from California was talking about, and it is something that—I know we have only been working on it for about a year, but we have been working on some of the projects in there for as long as 3 years.

This is a chance to get it all done. If something happens and we don't do it, none of the stuff we are talking about is going to take place. Certainly all of the efforts that Senator STABENOW, Senator PETERS, and I have spoken

about in Michigan—the problems they are having up there—that is not going to happen; there is no help for Flint, MI. I have no reason to believe it is not going to pass. I believe it is. But I have to stress the significance of this legislation.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

COAL MINERS BENEFITS

Ms. WARREN. Mr. President, I come to the floor today to support Senators from both parties and in particular West Virginia Senators JOE MANCHIN and SHELLEY CAPITO in their fight to protect health and retirement benefits for over 100,000 American coal miners and their families.

Seventy years ago, the Federal Government made a simple promise to these union coal miners: America—our country—promised to provide health insurance and retirement benefits to miners who went down in those mines and put their lives at risk to power this great Nation.

We recognize that this was dangerous work, but we believed it was essential to our economic growth and the national security of our country, and because of that belief, we promised that if these men would go down into the mines, our country would make sure they have some protection in case of injury, disability, or death. We promised that after a lifetime of back-breaking work, they would have a dignified and secure retirement. And we promised that if the worst happened, that their wives, their widows, and their families would still be provided for.

When the American Government made this deal with the United Mine Workers of America 70 years ago, coal generated more than 50 percent of our power. Today, coal generates only about 30 percent of our power. Coal prices have plummeted and other sources of energy, like natural gas, have become cheaper and more prevalent.

Automation has also transformed this industry, and there are critical environmental reasons to transition, but make no mistake, these changes have drastically altered the coal industry and have left thousands of coal miners out of work. Every month there are more reports of coal companies filing for bankruptcy, and the layoffs are never far behind. More than 25,000 miners have lost their jobs in the last 5 years alone.

As a country, we all benefited from the decades of work put in by coal miners. Every Member of Congress and everybody we represent back home, we benefited from the work of the coal miners. We made a deal to keep these men in the mines, and now we must honor the commitments we made.

Congress is on the verge of turning out the lights and going home for the rest of the year, but 100,000 coal miners face a reckoning. If Congress does not act, more than 16,000 mine workers will lose their health insurance by the end of this month, another 2,500 coal miners will lose their coverage by March, by July another 4,000 miners will be without insurance, and on and on and on. This is not right.

Losing health insurance is tough for anyone, but for coal miners it is a killer—literally. Coal miners face far higher rates of cardiopulmonary disease, cancer, black lung, and other injuries than most other Americans. They need their insurance.

Our coal miners knew what they were getting into. They knew they were taking on work that was dangerous and risky to their health. That is why they fought so hard for guaranteed health coverage, and that is why they gave up a portion of their paycheck every month, month after month, year after year, to pay for it.

It is not just health care coverage. About 90,000 miners and their families will also soon lose their guaranteed monthly pension benefits. These benefits aren't some Cadillac deal. The average monthly benefit for these mine workers is about $586, about $7,000 per year for their retirement. Now, that doesn't sound like much, and let's be honest, it isn't much, but for thousands and thousands of retired miners and their families, Social Security and these $586 payments are all they have to show for a lifetime of going into those mines. We cannot back out on our promises.

There is bipartisan legislation written and ready to go to fix this problem. It would not add a dime to the deficit. We could pass it right now, today. The Senators who serve here come from every corner of the country. We don't agree on everything, and I certainly don't agree on every issue with Senator MANCHIN or Senator CAPITO, but I don't understand how anyone can disagree with this.

A lot has changed in 70 years, but the fact that America makes good on its promises to American workers is one thing that should never change—and we should not leave here until this Congress makes good on America's 70-year-old promise to our miners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ATTORNEY GENERAL NOMINATION

Mr. HATCH. Mr. President, before the 114th Congress adjourns, I want to take a moment to put on the record my strong support for the nomination of our distinguished colleague, Senator JEFF SESSIONS of Alabama, to be the next Attorney General of the United States.

Thomas Jefferson once wrote, ''The most sacred of the duties of a government [is] to do equal and impartial justice to all its citizens.''

This idea was also reflected in the Justice Department's own mission statement, which I have here: ''To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration for all Americans.''

No one believes in this mission more and no one understands better what this mission requires than JEFF SESSIONS.

Unfortunately, the Justice Department has lost its way, becoming partial rather than impartial, political rather than independent, and partisan rather than objective. The Justice Department has enabled the executive branch's campaign to exceed its constitutional power while ignoring Congress's proper and legitimate role of oversight.

This decline undermines the American people's trust in government. According to the Pew Research Center, public trust in government is at a record low. Fewer than one in five say they trust government most of the time. Reversing this decline and rebuilding this trust will require getting back to the essential ingredients in the Justice Department's mission and its mission statement.

Senator SESSIONS will bring more hands-on experience to the leadership of the Justice Department than any of the 83 men and women who have occupied the post of Attorney General. He was a Federal prosecutor for 18 years, 12 of them as U.S. attorney. He has also served on the Senate Judiciary Committee since he was first elected two decades ago. In other words, he has been directly involved in both the development and implementation of criminal justice policy, a combination unmatched by any Attorney General since the office was created in 1789. His service in this body and on the committee of jurisdiction over the Department is especially important because a respectful and productive working relationship with Congress has never been more important.

No one knows more what the Office of Attorney General requires than those who have actually served in that office. I have a letter signed by 10 former Attorneys General and Deputy Attorneys General who have served over the past three decades. I ask unanimous consent that this letter be printed in the RECORD following my remarks.

Some of these officials knew and worked with Senator SESSIONS when he was U.S. attorney, others since he joined us in the Senate. They all share the same conclusion: ''All of us know him as a person of honesty and integrity, who has held himself to the highest ethical standards throughout his

career, and is guided always by a deep and abiding sense of duty to this nation and its founding charter.'' I think that is really true, and these 10 former leaders have said so. I ask my colleagues on both sides of the aisle whether there is a better description of the kind of person we want in public office, generally, and leading the Justice Department, in particular.

Let me say a word about Senator SESSIONS' work on the Judiciary Committee. I worked with him in that capacity for 20 years, including when he served as the ranking member. We have worked together on dozens of bills to improve forensic science services for law enforcement, to promote community policing, help child abuse victims, and prevent gun crimes. He is a serious legislator who knows that prosecutors and law enforcement need commonsense workable policies from lawmakers to help keep communities safe and protect the rights of all Americans.

I also received a letter from a bipartisan group of eight men and women who have served as Director of National Drug Control Policy or as Administrator of the Drug Enforcement Administration. I ask unanimous consent that this letter appear in the RECORD following leader remarks.

Here is what they say:

> His distinguished career as a prosecutor . . . earned him a reputation as a tough, determined professional who has been dedicated to the appropriate enforcement of the rule of law. His exemplary record of service in law enforcement demonstrates that he is the protector of civil rights and defender of crime victims.

Again, I ask my colleagues whether there is a better description of the kind of leader America needs at the Justice Department. I ask my colleagues on both sides of the aisle, Who would have a better informed, more comprehensive knowledge of Senator SESSIONS' fitness to be Attorney General?

Before I conclude, I want to address what is already shaping up to be an ugly propaganda offensive against this fine nominee—this fine person—whom I know very well and have served with virtually every day for the last 20 years.

I have served in this body under both Republican and Democratic Presidents, under both Republican and Democratic Senate leadership. I have actively participated in the confirmation process for 12 Attorneys General, in both parties, and have seen before the tactics that are already being used in a vain attempt to undermine this nomination.

The critics do not challenge Senator SESSIONS' qualifications. They can't. Instead, they traffic in rumor, innuendo, and—I hate to say it—smear tactics. They take a comment here, a decision there from years or even decades in the past and use their media allies to transform these bits and pieces into what appear to be full-fledged stories—and they are not. They are counting on people not knowing the whole story. Such a cynical, dishonest campaign. It is not about the truth or fairly evaluating the President-elect's nominee to be Attorney General. And it is despicable, and it is beneath the dignity of us here in the U.S. Senate.

To be honest, these tactics are really not about Senator SESSIONS at all but about the power of those who are using these tactics. They have to mark their territory, flex their muscle, and show that they are still a force to be reckoned with. If such things as fairness, integrity, truth, and decency have to be sacrificed in that power struggle, so be it, I guess.

I hope my colleagues will not only resist these tactics but that they will join me in exposing and rejecting them. They degrade the Senate, they mislead our fellow citizens, and they corrode our democracy. Let's stay focused on our role here, which is to evaluate whether the President-elect's nominee is qualified. We know that he is. We know that he is superbly qualified and that he will be a strong and principled leader for the Justice Department.

In closing, I want to quote from that letter by bipartisan drug policy officials. They say this about Senator SESSIONS:

> His prudent and responsible approach is exactly what the Department of Justice needs to enforce the law, restore confidence in the United States' justice system, and keep the American people safe. We support the nomination of Senator Sessions to be Attorney General of the United States, and we ask you to do the same.

I could not have said it better.

I have known JEFF for 20 years now, every year he served here, and I knew him before then. I remember the despicable way he was treated many years ago as a nominee. I don't want to see that repeated, and I personally will hold accountable anybody who tries to repeat it.

JEFF SESSIONS is a wonderful man. He is a good person. Even though any one of us here may have some disagreements from time to time with policy—we do with each other—that doesn't denigrate and shouldn't denigrate him as a decent, honorable man who deserves to be Attorney General of the United States.

I am very proud of Donald Trump doing this, giving this really fine man an opportunity to serve, and I believe he will straighten out the Department of Justice to be the Department that it should be, that we all want it to be. I think it will elevate the Department of Justice in ways that it hasn't been in many of the years I have been in the U.S. Senate. That is not to denigrate everybody who has served in the Department of Justice. But let's face it—it has been used politically by both parties at times for no good reason. I will tell you this: JEFF SESSIONS will make sure that will not be the case, and that will be a pleasant change from what we have had in the past in some administrations, Republican and Democratic.

I have a strong knowledge of his background. I have a strong feeling about JEFF as a person. I believe he will be a great Attorney General, and I hope our colleagues on both sides of the aisle treat him with respect as he goes through this nomination process. If we do, we will be able to walk out of here at least with some sense of pride that we did what was right.

I think you will find, as JEFF serves—and he is going to serve—as he serves in the Justice Department, he will do a very good job, and it will be a job done for everybody in America and not just Republicans and not just for the new administration that is coming in, but for everybody. That is what I think you will find from JEFF SESSIONS. He is a tough guy. He has the ability to stand up. He has the ability do what is right, and he will do it. I have great confidence in JEFF.

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

DECEMBER 5, 2016.

Hon. CHARLES E. GRASSLEY,
U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. DIANNE G. FEINSTEIN,
U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: The signers of this letter served in the Department of Justice in the positions listed next to their names and, in connection with that service, came to know Senator Jeff Sessions through his oversight of the Department as a member of the Judiciary Committee or in his work as U.S. Attorney for the Southern District of Alabama. All of us worked with him; several of us testified before him during his service on your Committee. All of us know him as a person of honesty and integrity, who has held himself to the highest ethical standards throughout his career, and is guided always by a deep and abiding sense of duty to this nation and its founding charter.

Based on our collective and extensive experience, we also know him to be a person of unwavering dedication to the mission of the Department—to assure that our country is governed by the fair and even-handed rule of law. For example, Senator Sessions has been intimately involved in assuring that even as the Department combats the scourge of illegal drugs, the penalties imposed on defendants do not unfairly impact minority communities. He has worked diligently to empower the Department to do its part in defending the nation against those intent on destroying our way of life, adhering throughout to bedrock legal principles and common sense.

Senator Sessions' career as a federal prosecutor also has provided him with the necessary institutional knowledge, expertise, and deep familiarity with the issues that confront the Department, insofar as it is an army in the field. As the United States Attorney for the Southern District of Alabama, Senator Sessions worked hard to protect vulnerable victims, particularly children. He carried this commitment to the Senate, where he championed legislation to provide the Department with the tools it needs to fight online child pornography, to close rogue internet pharmacies that have contributed to the opioid epidemic, and to end sexual assault in prison.

Senator Sessions' career, both as a United States Attorney and as a Senator, well prepares him for the role of Attorney General. In sum, Senator Sessions is superbly qualified by temperament, intellect, and experience, to serve as this nation's chief law enforcement officer. We urge his swift confirmation.

Sincerely,

John D. Ashcroft, Attorney General, 2001–2005;

Alberto R. Gonzales, Attorney General, 2005–2007;

Michael B. Mukasey, Attorney General, 2007–2009;

Mark R. Filip, Deputy Attorney General, 2008–2009;

Paul J. McNulty, Deputy Attorney General, 2006–2007;

Larry D. Thompson, Deputy Attorney General, 2001–2003;

William P. Barr, Attorney General, 1991–1993, Deputy Attorney General, 1990–1991;

Edwin Meese, III, Attorney General, 1985–1988;

Craig S. Morford, Deputy Attorney General, 2007–2008 (Acting);

George J. Terwilliger III, Deputy Attorney General, 1991–1993.

DECEMBER 5, 2016.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. CHUCK SCHUMER,
Minority Leader, 115th Congress, U.S. Senate, Washington, DC.
Hon. CHUCK GRASSLEY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK LEAHY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.
Re Nomination of Senator Jeff Sessions to be Attorney General of the United States.

DEAR LEADER MCCONNELL, SENATOR SCHUMER, CHAIRMAN GRASSLEY, AND RANKING MEMBER LEAHY: As you prepare for the upcoming Congress and for the impending nominations of President-elect Trump's Cabinet members, we write to express our strong support for the nomination of Senator Jeff Sessions to be Attorney General of the United States. Senator Sessions' exemplary record during his long career in public service speaks to the leadership and sober dedication he would bring to the Department of Justice.

As former government officials involved in the development and administration of the United States' drug policies, we understand the importance of a Department of Justice that is committed to the just and fair enforcement of the laws that Congress has written. In this respect, Senator Sessions would make an excellent Attorney General. His distinguished career as a prosecutor, including as the Reagan-appointed U.S. Attorney for the Southern District of Alabama and as Attorney General of Alabama, earned him a reputation as a tough, determined professional who has been dedicated to the appropriate enforcement of the rule of law. His exemplary record of service in law enforcement demonstrates that he is a protector of civil rights and defender of crime victims.

Senator Sessions brought that same dedication to his service in the Senate. As an example of his fair-minded approach to tough law enforcement, he, together with Senator Durbin, passed the bipartisan Fair Sentencing Act, which increased fairness in sentencing by reducing the disparity in crack cocaine and powder cocaine sentences, while also strengthening penalties for serious drug traffickers. His prudent and responsible approach is exactly what the Department of Justice needs to enforce the law, restore confidence in the United States' justice system, and keep the American people safe. We support the nomination of Senator Sessions to be Attorney General of the United States, and we ask you to do the same.

Respectfully,

William J. Bennett, Director of National Drug Control Policy, March 1989–December 1990;

Robert Martinez, Director of National Drug Control Policy, March 1991–January 1993;

John P. Walters, Director of National Drug Control Policy, December 2001–January 2009;

Peter B. Bensinger, Administrator, Drug Enforcement Administration, February 1976–July 1981;

John C. Lawn, Administrator, Drug Enforcement Administration, July 1985–March 1990;

Robert C. Bonner, Administrator, Drug Enforcement Administration, August 1990–October 1993;

Karen Tandy, Administrator, Drug Enforcement Administration, July 2003–November 2007;

Michele Leonhart, Administrator, Drug Enforcement Administration, December 2010–May 2015.

114TH CONGRESS

Mr. HATCH. Mr. President, as we approach the end of the 114th Congress, many here in the Senate have been taking the time to reflect on what we have been able to accomplish and, more importantly, plan for what we hope to be able to accomplish in the near future.

This was a tumultuous 2 years for our country, punctuated by a fierce and unpredictable political campaign and results that were, to some, beyond surprising.

Before the start of the 114th Congress, the Senate had for years been languishing in partisan gridlock. Very little got done around here, and far too often, we spent our time fighting out the political sound bites of the day and voting on whatever partisan issue happened to be grabbing headlines.

While some of my friends on the other side of the aisle have attempted to argue otherwise, the Senate has been remarkably productive during the 114th Congress. And that goes far beyond just a list of bills we have been available to pass. The Senate has changed in ways that numbers really can't quantify. For example, committees in the Senate have functioned more effectively than in the past. The debates on the Senate floor have been fuller and fairer than they were before. And, of course, the focus has returned to actually governing rather than simply adding more noise to the political echo chamber.

Most astonishingly, given the tone of the country's overall political discourse, most of the Senate's accomplishments have been bipartisan. As I have noted on a number of occasions, the Senate Finance Committee, which I have been privileged to chair for the past 2 years, has, to a historic degree, been able to ride this new wave of bipartisan productivity. In this Congress, our committee has reported 41 separate bills, all of them bipartisan. These include priorities throughout the committee's jurisdiction. That is remarkable. These weren't itty-bitty bills; they were very important bills. That is remarkable. Honestly, I wish I could take credit for it, but the success we have enjoyed has been due to the work of every Senator on our committee. To a member, they have all been committed to working on a bipartisan basis to move ideas forward and produce results. We haven't agreed on everything, that is for sure, but we found enough common ground that the desire to work together has remained strong through this Congress.

I want to thank the members of our Finance Committee for their efforts this year. They have all been exemplary colleagues to work with. Even when we disagreed, we have had good discussions.

Today, I want to particularly thank Senator COATS, who is, as we know, retiring at the end of this Congress. We will miss the senior Senator from Indiana's stalwart presence on the Finance Committee and in the Senate as a whole. I wish him the best of luck.

I want to take a moment to delve deeper into the substance of our committee's work. Let me give the highlights or else we will be here all day.

Early on in the 114th Congress, the Senate and the House passed legislation produced in the Finance Committee to repeal and replace the broken Medicare sustainable growth rate, or SGR, formula, putting an end to the ritual of cobbling together the SGR patches at the last minute behind closed doors. This bill was one of the most significant bipartisan reforms enacted in the history of the Medicare Program.

We made once-in-a-generation advancements in U.S. trade policy by renewing and updating trade promotion authority, reauthorizing vital trade preferences programs, and modernizing our trade enforcement and customs laws. All of these are important strides in the ongoing effort to promote U.S. leadership in the world marketplace in order to benefit our workers, our farmers, our ranchers, and inventors, just to mention a few.

We acted decisively to prevent benefit cuts in Social Security disability insurance and put into place the most significant improvements to the Social Security system since the 1980s.

We came up with enough offsets to extend the life of the highway trust fund for 5 years, something nobody thought we could do. That is the longest such extension in nearly two decades. This was accomplished despite the cries of naysayers who said it couldn't be done without a massive tax increase. We did not increase taxes.

We also made serious strides to advance a number of the committee's long-term improvements, including improvements to Medicare benefits for patients dealing with chronic illnesses, overdue reforms to our Nation's foster

care system, a series of measures to protect taxpayers from the ever-increasing threat of identity theft and tax refund fraud, and legislation to help more Americans save adequately for retirement.

Not all of these measures have yet been signed into law, but in every case we have been able to move the ball significantly forward.

In addition, we continued the Finance Committee's long tradition of conducting robust and exhaustive oversight. Our bipartisan report on the IRS targeting scandal, which we released last year, was a great example.

In addition, the committee's work to shine a light on the inept implementation of ObamaCare was second to none. And, of course, we made real progress in the ongoing effort to reform our Nation's Tax Code.

I would like to talk about tax reform in a little more detail because that has been the focus of so much of our efforts in this Congress, and that is not likely to change when we gavel in the 115th Congress.

Among other things, the members of the Finance Committee produced a number of bipartisan reports outlining the key challenges we face with our Tax Code after working together in the tax reform working groups we established last year. Also, the Finance Committee, working with our leadership here in the Senate and our colleagues in the House, drafted and facilitated passage of a massive tax bill that made permanent a number of oft-expiring tax provisions, providing real certainty to businesses and job creators and setting the stage for even more significant reforms in the future. That bill also delayed a number of ObamaCare's burdensome health care taxes.

In addition, I have spent much of the 114th Congress hard at work developing a tax reform proposal to better integrate the corporate and individual tax systems. Under current law, the United States not only has the highest corporate tax rate in the industrialized world, we also subject many of our businesses and the individuals who invest in them to multiple levels of tax on what are essentially the same earnings. This system results in a number of inequities and economic distortions, including undue burdens on U.S. workers and incentives for businesses to finance their operations with debt instead of equity.

These problems have troubled policymakers for years, particularly recently as the combined effects of these misguided policies have resulted in waves of corporate inversions and foreign takeovers of U.S. companies.

This is a serious set of problems. My idea to address this problem was relatively simple: Allow corporations to deduct from their taxable earnings any dividend they distribute to shareholders. Currently, our system taxes a business's earnings once at the company level—at an astronomically high rate, no less—and again when the earnings are distributed to shareholders. My proposal has been to eliminate one level of taxation on these distributed earnings and require only a shareholder-level tax on dividends, which is similar to the way debt is treated. Forms of this proposal have been put forward by Treasury Departments and congressional tax writers from both parties in the past.

In addition to a dividends-paid deduction, in order to bring more balance to the system and eliminate even more distortions, I have looked for ways to equalize the tax treatment of debt and equity under our system. Those monitoring the tax world undoubtedly know that I have spent quite a long time working on this proposal, including a number of months going over the numbers with the Joint Committee on Taxation. At this point, I can say that the feedback I have received from JCT on this matter has been very positive. For example, in its preliminary assessments, JCT indicated that the proposal would increase economic growth and activity relevant to current law. They found that it would increase wages for U.S. workers through increased productivity. Their analysis also showed that the proposal would increase capital investment and reduce effective tax rates for American businesses. Interestingly, JCT also found that the proposal would alleviate some of the pressures that drive corporate inversions and help prevent erosion of the U.S. tax base overall. It sounds pretty good, and it is true.

These concerns—economic growth, wages, and U.S. companies moving offshore or being acquired by foreign companies—have a real-world impact on American workers and employers, and they were at the heart of this year's campaign debates. Thus far, the feedback we have received shows that a dividends-paid deduction, combined with equalized tax treatment for debt and equity, would help address these concerns. And according to JCT, all of this could be done without adding to the deficit or shifting more of the overall tax burden from those with higher incomes to middle and lower income taxpayers.

I know the DC tax community has been speculating on this matter for a while now, and I can attest today that the idea of better integrating the corporate and individual tax systems through a dividends-paid deduction wouldn't just work but could actually work very well. Once again, the numbers we have seen thus far have been quite favorable.

I will note that we have heard some concerns from those in the charitable and nonprofit community as well as retirement security and stakeholders regarding the potential impact of equalizing the treatment of debt and equity. I think my history in the Senate has demonstrated pretty clearly my commitment to both charitable giving and retirement security. I want to make clear that my staff and I are prepared to address these kinds of concerns when this takes legislative form.

I suppose that for most of the people who have been monitoring our efforts on corporate integration, their biggest question is about timing: When will we try to move this for? After any big election campaign, particularly after the one that was as unpredictable as the one we saw in 2016—although I thought it was predictable, but most people didn't—it is important to acknowledge the realities on the ground.

I remain very interested in the concept of corporate integration and continue to believe it would have a positive impact on our tax system and our economy overall. Let's be honest, after this election, the ground has shifted, and while we don't know how everything will play out in the coming months, it is safe to assume that the tax reform discussion is shifting as well. Right now, we are seeing more momentum for comprehensive tax reform—that is reform that deals with both the individual and business tax systems—than we have seen in a generation or more. If we are going to do right by our economy and the American people, we need to think in those comprehensive terms. At the very least, I think it is fair to say that with the changing circumstances, the assumptions and parameters that have, for some time now, governed the tax reform debate will have to be modified, if not thrown out entirely.

I believe corporate integration can and should be part of the comprehensive tax reform discussion that appears to be on the horizon, but given the current reality, any substantive tax reform proposal will need to be considered and evaluated in the context of what has quickly become a much broader discussion. Let me be clear: I am not walking away from the idea of corporate integration. On the contrary. I am excited to see how the debate over comprehensive tax reform plays out in the near future and where this concept might fit in that broader discussion.

Going forward, we have a real opportunity to make significant, perhaps even fundamental, changes to our entire tax system in order to encourage growth, create more jobs, and improve the lives of individuals and families around our country. As the chairman of the Senate's tax-writing committee, I am very excited for this opportunity, and I am committed to doing all I can to make sure we succeed in this endeavor and that we do it in a bipartisan way. We are working right now, today, in a bipartisan way to try and resolve some of these problems. I have been meeting with every member of our committee, Democrats and Republicans, to see how we can work better together.

This discussion about comprehensive tax reform promises to be one of the big-ticket items in the coming Congress, and I am excited to be a part of it. In addition to tax reform, the Senate and Senate Finance Committee

will have a number of other tasks to perform in the early days of the 115th Congress. For example, early on, I expect that we will finally be able to repeal ObamaCare and begin a serious process of replacing it with reforms that are more worthy of the American people. We also need to take a serious look at our broken retirement programs like Medicare, Medicaid, and Social Security. I am sure that simply because I am the Republican who just happened to mention the name of those programs out loud, I will be scorned and labeled a ''privatizer'' in certain policy and advocacy corners after this speech. However, reductive labels aside, no one seriously disputes the fact that these programs are in fiscal trouble. We need to work toward finding solutions, and they need to be bipartisan solutions.

I have put forward a number of potential solutions to help address the coming entitlement crisis. I hope policymakers in Congress, the incoming administration, and elsewhere will take a look at my ideas. I think they will find they are ideas that will help this country out of the problems and the mess it is in.

On top of tax and health care, we need to consider the future of U.S. trade policy. While this was a matter of some fierce discussion during the campaign, I remain committed to doing all I can to ensure that the United States continues to lead the world in trade, including the establishment of high-standard free-trade agreements.

All of these matters, and many others as well, fall within the jurisdiction of the Senate Finance Committee. Fortunately, I am joined on the committee with a host of capable U.S. Senators from both parties. It is a great committee with great members, and I feel very privileged to be able to lead that committee.

Over the past 2 years, we have demonstrated that by working together, we can overcome some pretty long odds and accomplish a number of difficult tasks. I hope that continues this next year. I am going to do all I can to make sure it does.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

MINE WORKER HEALTH CARE BENEFITS AND PENSIONS

Mr. MANCHIN. Mr. President, I rise and stand here today fighting for the working men and women each one of us—whether Democrat or Republican, whether you belong to a 100–Member Senate or a 435–Member House—use in our commercials. Every one of us goes out and basically tries to attract working men and women to vote for us because we say: We are coming here to fight for you. We are going to stand up for you. No one is going to walk over you, push you aside, or forget about you. Every one of us has done those ads.

Our 435 House Members had to go home yesterday because it was time for Christmas. I remind all of my colleagues that we have basically missed 100 working days this year. Do you think we have been overworked? I don't think so, but I guess my House Members did because they had to go home. They never even gave us the courtesy of giving us a 3-day extension. We can work through these problems. We have said that, but that is not even there. I guess they think they want to jam us.

We are here fighting for the United Mine Workers pension, people who have given this country everything they had. These are people who said: I will go down there and get the energy you need to win the war and the energy you need to build this country. I have the industrial might—the middle class. We will build it. We are the middle class. That is who they are. That is all they said. We made commitments to them.

For the first 50 years after they energized this country and won two world wars, they got nothing. My grandfather was one of them. They got nothing—no pension, no health care. They got nothing.

In 1946, they finally got something. We have been fighting ever since then just to keep it, and now all of a sudden it is going to evaporate and nobody will say a word because we have to go home for Christmas. We have to go home for vacation.

Well, we have been working, fighting, and really clawing for this. We have it. If it came to the floor, it would pass, and we know that, but we have some friends on the other side—435 over there—who, for some reason, didn't believe it was of urgency. They said, we are going to give you a 4-month extension on the health care benefits that 16,000 miners lose December 31. We will give you 4 months, and I guess we are supposed to be happy with that. Well, I am not. I am sorry, but I am not.

We fought for the Miners Protection Act. We went through the regular order and we got an 18-to-8 vote out of the Finance Committee at the Senate, and we thought we would be right here having that vote and showing the people we support them and that hopefully the House would take it up, but that never happened.

Where we stand today, right now, is, we are asking what is our pathway forward. Well, we have been working and talking, as you are supposed to. We tried to basically negotiate, we tried to find compromise, and we tried to find a pathway forward. It has been hard for me to see a pathway forward right now.

I am going to have to oppose this CR and oppose, not only the cloture but the passage of the CR for many reasons, and I will give you one example that probably galls me more than anything else that we have done here or over in the House. My Republican colleagues didn't even know about it. It is not from this side. It came from that side, and what they did was say, not only are we going to add insult to injury and only give you 4 months, we will make you pay for it with your own money. We will make you pay for it with money that has been set aside through bankruptcy courts to give retirement to miners who worked for companies that declared bankruptcy, went through the bankruptcy court, had money set aside so they would at least have health care for a while. The people we are talking about were supposed to have health care until July. Guess what. Because of what we are doing, they lose 3 months. Now, grant you, we have people—16,000—who have health care until December who get 4 months, if you consider that a victory, but how about the couple thousand who were supposed to have it until July are only going to have it now until April? What do you tell them? I am sorry. We fought like the dickens for you, but you lost 3 months. Where I come from that doesn't fly. I can't explain that. I really can't.

I am encouraged, to a certain extent. My friend the majority leader, MITCH MCCONNELL from Kentucky, said he was confident the retirees would not lose benefits next year, including more than 3,000 in his home State of Kentucky. I think it is highly unlikely we will take that away, he said. It has been my intention that the miner benefits not expire at the end of April next year. I believe him. And he pledged: I am going to work with my colleagues to prevent that.

I am ready to go to work. I am not sure if my colleagues on the other side—435 in the House—are as committed. I appreciate the majority leader making this commitment. I do appreciate that very much. Unfortunately, it is not enough because I don't have the commitment from the other side, and I am going to fight for that. For that reason and many more, I am going to be unable to vote for cloture, and I encourage my colleagues not to vote for cloture on this CR.

With that, I yield the floor to my friend from Ohio, Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Senator MANCHIN, Senator WARNER, and Senator CASEY, who all represent a lot of these mine workers. Some of them are in the Gallery. We attended a rally with some of them the other night. Some of them we see in Zanesville, Cambridge, Southwest Pennsylvania, and Southwest Virginia.

I thank Senator MCCASKILL for her work on this.

Let's point out, again, to our colleagues what happened here. Early this year, the Senate majority leader, the Republican leader from Kentucky, said: Before we do this, you have to come up with a bipartisan bill. We came up with a bipartisan bill. We did exactly what he wanted. We had Senator CAPITO, Senator PORTMAN, Senator TOOMEY, and a lot of support on both sides, even people who didn't sponsor it. That wasn't enough.

Then he moved the goalposts and said: You have to come up with the bill

through regular order. We went through regular order in the Finance Committee. Senator WARNER, Senator CASEY, and I in the Finance Committee called Cecil Roberts, the head of the mine workers, people like Norm Skinner from Ohio, Dave Urtest, Dave Dilly, and others came and talked to us. We had testimony. It was brought to a vote and it passed on a bipartisan vote, 18 to 8. Every Democrat voted for it and a handful of Republicans voted for it. We did that, and then the Republican leader moved the goalposts again and said: That is not good enough. You have to do something more. You have to find a way to pay for it. We found a way to pay for it with money out of the abandoned mine fund to pay for this.

This legislation would have permanently taken care of much pensions and health care. It would have meant that mine workers don't have to take valuable time and spend money and come to Washington and lobbyists to talk to us, educate us, and do what they do so well in telling their stories. It would have solved that, but now week after week after week has passed. Before the election, people were talking a good game, now they are not talking such a good game, except for my colleagues with me on the floor today fighting for them.

So what happens now? The majority leader in the Senate is pointing fingers down this hall, blaming the Speaker of the House, and the Speaker of the House back there is pointing fingers at the majority leader saying: Well, I want to do a year. No, I want to do a year.

Well, the fact is, neither of them has offered anything. They could bring this bill up to pass out of the Finance Committee. Senator MCCONNELL tonight could bring this to the Senate floor. We could pass it. We would get how many votes: 75, 80 votes? We would get at least 70, probably 75 or 80. We would get every single Democrat, and we would get probably close to half of the Republicans. They will not do that. They are too busy pointing fingers back and forth.

So I am going to vote no on the continuing resolution because I just don't think that this is the deal we should get. This 4-month deal where the majority leader said he is helping the miners with a 4-month deal—it means that the retired miners and the widows who got a notice in late October, early November that their insurance would run out December 31—if we do this 4-month deal, they are going to get another notice in January or February saying it runs out again.

Particularly if you are sick, particularly if you have a sick husband, can you imagine that you are going to get a notice every 3 or 4 months saying your insurance is going to run out? How do you deal with that? How do you make doctor visits? How do you make appointments? How do you do that? It is just cruel and unusual punishment.

Instead, the other night, we saw our colleagues coming to the floor, offering resolutions. There was one honoring Pearl Harbor victims. Senator MANCHIN and I were on the floor. We were objecting to all this. Of course, I have been on the Veterans' Affairs Committee for a decade, and so has Senator MANCHIN. Of course we are not objecting to honoring Pearl Harbor victims any more than we are objecting to one of the other resolutions that said we feel bad about the people who died in Oakland in that fire; of course we do. But what we were doing and what we will continue to do is fight for those mine workers, both the retirees and the widows.

Next year that is what we are going to do. We will get a good vote today in opposition to this because Democrats—people on this side—and a handful of more courageous Republicans will vote no on the continuing resolution. That should send a message to Senator MCCONNELL on how important it is that come January we vote, not on another 4-months and another 4-months, not even voting for a year, but we vote for a permanent fix on pensions and a permanent fix on health care that is paid for out of the Abandoned Mine Reclamation Fund. That needs to be what we do the first of the year.

This place is not going to operate very well if the leadership in this body does not stand up and give us a vote on a bill that protects mine worker retirees, that protects pensioners and health care, that says that we are going to fix this permanently. They should not have to come here month after month after month to lobby us.

This is something we should do. It has been an obligation since Harry Truman. Senator MCCASKILL is always talking about Harry. Harry Truman in the 1940s, seven decades ago, made this pledge, made this promise. We all want to live up to the promise. Presidents of both parties, Members of Congress in both parties were living up to that promise decade after decade. Now they don't want to live up to it.

It is important that we enforce that come January. I am voting no. I want to send that message. This is just too important to back down from.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, at this time, to put things in perspective, because a lot of people don't really know—people say: Why do you even use coal anymore? Why do we even need coal? Let me explain to the 300-plus million people living in America today that if you are alive today, for most of your life, over 50 percent of your energy that has been given to you has been delivered to you because of coal. So to put it in perspective, what 12 hours of the day do you not want electricity? What 12 hours of the day do you not want heat, air conditioning—anything?

We need to bring attention to the people who have done the work. That is all we have said. They are forgotten heroes. In West Virginia, we feel like a Vietnam returning veteran. We have done everything our country has asked of us, and now you will not even recognize us. You don't even understand what we have done.

Well, that is what we are doing. That is what we are fighting for.

At this time I would like to recognize my good friend from Pennsylvania, Senator BOB CASEY, who comes from the tremendous State of Pennsylvania, which has provided an awful lot of energy for many years. Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to thank my colleague from West Virginia for his leadership on this issue, going back not just days and weeks but months and even years. I think we should start with the word ''promise'' tonight. We have a matter that came before the Senate that Senator BROWN indicated was the subject of a bipartisan consensus that went all the way through the Finance Committee, a vote of 18 to 8 earlier this year. The question before the Senate today and the question before the Senate in 2017 will continue to be: Will the Senate—and I would add will the House of Representatives—keep our promise to these coal miners and their families? It is really not more complicated than that. We have to ask ourselves whether we are going to fulfill our promise.

Just to give you a sense of what this means to individuals, I have three letters in my hand. We have all gotten hundreds of them, if not more, maybe thousands at this point. But I have three letters from three different counties from which I will read excerpts.

The first one is from Johnstown, Cambria County, with a great history of coal mining but also a great history of a diverse economy. This individual wrote—actually two; it is a husband and wife writing to me—saying: ''We are in our late 70s and desperately need our pension and hospitalization.''

Cambria County, PA, alone has 2,483 pensioners. Just that one county has that many pensioners who happen to be families who had a loved one working in the coal mines. This is one of those families who wrote to me. If you look at the health care issue and you look at it county by county, sometimes the numbers are lower, but it is in the hundreds and hundreds in many counties.

The next letter is from an individual in Green County. She is writing about her husband, and she says:

> My husband was only retired about 1 year when he found he had cancer. One of the reliefs that he had while battling cancer was knowing he had his pension and good health benefits. So it was one less worry.

Green County is a small county in Pennsylvania, in the deep southwest corner, right on the corner next to West Virginia and Ohio. In Green County, there are 1,436 pensioners and many depending upon the health care promise that our government made.

The third and final letter is from Westmoreland County, from an individual talking about his time in the coal mines. He said:

My 33 years in the mining industry are testimony to the fact that I provided a needed service to my country and my family.

Then, later in the letter, he goes on to say:

Now, thousands face an uncertain future. A promise was made and a promise needs to be kept.

In Westmoreland County, PA, there are 1,067 pensioners. Across our State, just on health care, almost 1,400 Pennsylvanians are affected by health care. Some of them have cancer. Some of them have a family where the husband is dead and the wife has cancer. Some face the kind of health care circumstances that none of us can identify with because everyone who works—every Member of the Senate and the House—we have health care. We don't have to worry about next week or next month or next year.

So the question becomes, as I said, whether we are going to keep our promise to these coal miners. There is no excuse for putting in the continuing resolution as pathetic a proposal as we got this year in this continuing resolution, which basically says: You have health care for just 4 months, and you are supposed to be satisfied with that. In fact, I think there was one Member of the Senate who said, ''They should be satisfied with that''.

They should not be satisfied; coal miners and their families, retired coal miners, nor should anyone here be satisfied with that. Also at the same time, the proposal—or I should say now the policy in the continuing resolution—has no fix at all for pensions, so these counties, just three counties, that have thousands and thousands of pensioners who earned that pension, who gave up a lot to get that pension, who gave up a lot to get those health benefits—there is no fix in the CR, the continuing resolution, for the pension problem.

We are supposed to be satisfied, and they are supposed be satisfied, I guess, according to the line of argument from some on the other side—not all, but some who said they should be satisfied. Well, here is a news bulletin. We are not satisfied. These miners and their families are not satisfied. We are not going to stop fighting on this. We feel so strongly about this issue that many of us, including me, will vote no on cloture on the CR, will vote no on the CR itself because we feel that strongly.

As the presiding officer knows, usually when a continuing resolution comes before the Senate, it gets overwhelming support. This is how outrageous this is for these families. So you are going to see a number of people on the floor here do something they probably have never done before. They are going to register a protest in a very direct and formal way, to say no to the CR tonight.

I know some people will be offended by that. I understand why they might be across the country. But we have to ask ourselves: If it is going to take a no on this resolution to get people to focus on what these miners were promised and what this government has not done to meet that promise, then we are willing to go to that length and to that extent to vote no tonight because we have to keep a focus on this.

We are not going away, so for anyone who thinks that tonight is the end of a chapter, we are just getting warmed up. We are just getting warmed up on this because this is a promise we must keep.

These miners and their families kept their promise. The miners kept their promise to their family that they would work and work in the depths and the darkness of the coal mines, put their lives at risk every single day. That is the first promise they made—and that they would bring a home a paycheck so their family could eat every night and afford a mortgage. So they kept their promise to their family. Many of them kept their promise to their country. They fought in World War II, they fought in Korea, they fought in Vietnam and beyond, in every war we have had in the modern era. So they kept their promise.

It is not too difficult for a Senator or for a House Member to keep their promise. All they have got to do is put their hand up and say aye. I agree with keeping the promise to these miners. It is about time that our government, including everyone here, kept our promise to these coal miners.

So we are doing something that many of us have never done. We are going to vote no on a resolution tonight to make it very clear that we don't agree with what is in this continuing resolution with regard to these miners, No. 1, and the other massage we are sending is that we are coming back. We are going to come back week after week, month after month, if not longer, to make sure that they get their health care and they get their pensions.

So, this kind of solidarity, at least on this side of this aisle, will remain intact. It will remain fortified and strong going forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, as you can see, I am extremely proud. I can't tell you how proud I am of my colleagues. This is why we are here. We are standing for the people who work every day to provide a better living for themselves and to provide a better country for all of us to live in.

With that, I am happy to be here with my good friend, my colleague, and my dear friend from Virginia, Senator MARK WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, let me echo everything that Senator CASEY and Senator BROWN have said. But the reason we are here, beyond the justness of our cause, is the fact that the Senator from West Virginia, Mr. MANCHIN, has been absolutely relentless. He has not let this issue die. For 18 months, he has gone through every hoop that has been put in front of him. It is getting through. The fact is, Senator MANCHIN today reintroduced the Miners Protection Act. In 1 day—in 1 day—he picked up 49 cosponsors of this legislation.

We are going to have a vote later tonight. Let me be clear. I am going to join in that protest. But as somebody who has one heck of a lot of Federal employees, we are not going to shut down the government on this issue. We should not even be thinking about choices where we have to trade off Federal workers and miners. That is not what we are sent here to do. But we are going to make sure that this fight does not end tonight. The 49 who signed up today will be in the 50s and in the 60s when we come back.

Let me just close. I know we have other colleagues, and others have commented. I went through these talking points at other times, but you have to hear the voices of people who are being affected. I got a letter recently from Sharon. Sharon is from a coal miner's family in Dickenson County, not too far from West Virginia and Kentucky.

Sharon wrote:

My father is a retired coal miner. For many years he worked at Clinchfield Coal Company's Moss #2 mine. He gave them his time, sweat, hard work, and even his health. In return, he expected nothing more than a paycheck and a little pension, and health care when he retired. He was promised that. He deserves that.

She went on to talk about the fact that her dad grew up in the Depression:

He grew up in a time when you took care of your things—and he believed that you paid for what you got. He's paid dearly for his pension and his health care. Please don't let that get taken from him.

He's also a man who takes care of his money.

She said he was always tight with his money:

He planned for years for his retirement. He saved and budgeted so that he would have enough with his pension to be able to support himself through the rest of his years and not be a burden on anyone.

Sharon, her coal miner family, and countless thousands of other Americans are waiting for us to honor our commitments. We are taking a step forward tonight. But echoing what other Senators have said before, this issue will not go away until these miners get their justice.

The PRESIDING OFFICER. The leader, the Senator from New York.

Mr. SCHUMER. Senator MCCASKILL and my colleagues are waiting.

Mr. President, I ask unanimous consent that immediately after Senator MCCASKILL speaks, I be given 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MANCHIN. We have Senator COONS, Senator MCCASKILL, Senator SCHUMER, and I am going to say something, and we will be finished.

Mr. SCHUMER. Is that OK?

Mr. President, I ask unanimous consent that after MCCASKILL, COONS; after COONS, SCHUMER; and then MANCHIN. It won't take more than 10 to 12 total minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I thank the indulgence of my colleagues.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, let me make very clear that when we get these benefits for these coal miners and their widows—when that happens, not if but when—make sure no one misunderstands who is responsible for it.

I want the coal miners in West Virginia to know one thing, there is only one person who will be responsible for those coal miners getting their benefits and their promises being kept, and that will be Senator JOE MANCHIN. It won't be President Donald Trump. It won't be the minority leader or the majority leader. It won't be any of us. There is only one man who is responsible for these coal miners getting what they are due, and that is Senator JOE MANCHIN, who has fought.

I am so sick of JOE MANCHIN talking to me about the coal miners. You can't see him in the hall when he doesn't grab you about the coal miners. He feels this in his heart. These are the people he grew up with. These are the people he knows and loves, and he is the one who is going to make this happen.

The other one I am fighting for tonight is a guy named Harry. Every time I open my desk, I get goosebumps because I look in my desk, and I see the name Harry Truman scrawled in my desk.

If you are a student of history and you know anything about Harry Truman, you know that he was very plainspoken. He got himself in a lot of trouble with his mouth, but, boy, did he believe in keeping his word.

When he was President of the United States—Louie Roberts told me, a man from Willard, MO, who has been in the mines and is a third-generation coal miner and has been in the mines all of his life:

> John L. Lewis and Harry Truman—President of the United States of America signed an agreement guaranteeing lifetime medical benefits to UMWA miners. So Mr. & Mrs. Senators & Congressmen would you please keep your Promise.

Would you please keep your promise. Continuing:

> We only ask that the Promise be kept that was made in that 1948 agreement.

I am also fighting for the word of Harry Truman. This debate reminds me of a fight we had in Congress a couple of years ago. Back then, Congress had approved a $1 trillion spending package. Oh, man, the elves get busy around Christmastime. Omnibus package is code for ''you have no idea what is in it.''

We looked and poked around in it, and we found they were cutting the pensions of thousands of Missourians who drove trucks for a living. We are talking about the people who take a shower after work, not before work. This place is really good at taking care of the people who take a shower before work. We are really good at that.

When they repeal the ACA, they are going to give a big old tax cut to the 1 percent again. We are going to do that. We are going to throw 22 million off of health care. But boy oh boy, we are going to take care of the 1 percent, but we are not so good at taking care of the people who take a shower after work.

That bill allowed those truckdrivers to have their pensions cut. I was the only Member of the Missouri congressional delegation to vote against it. By the way, in the same bill, we gave a car and driver to a Member of Congress. Really? A car and a driver to a Member of Congress and in the same bill we cut the Teamsters' pensions. Now I hear the House Members had to go home.

I don't know how many people who shower after work get 3 weeks off for Christmas, but I am pretty sure there are none. I am pretty sure they are trying to figure out if they have to cover a shift on Christmas. I am pretty sure they have to figure out how they can make ends meet so they can buy Christmas presents. But we have to get out of here so we can have 3 weeks off for Christmas—what nerve, doing that to these coal miners and taking 3 weeks off for Christmas.

On the way out the door, they did another Christmas present. They made sure that the Russian oligarchs get to sell us steel. They took out the ''Buy American'' provision in the WRDA bill. I think the guy who just won the Presidency said we are going to buy American. Then what did the Republicans in the House do? They take out the ''Buy American'' provision less than a week after he said it on his victory tour in Cincinnati.

I just know this. I am proud to vote no on the CR. Frankly, I am probably going to vote no on WRDA because of what they did with ''Buy American.'' I am sick of the games being played. We are going to fight. We are going to fight until we get this done. We may not win this fight tonight, but I guarantee you we are going to win it. As Harry Truman would say—and I am quoting; so I can't get in trouble: ''Come hell or high water, we are going to get it done.''

I yield the floor.

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I know there is not a lot of coal mining in Delaware, but we sure do have a lot of friends in Delaware.

I yield to my dear friend, Senator CHRIS COONS.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise in support and recognition of the tireless efforts of my friend and colleague from West Virginia. We were sworn in the same day, moments apart, and we were sworn in by a man who held this seat and this desk for 36 years. Born in Scranton, PA, JOE BIDEN, our Vice President, served Delaware for 36 years. I know JOE and I know one of the things he tirelessly fought for, and that was the working men and women of this country—just like my colleague from Missouri, who speaks from the desk long held by Harry Truman and in whose honor she spoke about our keeping our promises that date back to a law passed by this Congress and signed into law by Harry Truman that promised pensions and health care to 100,000 coal miners.

I too have to keep faith with my predecessor in this seat, JOE BIDEN, and our neighboring State to the north, Pennsylvania; my great and good friend, JOE MANCHIN from West Virginia; HEIDI HEITKAMP of North Dakota; and many others who have spoken before me and simply say: I understand that large, complicated appropriations bills never include every item that every Member wants. I wanted a provision that would help a manufacturing company in my State, the 48 ITC provision. The investment tax credit would help keep a company that manufactures fuel cells in my State alive and running. I heard an awful lot of talk in this campaign about saving American manufacturing, about doing the things we need to do to help working people and to help manufacturing. I am as upset as my colleagues about the ''Buy American'' provision being taken out of WRDA and our not keeping our word to buy American steel.

But what all of us are here to stand for in common today is to keep our promises to the coal miners and their widows, for whom the Senator from West Virginia has fought so tirelessly.

When told that is a provision that can't be taken care of, that can't be done, when they were sent back 30 yards, they dropped back and said: Fine, we will work on the Miners Protection Act. They held hearings. They held a markup. They found an offset. They moved through regular order, and they found bipartisan support. It got out of the Finance Committee by 18 to 8.

Yet here we stand, likely on the very last night of this Congress, with a promised path being blocked and a 4-month extension, rather than a permanent solution—seemingly, the only option before us—and 16,000 miners and their families would lose health care this December 31 without a longer extension. Four months—that is all we can do—4 months, when these good Senators worked so hard and so tirelessly to find a bipartisan solution that doesn't take money out of the Federal checkbook, that has a proper path? This is a sad day when we can't keep our promises to the widows of coal miners, to folks who did dirty, dangerous, and difficult work for decades,

to the people who built this country. I think in some ways this is just a symbol of so many other ways we have failed to keep faith with those who have worked in this Nation for us.

I have not ever voted against a CR. I have always taken, I believe, the responsible path of making sure that we are able to craft a responsible compromise and get it done.

But as an appropriator in this year and in this instance, it was upsetting to me that we were kept completely out of the process of crafting and finalizing this appropriations bill.

So without hesitation, I will vote against it tonight because it is important we send a signal that we and many other Senators are determined to fix this problem. As the Senator from West Virginia said, there are no coal mines in my State, but there are many retired coal miners and their widows.

I have joined as a cosponsor of the Miners Protection Act, and I am determined to support the great and good work of my friend, the Senator from West Virginia, my friend the Senator from North Dakota, and so many others—from my neighboring State of Pennsylvania, Senator CASEY, and from States across the country and regions that are determined to do right by the people who built this Nation for us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, as you can see, there is a lot of passion here and a lot of passion for people who have hard-working men and women in their State also. I am so proud to have the incoming leader of our caucus, Senator SCHUMER from New York, who has been a stalwart on this. He has fought. He has stayed with us every step of the way, and he will continue to lead this fight until we are successful. At this time, I wish to make sure Senator SCHUMER gets recognized.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

First, let me pay tribute to the steadfastness, the strength, and the courage of my friend from West Virginia. As Senator MCCASKILL said, not a day goes by where he doesn't remind us of the coal miners and their plight.

Last night, through his good offices, I met with some of these miners. They are not from my State either.

I looked into their eyes—hard-working people, many of them tired, not from the day, not from lobbying here—that is easy work for them—but from working in those mines for so many years. They are America. They are the people we owe so much to.

Having met them, seen them, and looked into their eyes, I understood why my dear friend from West Virginia and my friends from Virginia, Missouri, Pennsylvania, and North Dakota have such passion for these people. It is real.

I hope some of my colleagues on the other side of the aisle in the next month will be visited by these very miners. Look them in the eye, and tell them you can't help them? I bet you can't. I bet you can't.

We are here to live up to a promise made by Harry Truman, backed up by legislation in this body over and over. I don't care what your ideology is. I don't care if you are a big government cutter. This is not the place to cut. This is the place to recognize hard work, a promise, and America, because we say to people: If you work hard, we are going to be there for you. But tonight, we are barely there for you. We are not cutting it off, but we are not doing right by the people I met last night through the auspices of the Senator from West Virginia, fine people who got to my heart.

So we believe deeply in preserving these benefits, and we also believe in not hurting other people to preserve these benefits. So we are not going to shut down the government; we are going to keep it open. That would hurt millions of Americans as well and take millions out of the economy. So we are going to provide the votes to make sure we don't shut down, although there are so many people who want to stand with the miners. We never intended to shut down the government, but our intention is very real—first, to highlight the seriousness of this issue, not to let people think this is going to go away because they didn't live up to their promise. And I think we have made our point. I don't care if people don't like being here on a Friday night. I know people have other obligations, but those obligations are nothing compared to our obligation to these miners.

Leader MCCONNELL spoke to Senator MANCHIN a few hours ago and said that he would work hard to make the health benefits for miners not lapse in April. That is good, but it is not close to enough. It is a step forward, but we will go further, hopefully with the majority leader but even without.

We need the finance bill, the Miners Protection Act, a bill that would move money from the Abandoned Mine Lands Reclamation Fund into a fund to pay for the pension and health care benefits of tens of thousands of coal miners and retirees, not for 3 months, not for 1 year, but permanently. To show how serious we are, every single Democrat within just a few hours cosponsored the miners amendment to the CR, and we did get two Republicans to join us. Welcome. We need more of you. Stand up for the miners.

The fact that we have gotten so many people on this legislation bodes well for our chances of getting something significant done in the new year. So when we return in January, we are going to be looking at every way we can to make sure the miners receive full funding. The sooner the better, the stronger the proposal the better, and we will do it.

Finally, I want to call on President-elect Trump to support our proposal. The President-elect ran on a campaign with explicit, direct promises to coal country, and he won coal country big; that is for sure. He held big rallies with coal workers. He said he would protect them. He talked to the miners and got to know them. So we are simply asking our President-elect to communicate to the people in his party to get on board and live up to the promise we made to miners many years—decades—ago.

Tonight, we are putting our Republican colleagues on notice. We will not rest until we do right by our miners.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I thank my colleagues so much. I am so sorry. The patience you have had is appreciated very much. It is an issue, as my colleagues can tell, we are very committed to and very passionate about. So thank you. We are just wrapping up.

I just want to say one thing to put it in perspective. I get to go around to schools in my State and really around the country talking to schoolkids, and I try to give a little history lesson. I always tell them: If you see a person in uniform, if your parent or your grandparent or your aunt or uncle, someone served in the military, I want you to say thank you because I want you to realize they were willing to take a bullet for you. They were willing to sacrifice their life for the freedom they are providing for you. Don't ever take it for granted.

What we failed to teach in that history lesson is to say thank you to a coal miner who has provided the energy to allow us to be the superpower, the greatest country on Earth. Say thank you.

Thank you to every one of my coal miners for what you do and what you have done for me in my little town of fewer than 500 people. I can't tell you how much I appreciate the life I have had because of the sacrifices and hard work you have given for me.

With that, I want to say to all of my colleagues, God bless each and every one of you. Thank you for the fight. This is the right fight for the right reason for the right people.

We will finish very quickly now with Senator JEFF MERKLEY.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, we heard a tremendous amount over the course of the past year about fighting for workers and working families. What does it take for a working family to thrive? It takes a good living-wage job, access to public education for children, and for those children to be able to pursue their dreams with affordable opportunities and education. It also takes health care.

Take a profession like coal mining—far more dangerous than virtually any profession Members of the Senate have

had in the course of their lives. Health care is an essential element both for the miner and for their families. So how is it that we are at this point right now in which many miners don't know if they are going to have health care beyond April of next year? They don't know whether this body is going to stand with them. They are in limbo. They are in a state of anxiety, and it is absolutely unfair.

So we know, as tonight progresses, we are in a situation where we have an extension through April, but, as JOE MANCHIN has said in his fight leading this effort to necessarily secure health care for coal miners and as our incoming Democratic leader has said, this is going to be something that we are going to stand together for in this coming year. We are going to make sure their health care does not expire in April. This benefit has been earned through hard labor, over difficult years, in ways few of us can imagine, and we are going to stand with the coal miners in getting that benefit.

I am proud to sponsor this bill and stand with JOE MANCHIN and CHUCK SCHUMER tonight.

Mr. KAINE. Mr. President, I wanted to indicate how disappointed I am in the provisions affecting miners that have been included in the continuing resolution. While I will vote for final passage of the CR because we must not shut government down, the provisions contained are really an outrage.

Sixteen thousand three hundred retirees have received a notice that their health benefits will expire at the end of this year. What the majority has included in the CR is to extend those benefits through April. But what was left unsaid is that now, 22,500 retirees will lose health coverage at the end of April 2017, and 4,000 will lose them 3 months earlier than they otherwise would have. This plan also calls for taking money from a fund created to provide health coverage for retired miners whose employers went bankrupt. It ends the responsibility of the coal companies to contribute to this fund. This is a terrible giveaway cloaked in the provisions providing short-term health care for miners and their widows.

The promise that we will deal with those consequences later rings hollow when we have a permanent bipartisan solution before us, the Miners Protection Act. I have supported this and previous versions of this fix since I began my service in the Senate 3 years ago. The majority leader wanted the bill to go through regular order before any floor consideration. Well, this legislation passed the Senate Finance Committee 18–8 and is paid for.

I don't understand why we didn't take a floor vote on this bill months ago. It would receive strong bipartisan backing if it could get a floor vote.

Many of us talk about helping the working men and women of our country, protecting seniors and respecting the dignity of a lifetime of work. Well, many of our constituents have been hard hit by the downturn in the coal industry. We cannot downplay what coal miners have sacrificed to fuel this Nation for over a hundred years—black Lung disease, physically disabling accidents, whole communities built around coal mining have vanished or are suffering.

We say we want to support working families and protect seniors. We say we want to help Appalachia. I don't know what we are waiting for.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, a number of us have been waiting for several hours to speak. We understand the concerns of our colleagues across the aisle. We have been patiently waiting. I believe they have finished their remarks.

I would say that there were a lot of remarks directed across the aisle. There are several of us over here who are in support and voted for the issue of the day here. If only our Republican friends could join us, they said, we wouldn't be in this situation.

Several of us have supported this. Given the circumstances here at the end of the year with making sure we keep funding for government functions and not have it shut down, the agreement that has now been reached is a reasonable agreement that obviously will be taken up again in the next Congress. I won't be here. I supported it this year. I know a number of my colleagues have supported it. Many of us are from coal country and understand the concerns. But the larger issue for us is not to go into another shutdown.

I have served in the Senate for many years, and there has been nothing more disruptive that produces more uncertainty among businesses and individuals and employees throughout this country than the Congress not doing its job and providing funding for them and shutting down the government.

Having said that, I ask unanimous consent that following what we have just heard, Senator GARDNER have the opportunity to speak, I think for a relatively limited time, that I follow him, and I believe Senator SULLIVAN also wishes to come to the floor and speak.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, reserving the right to object, there has been a list that has been worked out for both sides. Many of us have been waiting many hours to deliver our speeches, and I believe what the Senator is proposing modifies that considerably.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, reserving the right to object, I have been on the floor here waiting for 2½ hours to deliver my speech on WRDA, and I don't think my colleagues across the aisle have been here for that amount of time. Maybe we should stick to the list that has been worked out on both sides.

Mr. COATS. Mr. President, if I could respond to my colleague, many of us have been on the list also, and we also have been waiting hours and hours and hours—patiently waiting. Again, working down through the list was not followed by the opposition.

I am simply saying that what was asked just a few moments ago was not objected to. When Members on the other side of the aisle had their opportunity to speak, we were patiently waiting. They have left the floor. There is no one on their side who has not spoken.

I don't see what the problem is. The Senator from Oregon wants to file a list, but no one on the list on the other side is here. We are going to speak for a limited amount of time, and we have been waiting 3 hours to do so. So I am hoping my colleague would allow us to do that.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, reserving the right to object, I believe my colleague makes a persuasive argument. Many did come to the floor to share in that important dialogue regarding extending health care for our miners, and given that, I take the Senator's point, and I look forward to speaking later.

Mr. COATS. I thank my colleague.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

Mr. GARDNER. Mr. President, I thank the Senator from Oregon for his accommodation in allowing us to speak, and I thank the Senator from Indiana, whom we will miss in the next Congress. The Senator from Indiana has been a great example for those of us who are new to the Senate in terms of his representation and statesmanship, and I hope and wish the Senator from Indiana nothing but the best for his future.

TRIBUTE TO ALAN LEE FOUTZ

Mr. GARDNER. Mr. President, I rise to honor the retirement and life and work of my dear friend Alan Lee Foutz.

Alan has been a part of my congressional staff for 6 years, representing the eastern planes of Colorado, first in Sterling and now in my hometown of Yuma, CO. His devotion to Coloradans is nothing short of inspiring, and his accomplishments in the field of agriculture and food production are a true testament to his agricultural acumen. But beyond that, it is his passion for serving others, his ability to find the positive in any situation, and his genuine demeanor that make me grateful and honored to call Alan a true friend.

Born on December 29, 1946, and raised in Akron, CO, Alan developed a penchant for agriculture. He was raised on his family farm, where they grew wheat and hay and raised turkeys, hogs, and a dairy herd.

In 1968, Alan graduated from my alma mater, Colorado State University, and earned a master's degree in agronomy in 1970. Alan went on to earn his Ph.D. in agronomy and plant genetics on several innovative projects, such

as mapping out the barley genome. He then pursued and followed his passion to California Polytechnic State University at San Luis Obispo, where he accepted a job as an associate professor of crops. From there, he was able to impart his passion and expertise to his students, thereby cultivating the next generation of food producers for our Nation.

Without a doubt, it was Alan's enduring spirit and overall amiability that made him the perfect fit to inspire young minds, but it was his love of Colorado that drew him back to his home State and his roots. After 9 years in California, Alan returned home and put his academic credentials to the test by partnering with his dad, Lyle, to operate a 10,000-acre family farm. But even that wasn't enough to satisfy Alan's insatiable appetite to advance Colorado agriculture. He became heavily involved in the Colorado Farm Bureau and in the year 2000 was elected president of both the Colorado Farm Bureau and the Colorado Farm Bureau Mutual Insurance Company. From there, his commitment to uphold and ensure Colorado's traditional farming and ranching values was fortified, guaranteeing a lasting impact on the agriculture community.

But Alan's service was not confined to the borders of Colorado, nor to the shorelines of America. He dutifully served on the American Farm Bureau Federation Board for 6 years and made multiple trips overseas to help further U.S. agricultural markets and exports to other nations. Indeed, with this impressive record, it is easy to see how lucky I was to have such an accomplished staffer join my team.

Over the years, while he was employed in my office, Alan demonstrated his tireless work ethic and commitment to Colorado agriculture. He played an influential role in ensuring that farmers and ranchers in the Republican River Basin who chose to conserve their land were being properly compensated by the USDA. Likewise, throughout the 2014 farm bill negotiations, Alan used his lifelong knowledge of agriculture policy to ensure that agriculture stakeholders across the State were being properly represented. And through the casework he does in my office, he has touched so many lives—likely more than he realizes. He has helped families navigate the adoption process to take home a child without a home. He has assisted countless veterans with getting the benefit they deserve and so much more. These are not just cases to Alan; these acts change people's lives, and he does them with humility and because he has a heart that is geared toward the service of others.

Nonetheless, after all of his successes, after all of his degrees, and after all of his accomplishments in and out of my congressional office, it is Alan's devotion and absolute love for his family and his church that is most inspiring.

He married his wife Val in 1966 and raised two children, Paula and Greg. When Al is not working on behalf of Colorado, he and Val enjoy spending time spoiling their grandchildren.

According to Alan, the driving force that propels his ambition and unequivocal success in life is his family. That is the true mark of an honorable man.

He wakes up every Sunday morning and drives almost 2 hours to serve as the only pastor at Kimball Presbyterian Church in Kimball, NE—basically 100 miles one way from his hometown—a small church that relies on his commitment to their community each and every week, a trip he makes for funerals, for weddings, for home visitations, but Alan doesn't just keep his commitment to his faith within walls of his church, he brings it with him everywhere he goes—whether it is by lending an ear to a young staffer in need of advice or making hospital visits to those in need. Alan is a man that exemplifies true virtue and a devotion to service.

Few people can honestly say they have made a long-lasting and meaningful impact on society. Alan is one of those.

Thank you for your passionate zeal, Alan, you bring to our team day in and day out. Thank you for your dedication to Colorado's farmers and ranchers, and thank you for providing me an opportunity to learn from you and to help move our great State forward.

God bless the Foutz family. I hope your good will, passion, and enduring spirit will continue to flourish.

HONORING COLORADO STATE PATROL TROOPER CODY DONAHUE

Mr. President, I rise to honor the legacy of Colorado State Patrol Trooper Cody Donahue.

On November 25, 2016, Cody pulled his vehicle over to the side of I–25 in Colorado to investigate and assist with a car accident. Cody was struck by an oncoming vehicle and tragically killed. Cody gave his life while nobly performing his duties as a Colorado State Patrol Trooper, and he—like all who walk the thin blue line—dedicated his life to protecting and serving his community.

Cody was an 11-year veteran of the Colorado State Patrol, a loving husband, devoted father, and a wonderful son and brother. He grew up in Grand Forks, ND, and attended the University of North Dakota, during which time he married the love of his life, Velma, and eventually moved to Denver, where they gave birth to two beautiful girls, Maya and Leila.

Since his passing, it is evident, through the numerous stories shared by families and friends, that Cody was always quick to put others before himself. So it comes as no surprise that Cody joined the State Patrol. His courage, reliability, and selflessness made him a perfect fit for a unit dedicated to the safety of Coloradans.

It is well known within the Colorado State Troopers' family that the badge represents distinct values that each trooper must possess: character, integrity, and honor are to name a few. Cody was, true to form, an embodiment of each one of these values.

Character. Cody was a hard-working and equitable man. His fellow troopers were quick to point out that Cody would always treat each person he met fairly and with great respect and dignity. A true testament to his genuine character.

Integrity. Those closest to Cody knew him as a man of profound honesty who possessed a natural aspiration to lead and serve others. According to a tribute, Cody ''was so honest that he once ticketed his wife!''

Honor. Cody was a genuine teamplayer, and would show up to work every day ready to serve, ensuring that his team was never a man down.

Indeed, Cody's core values as a State Trooper extended beyond the department. He was known as a loving husband and caring father whose adoration for his family knew no bounds. He placed his family on a pedestal and strived to be the best father and husband that he could be.

As we celebrate the holiday spirit with family and friends, we must never forget the tireless efforts undertaken by Cody and all the courageous men and women in blue to uphold the law. Many of these brave officers do not have the luxury to spend holidays with family and friends. Instead, they answer the call to duty. They ensure the safety of those we love most. They are the force that watches over us. So, from the bottom of my heart, thank you.

A hero is defined as someone who is ''admired for his or her courage, outstanding achievements, and noble qualities.'' Through his work and time spent with family and friends, Cody embodied each and every one of these characteristics. So although Cody is gone, his memory will live on. Character, integrity, and honor, these were Cody's core values—values we must strive to emulate, values that will make Colorado and this world a better place.

HONORING DEPUTY DEREK GEER

Mr. President, when I was preparing this speech, I noticed there was a Christmas card on my desk today. I have it right here with me. It says, ''Merry Christmas.'' Inside it says: ''Wishing you all the beauty and joy of this peaceful Christmas season,'' and there was a note in it from David and Sandra Geer. Earlier this year, Derek Geer, their son—a law enforcement official—was also killed.

So while we pay tribute to Cody today, we pay tribute to Derek and so many others who feel like they have been targeted, feel alone, who must know we care for them, must know we love them, and must know we keep them in our prayers, day in and day out. May it not just be this holiday season but every day that they stand on that thin blue line.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

WASTEFUL SPENDING

Mr. COATS. Mr. President, as my time in the Senate winds down, I find myself reflecting on many of the reasons I decided to return to the U.S. Senate.

Without a doubt, one of the main factors for my return was the skyrocketing Federal debt and the harm Washington's excessive spending will have on future generations, including my children and 10 grandchildren.

The day President Obama took office, the national debt was $10.6 trillion. We are now closing in on $20 trillion. Clearly, this cannot be sustainable without extraordinarily negative consequences for the future. That debt clock continues to tick along, and we continue to roll into more and more debt as we spend more and more on government programs than the revenue coming in to pay for them.

So when I returned to the Senate in 2011, I sought out opportunities to address this ticking timebomb. I worked with my colleagues, both Republicans and across the aisle with Democrats, on efforts to restrain Federal spending and stabilize our Nation's finances.

There were a number of efforts made. We are all familiar with Simpson-Bowles, a bipartisan effort that tragically did not succeed and was not accepted by the President. The Committee of 6—the Gang of 6, the so-called Gang of 6, three Democrats, three Republicans, seriously, fastidiously worked to try to put together a formula to put us on a path to fiscal responsibility. Then there was the supercommittee, and there were outside groups led by both Republicans and Democrats.

Ultimately, we hoped we were finalizing the efforts when the President, through his own initiative across the aisle, brought several of us into his venue and talked about how we could work together. I was part of that effort. Ultimately, eight of us, spending a considerable amount of time with the President's top people and the President himself, tried to find a solution or at least a step forward in the right direction. I am sorry to say that also did not succeed in the end, when even some of the President's own budget initiatives he had proposed were rejected by him later as part of a package.

When it became clear to me that major reform efforts could not be enacted while the administration occupied the White House, I launched a new initiative which I called the ''Waste of the Week.'' I decided that each week when the Senate was in session, I would speak about documented and certified examples by nonpartisan agencies—those we turn to, to give us the numbers, those inspectors general who have investigated the situation and made recommendations, the Government Accountability Office—and all the material that is provided to us, not on a partisan basis but simply the numbers, just the facts in terms of how taxpayers' money is being spent.

Today marks the 55th and final ''Waste of the Week'' speech. It may be fittingly so on what looks to be the last day of this session and my last day serving in the United States Senate.

It is a little bit of walking down memory lane in terms of talking about the ''Waste of the Week'' and the various items we have proposed. It has been everything from the serious to the ridiculous, which grabs people's attention: Look, I can understand maybe this particular situation where we overspent, but, come on, clearly, surely, we weren't using taxpayer dollars for something as ridiculous or embarrassing as that. I will mention a few of my favorite examples here that we have talked about.

Fraudulent double-dipping in Social Security disability insurance and unemployment insurance benefits to the tune of $5.7 billion that was spent through basic fraud by those who were submitting applications for and receiving payments for both. Look, if you can work but are thrown out of work, unemployment insurance is available to you. If you are disabled and can't work, Social Security Disability payments are made to you, but you can't collect both, and people were collecting both, to the tune of $5.7 billion.

Fraud in the Food Stamp Program. People were fraudulently receiving up to a total of 3 billion documented dollars in that program.

Department of Agriculture payments to dead people resulted in over $27 million of payments.

These are the things that were presented. We were talking about several hundreds of millions of dollars and even billions of dollars. Something that grabbed the most attention was a study by a National Institutes of Health which was issued in which 18 New Zealand white rabbits received four 30-minute massages a day. The study was conducted at Ohio State University and designed to figure out whether massages can help recovery times after strenuous exercise.

I raised the question: Did we need to bring over 18 white New Zealand rabbits? I don't know what the cost was, but I think we probably could have found some rabbits in the United States at much less cost. Nevertheless, the study went forward, and, guess what. The results were that after four massages a day after strenuous exercise, they felt better than if they didn't get the massages. I wanted to apply for that process there, but I learned they euthanized the rabbits after the study was done. So I thought, well, it is a good thing I didn't join that effort.

Nevertheless, I was thinking, couldn't they just ask the Ohio State football team after a practice: Hey, guys, we are going to divide you in two categories. This category over here is not going to get massages after our strenuous practice sessions and this half is going to get the massages and we will see if the guys who get the massages feel better than the guys who didn't. I think they would have saved the taxpayers a considerable amount of money. I don't see why the National Institutes of Health can come to the conclusion that a grant request for massaging rabbits is a good use of taxpayer money.

That is just 4 out of the 54 I have talked about. That is my walk down memory lane, but the total amount of the waste identified through these 54 examples adds up to more than $350 billion.

We are down here arguing now about payments on a program, and we are talking about—well, we can't fund this, we can't fund that, that is an essential program, the Defense Department needs more money, the National Institutes of Health needs more money for cancer research, but we don't have any more money to give them.

Why not take actions to stop this waste, fraud, and abuse or, better yet, why not, not ask the taxpayer for this money in the first place? Why should the taxpayer be sending money to Washington to see that the accomplishment is waste, fraud, or abuse?

I am pleased to note we have actually had some success in addressing some of this wasteful spending highlighted in these speeches. Last year, the Congress approved legislation that will finally—finally—phase out the so-called temporary tax credit for wind energy—a credit that was supposed to expire over 20 years ago. We were promised that this is a study to get it started and see if it works to get enough wind energy at a cost that the public could afford and see this as a way of providing alternative energy, but, boy, once something is on the books, it gets reauthorized and reauthorized over and over. And for 20 years it is: Oh, we just need it 1 more year. We just need it one more time. On and on it goes.

Finally—finally—we have seen action taken by the Congress to complete this phaseout program, which will essentially save taxpayers billions of dollars and reduce the government's involvement in picking winners and losers through tax policy.

Congress also approved a measure I introduced to improve compliance in higher education tax benefits. By simply adding language to require proof of eligibility for certain tuition tax credits, we saved taxpayers over half a billion dollars in improper payments.

Recent Defense authorization bills have included provisions to reform the defense contracting process, which will help cut down on billions of waste. Of course, more work is still needed in this area, as a recent report identified as much as $125 billion in wasteful spending at the Department of Defense. I am a strong proponent of a strong national defense, but when we find that well over $100 billion has been misspent, we are compromising our national security, and we are not giving

our soldiers, sailors, marines, Coast Guard, and others all the resources they need to provide for our national security the way it needs to be provided for.

Today I am here for my 55th and final ''Waste of the Week.'' I want to talk about relatively modest—it is amazing you can say this. Only here in this Chamber, only in Washington is $48 million called ''modest'' because we talk in billions and trillions. Anyway, $48 million in Medicaid funding for drugs to treat hair loss—not hair loss for therapeutic reasons, not hair loss as a result of cancer treatments, but for cosmetic purposes. Medicaid is paying out $48 million to provide for measures that will help reduce hair loss.

I want to stress that Medicaid is part of our Nation's safety net, to help those in need. That is all the more reason we have to ensure that Medicaid is run effectively and efficiently to have the financial resources to help low-income families gain access to medical care. This also means we have to protect Medicaid by ensuring that its finances are not used for medically unnecessary services.

There are certain medical services that all State Medicaid plans are mandated to provide, and then there are a number of additional services that are optional for States to cover. One of these services includes drugs to treat cosmetic hair loss. This is not hair loss due to an underlying medical issue, as I mentioned; this is hair loss that just happens, often as we age. The treatments paid by Medicaid are for cosmetic purposes only.

I think all of us would love to have a full head of hair, and I speak as one who falls in that category. As I look around the Senate Chamber, I see others who have joined me in watching the hair fall off their head and looking in the mirror and saying: How many hairs did I lose last night, and when is this going to end?

Losing your hair is not always fun, but I promise you, as someone who has been through all of this—and you are not alone—soon enough you will simply accept the fact that while you won't make the finals in the 50 Most Beautiful People in America, life will go on.

According to the nonpartisan Congressional Budget Office, the Federal Government could save $48 million over 10 years by not paying for this cosmetic hair loss treatment. While this may seem like a small amount of money compared to our nearly $20 trillion national debt, it is yet another example of unnecessary use of hard-earned taxpayer dollars.

Fortunately, the Senate recently passed legislation that included a provision to end the Federal reimbursement for cosmetic hair loss, and that bill, fortunately, is on the way to the President for signature into law. By bringing attention to some of these issues, we have been able to take legislative action to try to address and keep unnecessary spending off the charts.

To conclude, while today marks the end of the ''Waste of the Week,'' I want to implore my colleagues in the House and Senate to keep going, to keep fighting to stop wasteful spending.

I also want to acknowledge that my staff over the period of time, at different times, as they were working on this project, provided to me the examples, and they dug in and did their research so that I could come to the floor to make these points and hopefully, hopefully save the taxpayer hard-earned dollars that shouldn't have been sent to Washington in the first place but were not used wisely and efficiently when they came here. I particularly want to thank the following members of my staff: Paige Hanson, Ansley Rhyne, Aaron Smith, Amy Timmerman, Kristine Michalson, Matt Lahr, and Viraj Mirani.

Our former Governor, my friend Mitch Daniels—former Governor of Indiana and the current president of Purdue University—famously said: ''You'd be amazed at how much government you'll never miss.'' Indiana has set the example with significant cuts and reforms in spending to take our State from a deficit to a $2.4 billion surplus. There were significant cuts in many agencies through the growing of bureaucracy that took place, and we have yet to find what parts of government we miss.

There are so many programs and so many ridiculous things that the government funds—like rabbit massages and cosmetic hair loss treatment—that most Americans don't even know about and have never heard of, and while I no longer will be here, I am hopeful that the next President and the next Congress will work in tandem to achieve these goals. They could use my 55 ''Waste of the Week'' examples as a starting point, and they can continue because we have just scratched the surface.

Today, I would like to add $48 million to our total. And just in this cycle of the Senate alone, we have come up with a grand total of $351,635,239,536—money that can be used for a better purpose.

With that, my final words addressed to my colleagues in this extraordinary experience I have been privileged to enjoy, I, for the last time, yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COATS. Mr. President, under the unanimous consent, Senator SULLIVAN was up. I notice the leader is on the floor, and I am sure he would yield to the leader for his leadership purposes.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, let me give everyone the state of play. First, I will be offering a consent request to set the continuing resolution votes at 10 o'clock.

Having said that, I ask unanimous consent that not withstanding the provisions of rule XXII, at 10 p.m., the Senate vote on the cloture motion with respect to the House message to accompany H.R. 2028. I further ask that if cloture is invoked, all time postcloture be considered expired and Senator MCCAIN or his designee be recognized to offer a budget point of order, and that if the point of order is raised, the motion to waive be considered made and the Senate vote on the motion to waive without any intervening action or debate. I further ask that if the motion to waive is agreed to, the motion to concur with further amendment then be withdrawn and the Senate vote on the motion to concur in the House amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, let me explain before my colleague, the Democratic leader, addresses the matter. What this does is set up votes in connection with the CR at 10 p.m., but then I want everybody to understand that if we can't get an agreement to move the WRDA votes up to that series of votes, they will occur 3 hours later, at 1 a.m. Failure to consent to including WRDA will only delay the Senate until 1 a.m. in the morning.

Let me go over that again. At the moment, I understand there is an objection to adding the WRDA votes to the stack that we just agreed to. So without consent, we will be here another 3 hours or so, voting at 1 a.m. Everybody should understand we are going to finish all of these votes tonight, and that is the schedule for the rest of the evening.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, we have now three hours until 10 o'clock. I hope that during that period of time, people will do whatever they need to do to make sure they get anything they want in, whatever they are trying to get.

The reason I say that is that we are going to continue, as the leader has indicated, working on a way to get out of here tonight. If not, we will get out of here tomorrow. I hope that—if someone has something they want to talk to me about, I will be happy to carry that message to anyone, including the Republican leader, but I think right now we have 3 hours to sit around, stand around, and talk about this and find out if there is anything more that can be done.

I hope that at 10 o'clock, we will be in a position to let everybody know if we are going to have a vote before 1 o'clock in the morning because these votes will take at least an hour, the three votes that are scheduled, so that means 11 o'clock. By waiting around, you are delaying things by a couple of hours at a fairly late time at night. I think by now everyone has a pretty good idea of how they are going to vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, my colleagues have been very gracious and

have gotten a little bit out of the queue, so I ask unanimous consent that I be allowed to address the body for 5 minutes; following me, Senator SULLIVAN will address the Senate for 10 minutes; and following him, Senator COONS will address the Senate for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WRDA

Mr. WYDEN. Mr. President, I rise to voice my opposition to the Water Infrastructure Improvement for the Nation Act. In my view, Senator BOXER and Senator INHOFE have done a lot of good, bipartisan work on this legislation. Infrastructure is hugely important to our country. I constantly say you cannot have a big-league quality of life with a little-league infrastructure, and this legislation in particular has some very important provisions that I and Senator MERKLEY have worked on for our home State. It includes assistance to help build homes for displaced Native American families, it provides funding to help restore fish and wildlife habitat in our rivers, and it particularly includes assistance for small ports in Oregon and across the country.

The fact is that small ports provide crucial access to commercial and recreation fishing. They are home to ocean science and research vessels. In our part of the world, they are the gateway to the global economy.

Year after year, these ports have faced uncertain funding that threatens good-paying jobs. I worked with other Members to make sure the WRDA bill includes stable, permanent funding—over $100 million annually—for small ports in Oregon and across the Nation.

I highlight this to say what this legislation does for a number of crucial areas—to the economy and our quality of life. Senator BOXER and Senator INHOFE have done very good work, but my big concern is about the rider that was added on California drought, which threatens the west coast fishing industry and has put every single good provision in this legislation at risk.

Water issues have never been easy, and I want to compliment my colleague from California for her hard and long work to get a deal on drought that addresses California's serious and ongoing issues. Oregon is no stranger to water challenges, but there has to be a collaborative, stakeholder-driven process, and this rider is not a product of the kind of compromise you get with a true collaborative effort. In effect, an entire west coast industry feels left out of the discussions. Fisheries and hard-working families in coastal communities that depend on a healthy stock of salmon stand to lose the most, and these stakeholders have told us they have had no meaningful seat at the table.

The rider is not just about water and agriculture in California; it threatens the health and sustainability of the salmon fishing industry up and down the Pacific coast. The drought provision, in my view, also threatens to undermine bedrock environmental laws, such as the Endangered Species Act, and it certainly would create the prospect of the new administration having power of its own volition to override critical environmental protections.

I and my Pacific Northwest Senate colleagues have heard from concerned west coast fishery groups and coastal businesses for days. My constituents are concerned about the implication of pumping water out of the Bay Delta to support a small number—a handful—of very large agribusinesses in California. They believe that hard-working men and women in the fishing industry and coastal businesses are going to pick up the tab for this break for the large agribusinesses. That is not the way to manage water in the West for the long term.

The water infrastructure bill, which is meant to provide support for water-dependent communities, doesn't do a whole lot of good if there are no fish in the ocean. If there are no fish in the ocean and no fishing families or fishing boats in the ports and no fish at the dinner table, the water infrastructure bill is going to be something that we regret. I believe we will regret it in this form.

At a time when coastal communities need as much help as they can get, this provision threatens to do the opposite. As long as the Water Infrastructure Improvements for the Nation Act includes this California drought rider, I think it would be a mistake to go forward.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Alaska is recognized.

REMEMBERING MIKE KELLY

Mr. SULLIVAN. Mr. President, yesterday my State lost a great leader in a tragic plane crash. Mike Kelly was a former State legislator from Fairbanks. He was the patriarch of a wonderful interior Alaska family. He leaves behind a long and accomplished legacy of public service, leadership to his community, to the interior, and to our great State, which he loved so much. He also leaves behind a wonderful wife, siblings, and children who have also played and continue to play such an important role in Alaska. He will be sorely missed by all of us.

Rest in peace, Mike.

SUPPORTING ALASKA'S LAW ENFORCEMENT COMMUNITY AND HONORING SERGEANT ALLEN BRANDT

Mr. President, the holidays are nearly upon us. It is the time when Christmas cheer descends on us, when hearts open and we reach out to our neighbors, friends, and even strangers, particularly those who are in need.

Today I want to reach out to the police force in Alaska. These men and women put their lives on the line every day for us, and anyone who has seen the news in these past few months knows it has been a particularly difficult time for police officers all across the country, who have faced unprecedented levels of violence—deliberate attacks. Across our great Nation, our men and women who get up every morning with the mission to protect us are having their lives taken. As of December 5, there have been 134 fatalities against police officers this year alone. That is up by more than 20 percent from last year. Let's face it—they are being targeted. Some of them are even being ambushed.

Just a few minutes ago, right here on the floor, the Presiding Officer gave some very eloquent remarks about what has happened in Colorado. These kinds of acts are happening all across the country—Iowa, Massachusetts, Texas, California, Colorado, Pennsylvania, Georgia, and unfortunately more than once in recent weeks in my home State of Alaska.

One brave Anchorage police officer, Arn Salao, was a victim of a cowardly ambush in Alaska, but thankfully he survived. The incident resulted in the arrest and the killing of an accused murderer who has now been accused of killing five others in Anchorage.

Unfortunately, another officer involved in a shooting in Alaska—this time in Fairbanks—wasn't so fortunate. On the morning of October 16, Sergeant Allen Brandt, an 11-year veteran of the Fairbanks Police Department, responded to reports of shots being fired. After pulling his vehicle over to question a suspect, Sergeant Brandt was shot five times. After being treated for several days, Sergeant Brandt was expected to survive. He even came to testify in a remarkable act of courage in front of the Fairbanks City Council on October 21. His testimony was riveting, but in a devastating turn of events on October 28, just a few days later, Alaskans learned that Sergeant Brandt had succumbed to the complications related to his injuries in recovery. The hopes of our entire State were crushed upon hearing that this brave, young public servant had passed away. Alaskans from every corner of our State held vigils and continue to mourn his loss.

There was a memorial service in Fairbanks attended by thousands. I happened to attend that with my fellow Alaskans. It was one of the most moving services I have ever attended. At the memorial service, Sergeant Brandt's testimony from just a few days earlier in front of the Fairbanks City Council was played. There, he was speaking to all of us on these important issues. It was so powerful and so moving to see this young man so articulately speak about issues that don't just impact Fairbanks, AK, or Alaska, but the whole country.

Sergeant Brandt left behind his wife Natasha and their four young children under the age of 8.

I have talked about his testimony that he gave in Fairbanks that was played at his memorial service, which

was so powerful. Only a few days earlier, he had been shot. He gave his testimony, and then unfortunately he passed away. I wish to read several excerpts from his testimony because I think it reflects not only the importance of this issue, but it shows this young man speaking on something that impacts the whole country.

Here is the testimony he gave at the Fairbanks City Council. There was thunderous applause, of course, when he walked in—a man who had been shot five times just a few days earlier. He stated:

> I am humbled by the honor, and I'm no exception to the rule. We have many fine officers that are far greater and have done better things than I have. I do appreciate the community's support and I know sometimes it's hard for officers to see whether or not the city supports us, but I've always said that by-and-large, the city does support its police officers. And you know we're never going to have the support of the criminals . . . and to tell you the truth, they don't have my support either. However, I do support their constitutional rights and their free exercise of them.

He continued:

> I've seen the hand of the Lord in my situation. Can you believe I was shot five times through the legs and I walked into this room. There's a bullet, it's almost healed up, but right here over my heart where my vest certainly saved my life there.
>
> I appreciate the support of the community, the Fairbanks Police Department, the Anchorage Police Department, the Alaska State Troopers, and other officers. But our officers do a very hard job, and they need your support. Unfortunately, when an officer gets shot or something bad happens, it's just human nature—we don't think about things that we need until something bad happens. I don't blame anyone for that. But, you know, think about our officers. I've worked for the city for 12 years, probably ten of those years I worked weekends when my friends are off. I work at night and sleep during the day. I don't sleep with my wife. And the other officers, too. I was never called a racist until I put the uniform on. You know, once you put a police uniform on, you're a racist. I can't ever let my guard down, not at Fred Myer and not at my house. I travel everywhere armed. Always vigilant. Always watching. And the other officers over there, they're the same way. So, we need your support. Not just when bad things happen. But the officers over there do a hard job. And most of the time it's thankless. And we've really appreciated the outpouring of support that's comes from this.

He concluded his testimony. He called out to one of his buddies:

> I think Sergeant Barnett's here, and I want to thank him. Sergeant Barnett was the first one on the scene, and until he got that tourniquet on my leg, I didn't think I was going to survive because I was bleeding a lot.

But let me leave you with this last story that he told his fellow Fairbanksians: The night I was shot, I had my four kids and my wife on my bed. I read them a story like I always do. After the story, I told them, I think I am going to get shot tonight.

Can you imagine saying that to your kids? He continued: And it happened. In the middle of the gun battle, that is all I could think about.

He concluded by saying this: Can you imagine telling your kids before you go to work that you are going to get shot? Well, that is what our police officers deal with every day. I am not complaining, but I just want you to know what it is like, the life of a police officer.

Then he looked at the audience and said: But we appreciate your support.

That was his testimony. Only a few days later, he passed away. As I read that testimony again, I am struck by Sergeant Brandt's extraordinary selflessness. At the same time community members were applauding his bravery, Sergeant Brandt sought to remind us of the bravery of his brothers and sisters in blue, the unsung heroes who face the same dangers he did but without public fanfare or an outpouring of support.

Having met with first responders all over my great State, I know that Sergeant Brandt's extraordinary selflessness is not an outlier, and it is not an exception; it is a hallmark of our police force and the fire department. They wake up each morning knowing that today may be the last day they get their kids ready for school, the last day they kiss their spouse goodbye. Today they may be asked to lay down their life to save another. That is a heavy burden. It is a burden that is shared by the spouses and children who have seen too many sleepless nights, praying for the safety of their mom and dad.

In conclusion, over the holidays we are all going to come together with family and friends to celebrate the holidays. We are going to remember our troops overseas. But let's keep in mind the sacrifices being made by our brave officers, as well as their families, who will be on the beat during the holidays just like our members of the military, protecting us.

On behalf of my fellow Alaskans, I want to express my profound gratitude and thanks to our proud law enforcement community for all they do to keep our communities safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise today to speak about the continuing resolution that is the business before the Senate. We are here once again today, as we have too often been in the 6 years that I have served here in the Senate, working at the last minute to avoid shutting down our Federal Government later tonight.

As we have before, to avoid a shutdown we appear likely to pass yet another continuing resolution. As an appropriator, as someone who is on the committee that is responsible for putting together all the provisions that will help keep this government moving forward, it is a real disappointment to me that this continuing resolution fails to address issues of real concern to folks all over this country.

Earlier this evening, I joined a number of my colleagues to draw attention to coal miners and their widows and the concerns we have about extending their health care through the adoption of the Miners Protection Act. Although that is an issue that dozens of Senators are concerned about, I wanted to speak tonight about another unacceptable omission in this legislation.

This continuing resolution does not include a lesser known but, to me, no less important provision, one that my senior Senator TOM CARPER and I have fought tirelessly for and one that is important to a manufacturing company in my home State of Delaware and dozens of companies in dozens of States. Last year, when Congress passed at the end of the year the omnibus spending package, we left on the cutting room floor, through an inadvertent staff error, provisions to extend a series of clean energy tax incentives known as the 48C investment tax credit, or ITC—not all of them, just for a few narrow and defined areas and, in a case that I care most about, for fuel cells. Those incentives have bipartisan support and have already proved successful at creating new technologies and good manufacturing jobs in this country.

We have heard a lot of talk in the last campaign about bearing in and fighting hard to save manufacturing jobs here in the United States. Well, extending the ITC is exactly the chance we had here today—we have had in the past year—to do just that. There are tens of thousands of jobs and hundreds, likely thousands, of companies across our country that rely on this ITC. In my home State, Bloom Energy, a company that manufactures in a number of States, has a significant presence. Built on the site of a former Chrysler plant, it was taken down when Chrysler closed its facility.

Bloom Energy offers real promise for the hundreds of Delawareans who work there in a cutting-edge clean energy business that was growing. But without the benefit of that section 48 investment tax credit, they are not growing. They may even have to lay people off. In my home State and in States all over this country, that is a concern I wish we had worked together to address.

These are incentives that have been proven to bring good jobs to the United States. If we don't extend section 48, as I think is very unlikely to happen tonight, tens of thousands of jobs across our country and dozens, at least in my home State, are at risk.

All over the country, we have heard in writing from hundreds of companies in 48 different states that support this extension. These companies want to invest in the research and development, the scaling up of new clean energy technology. They require long-term certainty and stability. But the extension of those credits has been pushed into next year sometime, after a year in which it was promised over and over this would get addressed.

The fault here lies predominately in the other Chamber, in the House, which did not respond to requests from

the leadership of this Chamber for this to be addressed. Republicans in the House are trying to push this issue, this extension, into a tax reform package planned for next year. But tax reform has been on the agenda here for year after year after year, and these credits expire this year, December 31.

With countless jobs at stake across the country, punting this to next year after a year in which it failed to be brought up and addressed has real world implications in my State and States across the country. So, after mistakenly, admittedly by error, dropping this extension a year ago, leaders promised that this issue would be addressed. A year later, it has not been. So on the stack of reasons why I will cast an unprecedented no vote on the CR tonight, this is just one more reason—a failure to fulfill a longstanding promise that these tax credits would be extended.

Companies can't invest and grow if they can't have a predictable path forward for investment and know about what is the possibility for their incremental investment in R&D and manufacturing. Real American businesses today, like Bloom Energy in my State and hundreds of others, need this reliability. There is no reason this could not have gotten done. There is no reason promises made could not have been kept. There is no reason this could not have been resolved.

So with real disappointment and regret, I am going to vote no for the first time on a continuing resolution that puts at risk keeping this government open because of a whole series of missed opportunities in this year's bill. It is my hope, it is my prayer, that next year, with a new Congress and with a new President, we will renew an attempt to find a bipartisan consensus around what it is we have to do to be competitive as a country, to sustain an all-of-the-above energy strategy, and to work together to find solutions that will grow manufacturing in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

COAL INDUSTRY

Mr. SULLIVAN. Mr. President, a number of my colleagues were down on the floor a little bit ago, talking passionately about the challenges our coal miners in the United States face. I want to mention Senator MANCHIN from West Virginia, in particular, who is someone who speaks with a lot of passion on this issue as was mentioned—so much so that I cosponsored the bill that he has been advocating, largely on the basis of his strong advocacy and, to be perfectly honest, the great respect I have for Senator MANCHIN.

I do find it a bit ironic that what we have not heard from any of my colleagues on the other side of the aisle, when talking about coal miners' challenges, is that we have just had an 8-year war against the coal industry and coal miners, waged by the President of the United States Barack Obama, and all of his Federal agencies—8 years—unprecedented, illegal from my perspective.

Where is the outrage? There have been a number of us who have been trying to fight this war against coal miners for the last 8 years. Where is the outrage about that? The war on coal is what has hurt many of these miners. I am confident and hopeful that the incoming Trump administration will help those miners with real jobs, not continue to purposefully put them out of work as the Obama administration has done.

So when we talk about coal miners, taking care of them, we also need to talk about who has been waging that war and who has been fighting against it. That is what we really need to do to protect coal miners.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

Mr. FRANKEN. Mr. President, first I wish to associate myself with Members who came to the floor this evening to talk about the CR. I will be voting against it. This isn't about shutting the government down. This is about the House putting forward a bill really without consultation with Senate Democrats—there was some, but at first there was none—and then leaving town. I feel that we could easily do a very short-term CR to hash out a few of these matters—the health care for miners and their widows being foremost in my mind. That easily could have been done. It is not as if we worked in this body too many days this year, and I think we could have worked next week to iron this out, to hash this out. I will be voting no because if we really care about the working people in this country, we really ought to be protecting their pensions and their health care.

REMEMBERING CAPTAIN LUIS MONTALVAN

Mr. President, I rise today to honor a very special man and friend of mine, CPT Luis Montalvan, one of my personal heroes.

On Monday I received the news that Luis had died last Friday. This has been a difficult week, and I am grieving Luis's death. Luis deserves to be honored because he dedicated his life to helping other veterans cope with the same struggles he faced after returning from war. I hope to do him justice because his story deserves to be told.

I met Luis in January of 2009 at an IAVA event—Iraq and Afghanistan Veterans of America. Luis was there with Tuesday, his service dog. I love dogs, and so I immediately went to Luis and to Tuesday. He told me that he could not have been there if it weren't for Tuesday. I asked him what Tuesday did for him. He told me he had severe PTSD, and he had been an agoraphobic, which is why he couldn't have been there without Tuesday. I asked him what Tuesday did for him. He said Tuesday could anticipate when he was going to have a panic attack by the smell of his perspiration or changes in his breathing pattern and that Tuesday would nuzzle him, and he wouldn't have the panic attack.

Luis talked about how he had debilitating nightmares. If he started thrashing in his bed, Tuesday would jump on the bed, wake him up, and he wouldn't have to endure a debilitating nightmare.

He said he was agoraphobic, so he didn't go out. He got Tuesday as a service dog. He had been drinking very heavily, alcoholically, and he was offered this opportunity—this chance to have a service dog, to be paired with this service dog. He was trained with Tuesday. Tuesday had been trained a couple of years beforehand, including by a prisoner who had been serving a sentence for second-degree murder and had been a big part of Tuesday's training. That man was released from prison and now trains dogs for a living. He has a business doing it.

He brought Tuesday back to his apartment in Brooklyn, a small apartment that he couldn't leave. He said he learned something about having a dog. You have to take a dog out at least twice a day. He learned something else, which is that people don't go up to scruffy-looking wounded vets—he walked with a cane because of part of his wounds in Iraq—but they will go up to a scruffy-looking wounded vet with a beautiful dog. Having Tuesday broke his isolation. He got out of his apartment, into life, and starting attending Columbia University School of Journalism.

I was so inspired by meeting Luis and Tuesday that, while I was waiting for my election to the Senate to be resolved in 2009, which took about 6 more months—I met him in January of 2009—I spent a lot of that time during my recount and then the legal actions after that researching service dogs and the benefits they bring to their owners.

When I got to the Senate, the first piece of legislation I introduced was quickly passed into law. JOHNNY ISAKSON of Georgia was my lead cosponsor. The bill was designed to increase the number of service dogs for veterans. Luis inspired that.

In 2011, after graduating from journalism school, Luis turned his story into a book entitled: ''Until Tuesday: A Wounded Warrior and the Dog Who Saved Him,'' which chronicled his journey after returning from Iraq. It was a very candid and deeply moving account of his struggle. I have always admired the bravery it took for Luis to share his story. In the year since the book came out, he had been traveling around the country, sharing his story with lots of people, giving speeches and interviews about his experience. He even had the chance to appear on the David

Letterman Show with Tuesday. It was something I know Luis really enjoyed.

Luis wrote two children's books about Tuesday. His book ''Tuesday Takes Me There: The Healing Journey of a Veteran and his Service Dog'' is one of my grandson Joe's favorite books. Luis wrote these children's books so kids could learn about how Tuesday changed his life and helped him by helping him through his daily activities.

This year had been a difficult year for Luis. Despite Tuesday's steadying presence, Luis was still feeling pain in his leg when he walked. Sometimes that made it difficult to get around. To ease the pain, he had his leg amputated a few months ago, and he was in an intensive therapy program to relearn to walk with a prosthetic.

He had other physical difficulties though. I talked to Luis's parents this week to call them and tell them how sorry I was for their profound loss, and they told me that among other health difficulties, he was suffering from very severe heart problems. So he was going through a difficult period.

I wish to celebrate the legacy he leaves behind, his legacy of helping veterans cope with life after combat. Because of Luis, more veterans are now able to access service dogs.

Let me tell you something about these amazing dogs. Obviously, a service dog can't do everything, but they do a lot to help. Service dogs raise their master's sense of well-being. They help reduce depression. They ward off panic attacks—as they did with Luis. They assist when their owner needs help standing back up after falling. They do so many things—and not just for veterans. They do it for diabetics. They can smell when the blood sugar is too low. They can be companions for autistic kids. The parents had told me that they could take their child to the mall now because they won't act out because they are taking care of their service dog while their service dog is taking care of them.

For veterans living with service-related injuries, these dogs can make a tremendous difference between veterans having a very good life—a decent life—and a very difficult one. My bill was a step in the direction to make sure that all veterans who need a service dog are able to get one.

Still, we must realize that so many of our veterans still struggle mightily, sometimes years and decades after they come home. The hard truth is that in many ways we are family—our vets.

The VA estimates that upwards of 20 percent of veterans of Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan suffer from PTSD. Twelve percent of gulf veterans and 30 percent of Vietnam veterans have suffered PTSDs during their lifetime.

These statistics should serve as a sobering reminder of the pain that so many veterans live with. It should remind us that unless you yourself have seen combat—which I have not—there is really no way to ever fully understand what they have gone through. I know I certainly don't, but I do know that these men and women put themselves in harm's way in service to our country, and it is our obligation to do everything we can to help them when they come back.

As Members of Congress, it is our responsibility—more than anyone else's in this country—to do right by them. I certainly do not have all of the answers, but I do know we can do better.

Luis was my friend. He was a good man who loved his country and wanted nothing more than to help ease the pain that so many of his fellow veterans experienced. I don't have the words to describe the sadness I feel knowing Luis is gone.

There is a lot to learn from Luis's book about what these men and women endure when they come back from war, but learning about the relationship between Luis and Tuesday is really one of my favorite parts.

Here is one of my favorite passages. And remember that one of the things Tuesday could do for Luis is anticipate panic attacks. Here is the quote, and this is from his book.

> Tuesday quietly crossed our apartment as I read a book and, after a nudge against my arm, put his head on my lap. As always, I immediately checked my mental state, trying to assess what was wrong. I knew a change in my biorhythms had brought Tuesday over, because he was always monitoring me, but I couldn't figure out what it was. Breathing? Okay. Pulse? Normal. Was I glazed or distracted? Was I lost in Iraq? Was a dark period descending? I didn't think so, but I knew something must be wrong, and I was starting to worry . . . until I looked into Tuesday's eyes. They were staring at me softly from under those big eyebrows, and there was nothing in them but love.

Luis, I want you to know that while you are not with us anymore, I am so proud of you. I am so proud that you were brave enough to serve your country for 17 years, and then brave enough to share the story of the hardship you faced afterward. I am so proud of you for giving hope to other veterans who faced the same struggles you did. Your book sits on my Senate desk still and always will. It will stay there as a reminder of the man I am proud to have called my friend.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

BLACKFEET WATER RIGHTS SETTLEMENT BILL

Mr. DAINES. Mr. President, today the Senate can make history in Montana. The Senate has the opportunity to send the Blackfeet Water Rights Settlement Act to the President for his signature with the passage of this WRDA bill, an issue I have been working on since I first came to Congress.

Modern efforts to settle the Blackfeet tribe's water rights date back to 1979. After long negotiations and after being introduced four times in the Congress since 2010, this year, the compact passed the Senate for the very first time, and with the passage of this bill, it will finally become law. The Blackfeet Tribe has waited long enough. It is time to get this compact across the finish line, and we are very, very close.

This compact will not only establish the tribe's water rights but irrigation for neighboring farmlands. We call that area Montana's Golden Triangle. It is some of the most productive farmland in our State. In fact, it is where my great-great-grandmother homesteaded.

Today is a historic day for the Blackfeet Tribe, for Montana farmers, and for Montana families. The Blackfeet water compact will update decades-old infrastructure, and it will strengthen irrigation for agriculture, while also protecting habitat.

I want to commend the Blackfeet Tribe and its chairman, Harry Barnes, who have been diligent and patient in seeing this settlement forward. I commend our State for its commitment to the Blackfeet Tribe and Indian Country in Montana. I urge the support of my colleagues in passage of this WRDA bill.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, today the Senate will vote to put the government on autopilot for the next 4 and a half months. Coupled with the continuing resolution we are currently under, that is 7 months of fiscal year 2017 priorities funded—or not—under the terms of the fiscal year 2016 omnibus bill. Freezing in place an earlier year's priorities—ignoring the many hearings and the committee work and the debates and the oversight that the Appropriations Committees have invested in genuine, full-year funding bills for next year—by definition means this stop-gap bill is chock-full of great mismatches between our current priorities and those set long ago for an earlier fiscal year. By definition it means wasted diversion of funds to past priorities and giving short shrift to changing circumstances, needs and priorities.

What does that mean to Vermonters? It means cuts to food assistance needs. It means halted homeland security preparedness grants. It means uncertainty for affordable housing developers and transportation planners. It means we here in Congress didn't get our job done.

What makes the vote on this continuing resolution all the more frustrating is the fact that we didn't need to be in this predicament today. The Senate Appropriations Committee carefully considered 12 individual appropriations bills. All but one were reported with broad if not unanimous support. Through September, October, and into November, we negotiated in good faith and in a productive way with our counterparts in the House of Representatives. That is until the order came to stand down. The word was that the President-elect didn't want us to pass a responsible, full-year budget. The word was that he wanted Congress once again to kick the can

further down the road. Then Democrats in both the Senate and House were shut out of the process—no consultation and no negotiations.

In the absence of what could have been an achievable omnibus appropriations bill, this continuing resolution does fulfill a few key priorities. It avoids a government shutdown, just before the holiday season. It provides the millions of dollars authorized earlier this week in the 21st Century Cures Act to fight opioid abuse and cancer. It rejects the National Defense Authorization Act's proposal to increase base defense spending through an increase in overseas contingency operations funds. It provides billions of dollars in emergency disaster assistance for recent natural disasters. It supports additional funds to care for unaccompanied children from Central America and Mexico. And at long last, it provides overdue funds—fully offset through the Water Resources Development Act authorization—to address the shameful lead contamination crisis in Flint, MI. The people of Flint have waited far too long, while Congress has dragged its feet, to finally have access to the needed resources for the children and families suffering there.

These are, surely, all reasons to support this continuing resolution. But, as with most things, there is another side to this story.

The continuing resolution extends, without desperately needed reforms, the EB–5 immigrant visa program. I opposed the current continuing resolution for this same extension. As I have said numerous times, the EB–5 program has become mired in fraud and abuse. Almost everyone agrees it is broken. It is time we fix it. If EB–5 cannot be reformed due to a paralysis of leadership, the time has come for it to end, not be extended, without debate, in a continuing resolution.

This continuing resolution—again, negotiated behind closed doors by Senate and House Republicans—does nothing to resolve the questions about how to sustain health care for miners and miners' widows. The Senate Finance Committee approved legislation in September to address this crisis in a bipartisan vote of 18 to 8. The Republican leadership has chosen—chosen—to not bring that legislation forward. Instead, now mine workers will be forced to spend the last dollars in their multiemployer health plan to cover this 4-month extension. What promises do we have that there will be a real commitment to provide for these men and women come next May? None. These mineworkers cannot afford thousands of dollars in monthly health care bills on the small pension payments they receive.

Further, the continuing resolution includes a troubling, precedent-setting provision to expedite consideration of waiver legislation for the President-elect's announced nominee to serve as Secretary of Defense. The Framers of the Constitution provided that the Senate should provide advice and consent in the appointment of such Cabinet nominees. Congress subsequently sought to implement limitations on who could serve as Secretary of Defense, thereby ensuring that America's military would remain under civilian control. Circumventing these limitations requires an act of Congress. It has been done just once before and not with any deal of levity. This continuing resolution, however, seeks to truncate the Senate's debate over granting, for only the second time in history, such a waiver. My opposition to the inclusion of this language stands apart from the nominee himself, as well as the legislation granting such a waiver, each of which should be debated fully. I oppose limiting the Senate's debate over the granting of such a waiver. That is what this language does. The Senate is the most deliberative body in the world. With this provision, we cede that designation, at least a bit, and pave the way for further erosions.

Nonetheless, we face what is ironically both a complicated and straightforward decision: allow for a government shutdown, 2 weeks before the winter holidays, or approve this continuing resolution that casts aside Congress's responsibility to enact meaningful appropriations bills for the fiscal year. As the incoming vice chairman of the Senate Appropriations Committee, I don't take this decision lightly. I want the record to be clear. To Senate Republican leaders and Republican leaders in the House; to the President-elect and the Vice President-elect: Democrats will not rubberstamp a partisan agenda in the 115th Congress. We will not tolerate being shut out of negotiations about how our taxpayers' dollars are spent. And we will not allow Congress to continue to buck its constitutional duties to quite simply do its job.

Mr. DURBIN. Mr. President, I had hoped to offer two amendments to the continuing resolution, CR, we are considering to fund government operations through April 28, 2017. I want to say from the outset that I am disappointed the Republican majority has decided to consider another CR rather than pass full appropriations bills.

This is an abdication of our responsibility to govern, and there are real negative effects for the American people. As vice chairman of the Defense Appropriations Subcommittee, I can tell you that 4 more months of a CR poses significant funding issues for the Department of Defense, DOD.

Given the thousands of funding lines that make up the DOD budget and the changing needs from one fiscal year to the next, it does not work to simply continue spending from year to year. For example, rolling the fiscal year 2016 DOD budget into fiscal year 2017 means that procurement accounts are overfunded by $6 billion, while operations and maintenance accounts—those primarily concerned with maintaining military readiness—are underfunded by $12 billion. This is not the support our men and women in uniform deserve.

To mitigate the worst of these effects, the bill before us contains a very small number of changes to particular funding needs, so-called anomalies. The two amendments I filed today suggest two more such changes, to ensure that important DOD medical research efforts and significant increases in spending for Israeli missile defense programs move forward.

Just this summer, during the consideration of the fiscal year 2017 National Defense Authorization Act, the Senate voted in a strong, bipartisan fashion to maintain a comprehensive DOD medical research program. We debated at great length the important contributions DOD medical research continues to make for our Active Duty personnel and their families, as well as our military retirees, veterans, and the American public.

Under a CR, because the bulk of DOD research dollars—over $1 billion—are added by Congress, much of this work will stop cold. No new projects will be funded, with impacts on fiscal year 2016 research projects as well. Passing this amendment will ensure that this critical work and medical advances for our soldiers, airmen, sailors, and marines are not delayed by allowing $1.8 billion contained in the fiscal year 2017 Defense Appropriations bill to be spent.

At the same time, over the last decade, Congress has overwhelmingly supported significant increases for Israeli missile defense programs, including Iron Dome, David's Sling, and Arrow. The fiscal year 2017 Defense Appropriations bill includes a $113 million increase for these programs—totaling $600.7 million—and this spending is necessary to get new technologies into the field in a timely manner.

I think we can all agree that 7-month CRs are not the way we should be funding our government. While we should be considering all of our appropriations bills, passing both of these amendments would enable important programs to maximize their impacts in fiscal year 2017.

Mr. PETERS. Mr. President, today I wish to speak, once again, about how critically important it is to pass legislation that will finally help the people of Flint repair their devastated drinking water system. We have before us a water resources bill that was identified a long time ago as the vehicle to assist Flint during their still-ongoing water crisis. We have been working for months and months on this. We have had strong commitments from leaders in both parties and on both sides of the Hill.

The Water Infrastructure Improvements for the Nation Act, formerly known as the WRDA bill, includes funding authorizations for communities that have had a drinking water emergency, as well as language authorizing increases in health funding and

lead exposure prevention. But the actual appropriations funding for these provisions are contained in the Continuing Resolution.

The bottom line is this: For Flint and any other future communities with drinking water emergencies to receive money, this body must pass both the water resources bill and the continuing resolution. This may be the last, best chance to secure the long-overdue assistance that the people of Flint deserve.

The families in Flint have suffered through unspeakable hardships over the last couple years. To this day, many are still using bottled water to drink, cook, wash their dishes, and even take sponge baths. After Thanksgiving, it broke my heart to see the famous ''Little Miss Flint'' post on social media about how it took 144 bottles of water to prepare Thanksgiving dinner.

Can you imagine having to open 144 bottles of water simply just to cook your Thanksgiving meal? These same people have heard promise after promise that they will get the help that they need to put new pipes in the ground. Some of that work has started, and the water quality is slowly starting to improve. Still, the fact remains that Flint residents still cannot access clean drinking water directly from their taps.

We shouldn't forget that the Flint provisions in the water resources and the CR also contains language to set up nationally significant programs and policies to help prevent and respond to any future emergencies that are similar to the Flint water crisis. The bills include money for a lead monitoring registry and an associated expert advisory committee, as well as for a childhood lead prevention and a better public notification process.

The water resources legislation also has nationally significant, bipartisan provisions to restore some of our Nation's great bodies of water, such as the Great Lakes, Everglades, Lake Tahoe, the Delaware River Basin, and more. Not to mention this bill contains critical projects for reducing the risk of flood damage, as well as maintaining our navigational waterways and harbors. But I must recognize that this bill is flawed and imperfect. I was very disappointed to see last-minute changes to provisions that threatened the bill's strong, bipartisan support.

The WRDA bill passed the Senate by a vote of 95–3 just a few months ago, but these new changes to the text threaten to dismantle that support. We must make tough decisions in Congress, and the vote on this compromise bill will certainly be a hard choice for several of my colleagues. But I would ask you think hard about the balance of this bill and measure all the benefits of the many positive provisions. And I would ask you to think about our responsibility to care for communities in crisis.

We will soon have a chance to deliver on a long-standing promise for some unbelievably resilient and strong people. I urge you to follow through on that promise by voting in support of the water resources bill and continuing resolution. Thank you.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—S. 290

Mr. MORAN. Mr. President, I wish to call to the attention of my colleagues S. 290. S. 290 is a piece of legislation passed unanimously by the Senate Committee on Veterans' Affairs. It is a bipartisan bill that was crafted by the ranking member, the Senator from Connecticut, Mr. BLUMENTHAL, and me, and it deals with accountability at the Department of Veterans Affairs.

This legislation has a number of components, but the one I wish to focus on this evening is one that has a consequence to those in senior executive positions at the Department of Veterans Affairs who commit felonies in the scope of their employment at the Department of Veterans Affairs. This legislation, S. 290, would eliminate their pension if convicted of a felony in a court of law and only that portion of their pension that was accrued after the conduct that resulted in the felony conviction.

That is the circumstance that was approved by the Veterans' Affairs Committee a year ago this month. That bill has yet to come to the Senate floor. During that time in which we have been waiting for consideration of this legislation, certain terribly unfortunate events occurred at the VA hospital at Leavenworth, KS.

I have been on the Senate floor speaking to this issue previously, but the basic facts are that a physician's assistant committed sexual acts with his patients—veterans who came to the VA hospital at Leavenworth, KS, for care and treatment, and we learned of this reprehensible conduct from newspaper reports in 2015.

That conduct has affected many veterans in Kansas and in Missouri who sought the care and treatment of a physician's assistant and who relied upon the VA to provide that care for them. In fact, Mr. Wisner was never discharged from the VA; he resigned a month after the conduct was reported to the inspector general. Veterans have now sued Mr. Wisner in court, and at least a dozen veterans are seeking redress, and criminal proceedings are pending in the District Court of Leavenworth County, KS, against Mr. Wisner.

One of the things the veterans who have called our office to talk about this circumstance—and we believe there are many other veterans who have suffered the consequence of this sexual abuse by a VA employee who is a health care provider—one of the consequences has been phone calls to our office asking for our help. One of the common conversations is: It is so difficult for me to get my pension, my benefits from the VA. Why would Mr. Wisner, if convicted of these crimes, receive his?

So I have authored an amendment to S. 290 that would add an additional category of Department of Veterans Affairs employees who also would suffer the loss of their pension should they be convicted in a court of law for conduct they committed in caring for patients at the VA, and that reduction in pension would occur from the point of time of the conduct that resulted in the felony conviction of that VA employee.

What we are talking about is adding positions such as physicians, dentists, podiatrist, chiropractors, optometrists, registered nurses, and physicians assistants to the language; the theory being if it is appropriate to remove the pension benefits of a member of the upper echelon—the executive team at the VA for conviction of felony conduct—why would it not be appropriate to also add those who can do even more damage to a veteran by felony conduct against them while seeking care and comfort and treatment from the VA?

So what we now present to the Senate—in fact, we have asked for unanimous consent on two previous occasions for this to be considered. We have hotlined this legislation. It has cleared the Republican side twice but has yet to clear the Democratic side of the Senate. So the request soon will be that S. 290, as amended by a Moran amendment, the language of which was negotiated between me and the ranking member, Senator BLUMENTHAL of the Veterans' Affairs Committee, be added to the original S. 290, the bill that Senator BLUMENTHAL and I created to create accountability at the Department of Veterans Affairs.

Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 290 and the Senate proceed to its immediate consideration; I further ask that the Moran substitute amendment 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. Is there objection?

The Democratic leader.

Mr. REID. Reserving the right to object, we have to be back here in 2 hours anyway. I would ask my friend if he would be willing to come to the floor at about 10 minutes to 10 again to renew his request. I have a few calls I need to make to make sure the matter about which this side has raised a concern is valid.

So if Senator MORAN would be willing to come back in a couple of hours, we can take a look at it.

Mr. MORAN. I appreciate the remarks of the distinguished leader, and I am happy to accommodate.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MORAN. Mr. President, based upon the conversation and dialogue that occurred with the Senator from Nevada, I withdraw my unanimous consent request. I will renew my request

later and look forward to the majority leader being present at that time.

The PRESIDING OFFICER (Mr. CRUZ). The request is withdrawn.

The Senator from Colorado.

UNITED STATES ENERGY

Mr. GARDNER. Mr. President, over the past several years, we have heard from our allies around the globe about the need for U.S. energy. The fact that the United States can produce abundant and affordable energy is the envy of the world, and allies from Eastern Europe to Asia look at the United States as a place where they can achieve and get that abundant, affordable energy supply they need to help grow their economy so our allies aren't dependent on countries in the Middle East that aren't necessarily friendly to them for their energy supply and energy sources.

When it comes to energy production, we know across this country the shale revolution has created hundreds of thousands of jobs. In my home State of Colorado alone, it has created over 100,000 jobs. It is an incredible opportunity that we have to gain North American energy independence and security.

We also know we have an overabundance of natural gas supplies right now. At the very same time that our allies are asking for American energy supplies, we have an abundance of American energy. Especially in the Rockies, we have the potential for an asset to become stranded—an asset that we can produce a lot of but lack the markets to send it to.

As energy developments have occurred in the Northeastern part of the United States, we have seen that Northeastern States are now able to get their energy resources, natural gas, and others, from right in their backyard instead of relying on the Western United States. Those of us in the West have urged the construction of LNG terminals in the gulf along the west coast so we can export that natural gas through LNG terminals to our allies who desperately need it.

That not only gives our allies the energy they desire, but it also makes sure we can continue producing energy in Colorado and the West and not result in a stranded product that can no longer go east but has an outlet to the west. Because of this demand by our allies and because of the incredible success we have had producing that energy, the Jordan Cove LNG terminal has been proposed for construction in Oregon. Jordan Cove would provide an outlet for Colorado and other States' energy productions to have an outlet to Asia.

I am chairman of the East Asia Subcommittee on Foreign Relations. When I visited across and throughout the region, one of the key conversations I have had with leaders, government leaders, and business leaders in those nations is the conversation surrounding energy, and they talk about what we can do to expedite and to increase energy exports from the United States.

This Senate has made great progress, this Congress has made great progress when it comes to exporting energy. In fact, earlier this year, we allowed for the export of crude oil for the first time since Jimmy Carter made it impossible decades ago. We also know we continued to work on LNG Exports expediting the permanent approval process for LNG terminals. Legislation that was included in the Energy bill would have allowed those approvals, required those permits to be approved in an expedited fashion. Unfortunately, the Energy bill did not get approved. It does not look like it is going to move at the end of this Congress, but I certainly hope it will next year, and I certainly hope we will get language expediting LNG terminals.

One of the most clear outrages, though, of this administration's policies over the last year—8 years has been its outright hostility to energy development. Unfortunately, many of our commissions and agencies in our government continue to reflect that hostility toward the development of our energy resources.

Let's just take a decision that was announced mere hours ago as it relates to Jordan Cove. Once again, FERC denied the application of Jordan Cove to exports, shutting down their pipeline, preventing them from getting the resources they need to open the facility to be able to export to our allies in Asia.

They claim that Jordan Cove has not demonstrated a market. They don't have enough of a market proven to approve the pipeline necessary to feed the terminal to export to LNG. Jordan Cove has substantial customer base in Asia. They have proven it to FERC. This is nothing but the continuation of a denial in March that FERC made to shut down exports of LNG, to shut down our ability to get energy out of the Rockies and send it to our allies in the West.

Over the next several years, luckily we will be asked to confirm a number of nominees from commissions and agencies across the government, including FERC. It is my hope this body, as it looks to these nominations and approvals, will start asking some very difficult questions to those people who are going to be filling these commissions about whether we are serious about energy production in the United States and whether we are serious about allowing States such as Colorado the ability to produce energy and then to export it to our allies around the globe.

If people—like FERC right now—have their way, their answer is, no, shut it down, keep it in the ground. That is extreme and an activist point of view, and it is an outrage. It is denying the people of Colorado economic opportunity. It is denying the people in the West economic opportunity, and it is letting the government decide what is right and wrong in the marketplace.

FERC, this government shouldn't be in the business of picking winners and losers. Yet that is what it continues to do. Jordan Cove has tremendous bipartisan support. Republicans and Democrats alike believe that facility is important to Japan, that facility is important to opportunities in Korea, that facility is important to our allies throughout Asia, throughout the West, and it is my hope that as this process moves forward, we can get a deep expression and understanding from FERC about why they continue to deny these jobs, deny these opportunities.

The demand is there. The need is there. The economics are there, and we certainly need the jobs there in Colorado with the approval of this pipeline and that facility at Jordan Cove.

I thank you for the time this evening, and I certainly hope we can at least make some progress over the next few years with people in agencies and people in commissions who believe in the American economy instead of the American bureaucracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ACCOMPLISHMENTS OF THE 114TH CONGRESS

Mr. HELLER. Mr. President, as we approach the end of this Congress, I rise to discuss not only what we have accomplished in this Chamber but also specifically what we have accomplished for the State of Nevada. I am especially proud that many of my priorities have been able to move forward to help Nevadans thrive—from veterans to health care, to infrastructure.

These accomplishments prove that this majority was prepared to work and produce lasting results. I look forward to advancing even more priorities that benefit Nevada in the 115th Congress. As a member of the Senate Committee on Veterans' Affairs, I have been proud to advocate on behalf of Nevada's brave heroes. My focus has always been on issues impacting Nevada's veterans most. I will give you some examples: guaranteeing our veterans have access to care, ensuring they receive care quickly, working to hire more VA doctors, providing health care for rural veterans, and addressing the disability claims backlog we have been working on for years.

In this Congress, there has been a lot of progress. As a cochair of the Senate VA Backlog Working Group, I have been holding the VA's feet to the fire on the disability claims backlog. The VA has adopted many of the working group's policy recommendations, and this pressure has helped reduce the backlogs from 405,000 claims in 2014 to 92,000 today.

Although, clearly, there is much more room for improvement, Nevada's veterans are far better off submitting a claim to our Nevada VA Regional Office today than they were 2 years ago. Nevada was once the worst in the Nation and now it is in the top 25 percent for performance.

Another issue plaguing veterans in Nevada and nationwide is VA doctor

shortages. It is hard for VA to recruit and retain medical professionals, and that impacts how quickly our veterans can get their care.

I have asked the Government Accountability Office to examine the VA's current policies for recruitment and retention and report back to me on what improvements can be made. I look forward to receiving that report next year and enacting to ensure we address this issue that affects urban areas, such as Las Vegas, and our rural veterans in Elko, Ely, and Winnemucca.

When it comes to bringing high-quality care to Nevada, I am also proud that the VA finally opened a brandnew VA clinic in Pahrump. While there have been many positive steps forward for Nevada's veteran community, clearly there is more to accomplish in the next Congress.

In fact, I am working to pass legislation through the Senate right now that would bring greater accountability to the VA by reporting each year on bonuses awarded to critical positions like VA hospital directors.

We still have a 20-percent disability claims backlog and a growing appeals backlog. The VA Choice Program must be revisited in 2017 for reauthorization and improvements. The VA still struggles to fire employees who are poorly performing. Rural veterans still struggle to find doctors to serve in their area. These are priorities for Nevada's veterans that I am committed to advancing every day that I am in the U.S. Senate.

I am also particularly proud of the work we have done in the 114th Congress on infrastructure. Those efforts yielded major results for the State of Nevada. Last year, we enacted the first long-term highway bill in nearly a decade called the Fixing Americans Surface Transportation Act, or better known as the FAST Act.

This 5-year bill provides States with resources and the tools to advance high-priority projects, such as the new Interstate 11 connecting Phoenix to Las Vegas, the Carson City freeway, and the widening of the Las Vegas busiest freeway, Interstate 15 in Las Vegas.

The bill also included in my top infrastructure priorities the expansion of Interstate 11 to Northern Nevada. I have been working for years to improve mobility from Las Vegas to Reno. Surface transportation projects like these spur economic development opportunities. It reduces congestion and increases safety—the recipe for creating short-term jobs and long-term economic growth.

In July, the FAA Extension, Safety, and Security Act was enacted into law. This important legislation implemented important reforms that make U.S. air travel safer, more efficient, essential to tourism destinations, such as Las Vegas, Reno, and Lake Tahoe.

Again tonight, we will debate yet another important infrastructure bill—the Water Infrastructure Improvements for the Nation Act. Included in that package is a bill I sponsored and have been working on with my Nevada and California colleagues for nearly a decade—the Lake Tahoe Restoration Act. This initiative will reduce wildfire threats, jump-start transportation and infrastructure projects, combat evasive species at Lake Tahoe, and ensure the jewel of the Sierras is preserved for generations to come.

It also includes a provision I crafted with Senator HEINRICH that improves the water security of rural western communities. I hope my colleagues will agree to quickly take up and pass this critical, important legislation for my State, sending it to the President's desk before the end of the year.

With a new majority in the Senate, we were also able to make good on a number of promises to the American people on the health care front. First and foremost was being able to be send an ObamaCare repeal bill to the President's desk within the first year of our new majority. One of my top priorities in our ObamaCare repeal efforts was to repeal the 40-percent excise tax on employee health benefits.

In Nevada, 1.3 million workers who have employer-sponsored health insurance plans will be hit by the Cadillac tax. I knew the devastating impact this tax would have on Nevadans, but I also knew that in order to get anything done, we needed a bipartisan effort. My friend Senator HEINRICH from New Mexico and I teamed up to successfully include a delay of the Cadillac tax in the omnibus bill at the end of last year. Rest assured, I will continue to fight for a full repeal in the next Congress.

This week, we were able to pass the 21st Century Cures Act, which has a 2-year process to work in a bipartisan way to advance medical research and clear out government redtape at the Food and Drug Administration. I was very pleased two of my bills that focus on mental health and protecting seniors' Medicare benefits were included in this health care package.

First, my bill, Bringing Postpartum Depression Out of the Shadows Act, was included in the mental health title of the bill. After working with mental health care providers in my home State, I learned that Nevadans lack access to the appropriate treatment, screenings, and community support needed to provide effective care for new mothers struggling with postpartum depression.

I worked with Senator GILLIBRAND and HELP Committee Chairman ALEXANDER on this important piece of legislation, which builds upon existing State and local efforts by providing targeted Federal grants to assist States in developing programs to better screen and treat maternal depression.

Another bill we were able to pass as part of the Cures Act was my legislation, the Medicare Advantage Coverage Transparency Act. This legislation requires more transparency of the Medicare Advantage and prescription drug benefits enjoyed by seniors throughout the State.

It will also ensure that these benefits continue to provide meaningful coverage to seniors and will help us protect important health care benefits for current and future retirees.

More than 30 percent of Nevada's seniors enjoy their Medicare Advantage benefits, and enrollment continues to grow in my State. Successfully passing a number of health care bills will surely set the tone early next year when the united Republican government finally repeals ObamaCare.

I am optimistic that with a willing partner in the White House, we can build on these successes. I plan on using my role on the Senate Finance Committee; Senate Commerce, Science, and Transportation Committee; and the Senate Committee on Veterans' Affairs to tackle the challenges facing Nevadans across the State.

I know we will do everything in our power to protect our constituents' access to care as we transition out of ObamaCare and into a new era of a 21st century care system that works for patients.

I know we will honor our veterans by improving the quality of care and benefits they have earned.

We will invest in roads, bridges, clean water, a modern and reliable electricity grid, telecommunications, and other pressing domestic infrastructure needs.

I look forward to working with my colleagues in the U.S. Senate on these important priorities in the coming year.

I thank the Presiding Officer and 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. SHELBY. 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—H.R. 3394

Mr. SHELBY. Mr. President, I will take just a few minutes. I rise to call up for consideration H.R. 3394, the CAPTIVE Act. I have long advocated for the Senate to pass the CAPTIVE Act, which passed the House by unanimous consent in July.

In 2003, a group of Department of Defense contractors were on a counter-narcotics mission in Colombia when their plane crash-landed. These Americans were captured by members of the Revolutionary Armed Forces of Colombia, which we know as FARC, which is a violent guerrilla group that is heavily involved in drug trafficking.

My fellow Alabamian Thomas J. Janis, the pilot of the plane, tragically lost his life at the hands of these terrorists on February 13, 2003. The three

other Americans abroad the flight were kidnapped, held hostage, and tortured for more than 5 years until they were finally rescued by the Colombia military. These heroes are now seeking justice for themselves and their families against those who carried out unthinkable acts of violence.

The CAPTIVE Act is simple. It would make it easier for all U.S. victims of terrorism to recover court-awarded damages. I believe that the family of Tom Janis and all of the victims of terror deserve nothing less than for the Senate to swiftly pass the CAPTIVE Act. I urge my colleagues to join me in supporting that.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3394, which was received from the House; I further ask 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 (Mrs. ERNST). Is there objection?

The Senator from Ohio.

Mr. BROWN. Madam President, reserving the right to object, I share Senator SHELBY's and other colleagues' strong desire to ensure that this small group of Americans who suffered such violence at the hands of FARC is compensated for their ordeal. Earlier this week, at the behest of Senator NELSON and others, I met with some of those former hostages. I heard of their suffering firsthand. I have read about it. I have talked to them. I cannot imagine what they went through. While the victims have already received a portion of the compensation awarded them by Federal courts—around $16 million so far—out of a total of $318 million awarded, they still have a long way to go.

The administration, including the Treasury Department, which overseas our efforts to combat the narcotics trafficking that is having such a devastating impact on our country and others around the world, has expressed serious concerns that the CAPTIVE Act would undermine our successful anti-narcotics efforts.

I want to help these victims. It is terrible what happened to them. They were trying to serve our country—they were serving our country when this happened. But I have serious concerns about this legislation written in this way, how it would undermine successful anti-narcotics efforts.

Since the administration's concerns and the risk to our anti-narcotics efforts have not been addressed—and I think we can address them, I hope early in January once we have coordinated and gotten this information in a way to present it back to Congress in another piece of legislation that preserves these anti-narcotics efforts and at the same time fulfills our commitment to compensation. But because of all of that, I must object.

The PRESIDING OFFICER. Objection is heard.

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

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

WRDA

Mr. MERKLEY. Madam President, I rise to share a few thoughts on the Water Resources Development Act, or, as it is referred to, the WRDA Act. This is a bill which has a tremendous number of water projects across America that in general will work to make many communities' economies work far better. These are widely distributed across the country, and they are widely needed. It was worked out through a tremendous amount of effort on the Senate side and on the House side. There are certainly projects there I have fought for that will be of assistance on the Columbia River and to the tribes who were affected by the dams on the Columbia River and on the WIFIA, the Water Infrastructure Finance and Innovation Act—a vision I have been working on for years to put in place.

All of that is very good, but I have real concerns about a provision that was airdropped into the conference. This is not just a little one-sentence rider; this is 90 pages called the California Drought Act.

Picture the big vision here. For years, the Central Valley of California has been a massive consumer of water for agriculture. We have had years of drought. During those years that the Central Valley was a massive consumer of water, they planted a lot of crops that consume a lot of water. Crops like almonds—it takes a gallon of water for every almond. There are crops like rice, where you have to flood the paddies of rice and there is massive loss to evaporation. But the agricultural community there wants to continue growing the same crops even throughout the drought, and so they are looking for ways to pull more water out of the Northern California rivers and ship it to the Central Valley.

Why is this a concern? This is a concern because these rivers in the northern part of the State are key rivers for salmon. If you drain these rivers to fulfill the water needs of the Central Valley, you will do enormous harm to the salmon and to the salmon fishermen.

When salmon go downstream and head out to sea for 5 or 6 years, they swim north. They have a huge impact and role to play off the Oregon coast and off the Washington coast. That is why during the course of this debate you have seen two Senators from Washington State, MARIA CANTWELL and PATTY MURRAY, talk about how concerned they are and why you have seen my colleague from Oregon, RON WYDEN, talk about how concerned he is—because we have at play here a battle between the salmon fishermen and that industry and its iconic species and all it provides to the Northwest and the agricultural growers of the Central Valley.

It isn't as if the growers in the Central Valley haven't benefited from taking water from north California—from the northern rivers; they have been doing it for decades. They have been increasing the amount of water for decades. Now they are asking to use this drought, through this California drought bill, to give them authority to take even more water despite a negative impact on the salmon.

That is why I am troubled, and there are some key provisions that I thought are worth talking about specifically because some folks have come to this floor and said: Don't worry, be happy. Nothing in here is going to change the provisions and applications of the biological opinions that control how we make sure we sustain a healthy environment for the fish. Others have come and said: Don't worry, there is nothing that changes the application of the Endangered Species Act. But unfortunately that is just not accurate. I thought I would give some insight into how this works.

Section 4001 in the bill provides an opportunity to bypass biological opinions by setting up a pilot project and then studying the outcome of the pilot project. It uses the pilot project as a way to do an end run around the biological opinions and the Endangered Species Act.

Just to share a little bit of the language, quoting directly from the bill, ''[T]he California Department of Water Resources . . . [will] implement a pilot project to test and evaluate the ability to operate the Delta cross-channel gates daily or as otherwise may be appropriate to keep them open to the greatest extent practicable . . . and maximize Central Valley Project and State Water Project pumping.''

Here is the thing. What you have is a river coming down, and salmon that are coming back from the ocean swim up that river in order to spawn. But along the way are these gates that control water that can move into the delta toward the Central Valley. If those gates are opened, the salmon, instead of going upstream to spawn, get diverted, and it has a big impact on the species, so those gates are kept closed in order to protect the success of the spawning salmon.

This basically says: Do a pilot project and open the gates. Then it proceeds to say that what we will do about that is to collect data on its impact. I will quote again:

> [W]ith respect to the operation of the Delta cross-channel gates described in (1), collect data on the impact of that operation on . . . species listed as threatened or endangered.

So it is a direct impact on the Endangered Species Act. It gives permission through this so-called pilot project to

open the gates and then to collect data on how much harm it does to the fish. That is very unlike the information that has been presented by some on this floor.

Here is another provision within the 4001 section. It instructs adoption of ''a 1:1 inflow to export ratio for the increment of increased flow,'' and it gives a bunch of details about that, and it says this must happen ''unless the Secretary of the Interior and Secretary of Commerce determine in writing that a 1:1 inflow to export ratio for that increment of increased flow will cause additional adverse effects.''

It doesn't say you can do this 1:1 flow unless it causes adverse effects; it says you can't do this 1:1 flow unless the Secretary of the Interior and Secretary of Commerce say it will cause bad effects. So essentially here is another end run around the biological opinion and around the Endangered Species Act by just giving the Secretary of Commerce and Secretary of the Interior of the incoming administration the power to just let this water be diverted unless they act. That is not something that can be challenged in court because there is no standard being applied for violating the biological opinion, no standard being applied for violating the Endangered Species Act, except the opinion of the Secretary of the Interior and the opinion of the Secretary of Commerce.

Those two things are in section 4001. Let's turn to section 4002.

Section 4002 says essentially there is a range at which a biological opinion allows you to drain a river. When you normally think of water being taken out of a river, you picture the river flowing down, and maybe there is a place where some of that water is pulled out of the river, but the rest of the river keeps flowing on down. But in this case, the amount of water taken out is called a negative flow because it actually ends the river. It pulls the water back. That is very dramatic.

This bill has specific instructions, and in that range of possibilities that might be considered within a biological opinion, they are instructed to pump at the maximum rate, a rate that will not be less negative ''than the most negative reverse flow''—I am reading from this bill—''the most negative reverse flow rate prescribed by the . . . biological opinion.''

So they are instructed specifically not to find the right space within the judgment of the scientists and the biological opinion, but if there has been an estimate—as it could be from here to here—to take the very maximum rate, and this rate is so high that it causes this negative flow of water, which is why they talk about rivers running backward to feed water to the Central Valley.

So that is a precise instruction that changes the normal application and work of scientists who are evaluating the effect, under all the various conditions, of how much water to pull out, and so it very much affects the biological opinion and very much affects the Endangered Species Act.

There is a way that this can be overridden recent, but not by challenging it in court—the only way it can be overridden is if the Secretary of the Interior or the Secretary of Commerce shall document in writing that it is going to go have a very bad impact. So, again, this is giving no recourse to those who see enormous damage to the fish because they have no power. All the power is given to the Secretary of the Interior and the Secretary of Commerce.

Let's go to another section, 4003. The language itself essentially says that the Central Valley projects and the State water projects should take the absolute maximum flow rate that is allowed and then go beyond that.

In section 4002, it was like: Here is the range. Take the top end of the range. Don't use your scientific judgment about where you should really be to protect the fish and the salmon industry. This one says: Here is the range from here to here, but you have to go further, take even more. This is almost unbelievable. I have never seen anything like it.

I will quote: ''authorize the Central Valley Project and the State Water Project, combined, to operate at levels that result in OMR flows more negative than the most negative reverse flow rate prescribed by the . . . biological opinion.''

So when some of my colleagues have come to this floor and said this doesn't affect the biological opinion a bit, yes it does. It says it in plain language. Here is the opinion; you have to be between here and here. And the law, if passed, if adopted, says: No, no, no. Go further, go beyond the range of the biological opinion.

This language is unambiguously inconsistent with the requirements of the biological opinion. It just says in plain, straight language: Ignore it. Go beyond it.

It also says that these transfers through delta water for the State water project can occur even if they violate the 1992 Central Valley Improvement Act—even if they violate it.

So what is in that section (a)(1)(H) of the Central Valley Improvement Act that can be violated? I pulled up that language. Let's just check this out. It refers to contractual obligations or fish and wildlife obligations under this title.

So, in other words, this bill says you can ignore the obligations related to fish and wildlife. So, once again, we see a provision aimed at ignoring the impact upon fish or upon wildlife and authorizing the raiding of water from Northern California for more almonds in the Central Valley.

Now, 20,000 people work in the salmon industry, and a huge part of this are the salmon that come out of these streams—streams that are already compromised. So the reason there is such a profound objection from Senator BOXER of California, from Senator MURRAY of Washington, from Senator CANTWELL of Washington, from Senator WYDEN of Oregon, and from me is that this is a blueprint for running over the top of carefully crafted biological opinions designed to prevent the extinction of key species. In this case, it is not just the extinction. It is also a key commercial enterprise—the salmon industry.

So I am offended that this overrun of the salmon, this permission slip to drain the rivers of the north to feed the Central Valley, is being presented as having no impact on the biological opinions for the Endangered Species Act. It is a full-fledged bulldozer running over the top of the poor protections for the salmon.

This is a terrible precedent for Congress because each time an industry is threatened, there will be those who will point to this precedent and say: Look, when the almond farmers were threatened because they didn't have enough water in the Central Valley, we gave them permission to destroy the salmon. So when something else is threatened, let's give permission to run over some other aspect of the Endangered Species Act or some other aspect of the biological opinion. This is an unacceptable precedent for anyone who cares about the balance between our commerce and the diversity of species in our States and other competing industries. This is not just almonds against the survival of a species; it is almonds against 20,000 fishermen who depend upon the salmon runs that will be so grievously impacted by this bill.

So I encourage folks to read it. Read the fact that it lays out specific instructions that require the maximizing of water beyond the highest levels already existing within a biological opinion. This is wrong.

I will be opposing closing debate on this bill because this air-dropped provision did not go through the House side, and it did not go through the Senate side. It sets a precedent that should be fully debated in committee. The American people should have a chance to respond and know about this air-dropped provision—an attack on the Pacific salmon—before this Chamber votes on this bill.

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

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

THE 114TH CONGRESS

Mr. MCCONNELL. Madam President, the day after the election I said that we had two main priorities for this postelection session of the Senate: Pass the 21st Century Cures bill and fund the government.

We passed the Cures bill already, and we will be voting shortly to keep the government running. Soon after that vote, we will pass the bipartisan water resources bill, which directs assistance to families in Flint and supports important waterways projects in nearly every one of our States. It is testament to the hard work of so many and Chairman INHOFE, in particular.

Under the leadership of Chairman MCCAIN, this week we also passed the Defense authorization conference report, which addresses many of the national security challenges facing our country. I would also like to point out that the Cures bill, which passed earlier this week, simply would not have happened without Chairman LAMAR ALEXANDER. And it is impossible to overlook the unending, unyielding work of Senator MURKOWSKI on the Energy bill, as well, or our indispensable Finance Committee chairman, Senator HATCH, who has been involved in almost every bill from the doc fix to the tax extenders that come through this Chamber.

I would like to note the great work of the Appropriations Committee, specifically for its efforts to ensure that individual bills and an omnibus were prepared for consideration. We know they have been putting in long hours, especially this week, and for that we are certainly thankful.

This Congress, the Senate has passed nearly 300 bills, and nearly 200 of those are now law. But what really matters isn't the number of bills passed; it is what we can achieve on behalf of the American people, and by that standard, I am incredibly proud of what we have been able to accomplish for our country.

Over the past week I have had the opportunity to pay tribute to many colleagues who have made such a lasting impact on the Senate during their tenure. But as the 114th Congress comes to a close, I would like to take a moment to recognize another set of individuals whose work makes the business of the Senate possible in the first place.

It goes without saying that keeping the Capitol running is a vast undertaking. It requires a passion for service, round-the-clock work, and great sacrifice by everyone employed. The legislative process simply wouldn't be possible without the dedicated work of so many. On behalf of the Senate, I would like to acknowledge their efforts and say thank you to the following:

To my leadership team for their wise counsel; to our committee chairs and ranking members for so much great work over the past 2 years; to the many, many colleagues in both parties for working so hard to make this Senate a success; and, to those we are saying farewell to—Senators COATS, BOXER, MIKULSKI, REID, VITTER, KIRK, and AYOTTE—for your service to our country, I say thank you.

To my chiefs of staff, Sharon Soderstrom and Brian McGuire, for their indisputable talent and for leading a team that is second to none, every member of which I would thank individually if I could, I say thank you.

To the floor staff, Laura Dove and Gary Myrick and their teams, for keeping the floor running, for running it smoothly, and for making it look effortless every single time—even though we know it is anything but; to the Parliamentarians and clerks who sit on the dais whenever the Senate is in session, making sure our operations are smooth and by the book; to the Secretary of the Senate and her team for protecting the rich history of this body and for overseeing so many different legislative and administrative operations, I say thank you to all of these folks.

Off the Senate floor there are so many more to thank too: the Capitol Police, for putting themselves in harm's way to protect everyone who works in or visits this institution; the Sergeant at Arms staff for overseeing a dizzying range of efforts—from setting up rooms and enacting security protocols to preparing for next year's inauguration; the Architect of the Capitol staff, which is always hard at work making the Capitol the best it can be—from the conservation of these illustrious hallways to the extensive restoration of the Capitol dome; and to literally countless others: the doorkeepers, the legal counsels, the committees and their staff, the pages, and all those whom I have not mentioned, we appreciate what you do. Please know that your service and your dedication does not go unnoticed.

Let me also again recognize the Democratic leader for his more than three decades of service. As I said yesterday, HARRY and I clearly have had some different views on many things throughout the years, but we have shared similar responsibilities as the leaders of our respective parties, and I think we can both agree that none of this would have been possible without the support of our staff. I want to recognize HARRY's team, past and present, and thank them for many years of partnership with my office.

We now turn the page on one Congress and get ready to write a new story in a different one.

I am proud of the work this Republican-led Senate has done the past 2 years. My colleagues should be proud of their work as well. It has been incredible to see what we have been able to achieve already. We know our work doesn't end here, though, and I know each of us is eager to get started in the 115th Congress. For now, I want to thank my colleagues for a productive Congress, and I want to wish each of you a happy holiday season and a happy New Year.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise for a final time as the vice chair of the Appropriations Committee. Tonight, as we get ready to vote, these will be the last votes I will cast in the U.S. Senate. The ones we do today and possibly tomorrow will write my final chapter as a voting Member of the U.S. Senate.

I am very proud to be the first woman and the first Marylander to chair the Appropriations Committee. I am going to thank my fellow members of the Appropriations Committee and especially Chairman COCHRAN, who has been my friend and ally on moving these bills forward.

I wish to also express a special thanks to my colleague and partner on the Commerce-Justice Subcommittee, Chairman RICHARD SHELBY, for his steadfast advocacy for the important needs facing this country.

The Appropriations Committee is a problem-solving committee. Our markups are vigorous and rigorous, but at the end of the day, we do try to find compromise without capitulating on our principles. That is why I wish I was standing here today presenting the Senate with a full-year funding bill instead of a temporary bill through April 28.

Throughout the year, I have come to the floor seeking additional funding for fighting heroin and opioid abuse, helping the people of Flint, MI, and also dealing with the Zika response treatment. I am happy to report to my colleagues the Zika bill did pass in September, and this continuing resolution would have done all three.

This bill includes important needs for our country. First of all, it meets our national security needs. There is funding in here for our troops overseas and money to enhance humanitarian relief and also very crucial needs related to embassy security. There are also other needs facing the people, and this goes to the disaster relief for victims of floods and Hurricane Matthew. While we are looking at the disasters of floods and hurricanes, there is also help for Flint, MI—$170 million, subject to authorization.

We also looked at the other challenges facing our communities. One of the things we see is the big challenge of opioid abuse. I have heard it in my State and from my Republican Governor. I know the Presiding Officer has heard it in the great State of Iowa, and this terrible scourge and challenge knows no party, nor any geography, and we have an important downpayment in fighting that with $500 million.

Also in the Cures Act, there is money to deal with the dreaded ''c'' word, cancer. With the advocacy of the Vice President and again working across the aisle and across the dome, we have come up with something called the Cancer Moonshot. In other words, if we could send someone to the Moon and return them safely, as our beloved John Glenn pioneered, then we can also have a Moonshot to find a cure for cancer. I am so pleased that as we wrap up our time here that that is there, although I am disappointed the funding for Flint is subject to authorization in the Water Resources Development Act

and that the extension of the miners' health benefit lasts only through April 30. I believe promises made should be promises kept, and the miners deserve permanent extension of these benefits. I also support Senator MANCHIN's efforts on his behalf.

I am disappointed our Republican colleagues wrote the CR behind closed doors and that we began to have to fight between coal miners versus Flint, MI, and others, pitting one group against another. I hope we can have a different approach in the next Congress. I will not be here, but I am here now as we try to finish this work.

We hear a lot of Washington words, words that people don't understand—CR, stopgap, shutdown. I want to talk about what appropriations are, not in the technical bills but saying that we fund government doesn't mean anything. It means that we tried to find solutions, we tried to make sure we stood up for national security, that we promoted economic growth, and that we met compelling human needs and invested in what we as a nation value.

This appropriations bill does pay for our troops in the field and the people back home to make sure they have the equipment and supplies they need to do their job. It also supports diplomacy, our Foreign Service Officers, and also our foreign aid to make sure we meet compelling human needs in our own country and around the world.

It does fund the Homeland Security, while at the same time looking out for our Coast Guard, clearing the ice and keeping our ports open. It is the FBI, and here we make a downpayment on the new, much needed FBI facility to meet the new changes they have—fighting domestic terrorism and cyber security.

We all want to put people back to work. That is why the Appropriations Committee does make investments in transportation because we know transportation not only moves goods and cargo, but it provides good jobs today: airports, seaports, roads, bridges, transit, and rail.

To develop new ideas, we need to continue to lead the way. That is why we have made major efforts in innovation: in energy, agriculture, weather, climate, and astronomy. I am not going to sound like an accountant. I am ready to give an accounting to the people of Maryland, to this Nation about how we are spending their money. We want to spend the money to give the people of Flint safe drinking water, give people treatment to kick their prescription drug habit, to find cures for disease from cancer, Alzheimer's, and I am proud of the resources we provide to make our communities better and safer.

I am proud of my service as the Democratic leader of the Appropriations Committee. I am proud to have worked with my colleagues. I have the best subcommittee chairs or rankings that anyone could have. We have an excellent staff, and we have all tried to work together.

Today, as I bring this bill—the continuing resolution before the Senate—I say to you, I ask you to vote for the continuing resolution. It has parity for defense and nondefense. It doesn't have poison pill riders, and it has additional money for Flint, heroin, and opioid abuse. This continuing resolution accomplishes the goals we set out for this year. I am sorry that it only funds the government to April.

This is my last set of votes. I hope you vote for the continuing resolution, and I hope in March, with the good work of Senator LEAHY, who will then be the Democratic vice chair of the Appropriations Committee, working with Senator COCHRAN, who is so able and so skilled and yet such a man of principle, you will be able to arrive at a full-year funding for the Appropriations Committee.

I do hope in the next Congress we do return to regular order. This committee is capable of it if the Senate is capable of it. In other battles, I have always said to my colleagues, and you know this when I have said to the women of the Senate: Let's put our lipstick on, square our shoulders, and get out there and fight.

As we get here to vote on this continuing resolution, my final sets of votes, I want the people of Maryland to know and the people of America to know, I have my lipstick on, my shoulders are squared, and I am ready to get out there and vote, and although this will be my last fight in the U.S. Senate, it will not be my last fight to help America be the great country it is.

God bless you, God bless this honorable body, and God bless the United States of America.

Madam President, I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the mandatory quorum be waived.

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

Mr. MCCONNELL. I yield back time on our side.

The PRESIDING OFFICER. Without objection, the time is yielded back.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to Calendar No. 96, H.R. 2028, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, Roger F. Wicker, Orrin G. Hatch, Johnny Isakson, John Cornyn, Thad Cochran, Mike Crapo, Pat Roberts, Bill Cassidy, John Hoeven, John Barrasso, Thom Tillis, John Boozman, John Thune, Daniel Coats, Marco Rubio, Roy Blunt.

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

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2028 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—61

Alexander	Fischer	Reed
Ayotte	Flake	Risch
Baldwin	Gardner	Roberts
Barrasso	Grassley	Rounds
Bennet	Hatch	Rubio
Blunt	Heinrich	Scott
Boozman	Hoeven	Sessions
Burr	Inhofe	Shaheen
Cardin	Isakson	Shelby
Cassidy	Johnson	Stabenow
Coats	King	Sullivan
Cochran	Kirk	Tester
Collins	Leahy	Thune
Corker	McConnell	Tillis
Cornyn	Mikulski	Toomey
Crapo	Moran	Udall
Daines	Murkowski	Vitter
Donnelly	Murray	Whitehouse
Enzi	Nelson	Wicker
Ernst	Perdue	
Feinstein	Peters	

NAYS—38

Blumenthal	Graham	Merkley
Booker	Heitkamp	Murphy
Boxer	Heller	Paul
Brown	Hirono	Portman
Cantwell	Kaine	Reid
Capito	Klobuchar	Sanders
Carper	Lankford	Sasse
Casey	Lee	Schatz
Coons	Manchin	Schumer
Cruz	Markey	Warner
Durbin	McCain	Warren
Franken	McCaskill	Wyden
Gillibrand	Menendez	

NOT VOTING—1

Cotton

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38.

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

Cloture having been invoked, the motion to refer falls.

Under the previous order, all postcloture time has expired.

MOTION TO CONCUR WITH AMENDMENT NO. 5139 WITHDRAWN

Mr. MCCONNELL. Mr. President, I ask unanimous consent to withdraw the motion to concur with further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that there now be 2 minutes of debate equally divided before a vote on adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, what we are doing here is we are cutting defense spending, we are increasing nondefense spending, and we are locking in the legitimacy of the nondefense spending according to the Budget Control Act. So what we are doing by passing a continuing resolution is putting in sequestration again, while even reducing defense spending.

In the words of the four uniformed chiefs of our military, you are—and I quote them directly—''putting the lives of the men and women serving this Nation in uniform at greater risk''—at greater risk. You are putting the lives of the men and women who are serving in the military at greater risk because we want to get out of here for Christmas. Shame on you.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. For tonight's schedule, we hope to have the WRDA vote around midnight, and we will seek to get a limited time agreement during the vote that is about to occur.

VOTE ON MOTION TO CONCUR

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 2028.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The yeas and nays resulted—yeas 63, nays 36, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—63

Alexander	Feinstein	Nelson
Ayotte	Fischer	Peters
Baldwin	Gardner	Portman
Barrasso	Grassley	Reed
Bennet	Hatch	Roberts
Blumenthal	Heinrich	Rounds
Blunt	Hoeven	Rubio
Boozman	Inhofe	Scott
Burr	Isakson	Sessions
Cantwell	Johnson	Shaheen
Capito	Kaine	Shelby
Cardin	King	Stabenow
Cassidy	Kirk	Sullivan
Coats	Klobuchar	Tester
Cochran	Markey	Thune
Collins	McConnell	Tillis
Cornyn	Mikulski	Toomey
Daines	Moran	Udall
Donnelly	Murkowski	Vitter
Enzi	Murphy	Whitehouse
Ernst	Murray	Wicker

NAYS—36

Booker	Casey	Cruz
Boxer	Coons	Durbin
Brown	Corker	Flake
Carper	Crapo	Franken
Gillibrand	Manchin	Risch
Graham	McCain	Sanders
Heitkamp	McCaskill	Sasse
Heller	Menendez	Schatz
Hirono	Merkley	Schumer
Lankford	Paul	Warner
Leahy	Perdue	Warren
Lee	Reid	Wyden

NOT VOTING—1

Cotton

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. For the information of all colleagues, I think we are headed toward completion here. Therefore, I ask unanimous consent that there now be 80 minutes of debate on the House message to accompany S. 612; that following the use or yielding back of time, the Senate vote on the cloture motion with respect to the House message. I further ask that if cloture is invoked, all time postcloture be considered expired, the motion to concur with further amendment then be withdrawn, and the Senate vote on the motion to concur in the House amendment. I further ask that following adoption of the House message, H. Con Res. 183 be considered and agreed to. Further, I ask that 60 minutes be under the control of Senator BOXER or her designee and that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Reserving the right to object, I am not going to object, but you said 80 minutes. Who has the other—the reason I am asking is, I didn't know if I needed to yield time to the other side, which I prefer not to since you have your own time, right? That is fine with me.

Mr. MCCONNELL. Madam President, I modify that to designate 20 minutes under the control of Senator INHOFE.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Let me say that hopefully the 80 minutes will not be used. Hopefully, much of it will be yielded back. A lot has already been said. The night is late, but if all the time is used, it is going to occur around 12:30 a.m.

GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The PRESIDING OFFICER. The Senate will resume consideration of the House message to accompany S. 612, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 612, a bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse.''

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 5144, to change the enactment date.

McConnell amendment No. 5145 (to amendment No. 5144), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Environment and Public Works, with instructions, McConnell amendment No. 5146, to change the enactment date.

McConnell amendment No. 5147 (the instructions (amendment No. 5146) of the motion to refer), of a perfecting nature.

McConnell amendment No. 5148 (to amendment No. 5147), of a perfecting nature.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to say to my friends, this is my last moment on the floor of the U.S. Senate. I already gave my farewell, and I thought that was the end of it. I find myself filibustering my own bill, which is really a bizarre way to end my career here. As I said, I always came in defending the environment, and I guess I will go out the door in the same way. I feel that this is something I have to do.

The Water Resources Development Act is a beautiful bill. We are going to be voting on it. But, very sadly, at the last minute, a midnight rider was added in the House by KEVIN MCCARTHY, which essentially, according to every fishing group in my State—and I mean every single fishing group and every single fishing group on the west coast, and that covers Oregon, Washington, California—is a major threat to their livelihood, to their future.

As everybody talks about the message of this election being the protection of hard-working people, here we have a rider that is slipped in. No one even saw it but 2 hours before, and it turns out that the water the fishermen need to have a thriving business is going to be diverted away from them and done in such a way that it goes against the Endangered Species Act.

You will hear people stand up and say: No, it is not true. There is a savings clause; we say no way. The fact is, when you dictate what kind of operations you are going to have in terms of moving water and you say you shall move this water and the other side has to prove it is dangerous, everybody knows where this is going. Everybody knows it is going to be impossible to save the salmon.

Here we have the salmon fisheries on the west coast up in arms. Here we have a rider that doesn't even belong in the Environment and Public Works Committee. It should have been discussed with the Energy Committee. It is out of order.

The question is, Are we going to vote for a beautiful bill? I just said today that I got more things in here for California than I probably should even talk about because I got so much. There are 26 different provisions for my State, from Lake Tahoe to the Salton Sea,

from the L.A. River to the Sacramento Flood Control, to Orange County, to the Inland Empire.

The entire State benefits from this bill, and here I stand saying to vote no, but it is because I think we have no right to put this kind of language in at the last minute and destroy an entire industry. It is not right.

In addition, this particular rider takes away the right of Congress to authorize dams in all of the Western States. So, people, understand what this does. KEVIN MCCARTHY, I guess, doesn't trust the Members of Congress to authorize new dams and says the President—whoever it is because this bill lasts 5 years—can determine where to put a dam. I don't get it. Don't we trust each other to hold hearings and decide these issues?

This is what the rider does; it is devastating to the fishery. Every environmental group that I know of is strongly against it. This vote is being rated by the League of Conservation Voters, and there are chills running up and down the spine of the fishing industry. I have never seen so many editorials against any rider. They have asked me: Please, please bring this down.

I am not naive, and I know votes. I know how cynical this whole thing is. Here we have a rider that does not belong on this bill. The jurisdiction was the Energy Committee. They weren't consulted. This rider never had a hearing, never saw the light of day, and was stuck on a bill that I have worked on for about 2 years. It is a beautiful bill, a terrible rider.

For me to stand here, in the last breath as a Senator—not in life, I feel very strong, but as a Senator—to say to people that I worked so hard on this bill with Senator INHOFE, it is a beautiful bill; vote no on cloture. It is almost like an out-of-body experience for me, but still, I am asking you to do that.

What is going to happen next year? What are they going to hold hostage next year? The people of Flint? No one worked harder for the people of Flint than MARIA CANTWELL and BARBARA BOXER. We held up our bills until they were taken care of.

We have a beautiful WRDA bill. It is not perfect, I admit it, but it is excellent. It will create a lot of jobs, and it will make sure that our water infrastructure is up to date. It has ecosystem restoration. By the way, it has a lot of drought-related, important authorizations for desalination, water recharging, water recycling, high technology to bring more water to really take care of the drought. It has it in the base bill. All of that is in the base bill.

And in the dead of night comes a midnight rider, and there it sits. It is wrong. It is absolutely wrong.

It is very late. We are all very tired. I am very grateful that MARIA CANTWELL and I, JEFF MERKLEY and RON WYDEN were able to have some time earlier in the day to present the facts, but we wanted to go over it one more time. I know Senator CANTWELL has laryngitis and is struggling with her voice, but at this time I would like to yield to her as much time as she might consume.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, as my colleague said, I definitely have a voice challenge so I am not going to speak long. I do want to join my colleague in urging Members of the Senate to vote no on this legislation.

As she just described, it is a bill that has some great attributes, but it has one major fatal flaw, and that fatal flaw is that the U.S. Senate is being asked tonight to negotiate and decide a water settlement for the State of California that has been fought over, litigated, and is still in discussion of how to resolve it in a balanced way among all of the interests, not just in California but in the region. Oh, no, because someone has a mighty pen and can in the House of Representatives drop an earmark of over half a billion dollars into a bill as a poison pill—I think the newspapers had it right: Stop the midnight rider. How ironic that it is almost midnight, and we are going to be voting on such legislation.

My colleagues who bring us decided-upon water agreements that have been worked out and want us to bless them so that the agencies can fund them—I have no problems with that. We have tried to move similar legislation in regular order, but this is usurping the individuals who are trying to balance water and fish and river rights and community issues and regional issues and saying that we are going to kill fish as a way to balance the water and drought of the future. If we are going to decide to kill fish tonight for California, for Delta almond growers, are you going to show up tomorrow and say let's kill northwest salmon because someone else in California wants our water? I can tell you the answer to that is hell no; we are not going to let you attack northwest salmon for California water. It is not going to happen.

To our colleagues who are facing the same issue in Arizona, which didn't get a fair hearing, or our colleagues from Florida, Alabama, or in a dispute with Georgia, tonight is about whether you are going to say we are going to have collaborative stewardship to solve our water issues or whether we are going to let the interest of political groups come and lobby here and have us decide based on poison pill riders.

Our colleagues over here are frustrated that the other side of the aisle would never live up to a Flint agreement, and the consequence is they are cynical enough to put Flint in this bill as a way to get votes for something they know they should not bring to the floor of the U.S. Senate. And to boot, they think the only bill I could come up with to get this deal passed is one in which individual Members have individual projects that are important to clean water in their States, and that is how they are going to get this poison pill rider passed.

It is no surprise that within 24 hours of this passing the House, the L.A. Times editorialized it as a bad deal. The San Jose Mercury News calls it a sellout. The San Francisco Chronicle says stop the rider. Do not think for 1 second that people are not watching because they are watching. The unfortunate situation for everyone involved who wants water is this. You are going to get litigation. You are going to get litigation because you cannot do water deals this way.

For the San Joaquin, which argued and litigated for 18 years and then came to the table, this is the same situation. You are not going to get water for your growers, you are going to get litigation. As a country that has already spent billions of dollars dealing with drought—and I have news for you, we are going to be spending more because the climate is going to continue to change. This is an issue whose day has come to the United States Senate. It is not going to go away.

We can deal with it in regular order, we can deal with it without jamming people with earmarks, and we can deal with it without giving away a sweetheart deal to the builders of dams. Oh, yes. I forgot to mention, the bill authorizes dams to be built in 17 States without any further action by us as a body. I hope you don't have a river in your State where you would like to see the wild and scenic nature of it or go trout fishing because it may not be there if it is all dammed up due to this legislation.

I hope our colleagues realize the way to solve our drought problems is to work together in a fair and open manner, a manner in which everyone can see the transparency and not the dark of night at midnight right before we adjourn for the rest of the year. We will not solve these problems nor will we provide the collaborative stewardship this issue needs. Instead, we are going to put a cynical stamp of a political gamesmanship on an issue that is important to every community in the West.

I thank the Presiding Officer and the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, how much time do we have remaining on our inside?

The PRESIDING OFFICER. There is 45 minutes.

Mrs. BOXER. Madam President, I call on Senator MERKLEY for as much time as he wishes.

Before MARIA CANTWELL leaves the floor, who is suffering mightily from laryngitis, I have another editorial hot off the press from the Los Angeles Times: ''A water deal that's bad for California's environment.'' I can't tell you how proud this makes me because this means, essentially, every major paper in my State that has really

stayed out of this is going in. This is a very long editorial. I will save my comments on it until later.

Madam President, I ask unanimous consent to have the Los Angeles Times editorial printed in the RECORD.

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

[Dec. 9, 2016]

A WATER DEAL THAT'S BAD FOR CALIFORNIA'S ENVIRONMENT

(By the LA Times Editorial Board)

There is much for Southern Californians to like in departing U.S. Sen. Barbara Boxer's final bill—to authorize federal water projects—including funding to restore the Los Angeles River and to pay for various water storage and groundwater efforts.

And then there are the provisions Boxer's colleague and fellow California Democrat, Sen. Dianne Feinstein, negotiated with Republicans and their supporters in San Joaquin Valley's agriculture industry to squeeze more usable water from the Sacramento-San Joaquin River Delta for farmers in drought years.

At issue in the delta and the rivers that feed it are the rules that govern when and how much water can be diverted for farms and homes instead of being allow to keep flowing through rivers and into the delta to protect endangered salmon.

California's two senators have long approached water issues from different angles but generally managed to agree. Not this time. When Feinstein and Republicans inserted their provisions in Boxer's bill late last week, Boxer threatened to scuttle the whole package. She said the delta provisions would undermine the Endangered Species Act and could irreparably damage the state's salmon and the thousands of jobs that depend on the Pacific salmon fishery, not just off California's coast, but off Oregon's and Washington's as well.

Environmentalists have balked at the Feinstein proposal, just as they opposed a drought bill she proposed earlier this year. That measure also was aimed at making delta rules more flexible to keep water flowing to farms during periods in which it arguably wasn't needed for fish. Notwithstanding the concerns, that bill was a prudent compromise and might have been acceptable had it been an end-point—part of a grand bargain between the various factions to end the long-running California water wars.

So the question now is whether the new provisions that Feinstein has brokered with Republicans are appreciably different from her earlier version, or whether circumstances have changed enough to warrant endangering the entire bill and all the funding it allocates to badly needed water projects.

Circumstances certainly changed with the election of Donald Trump and the climate-change-denying, environmentally challenged cabinet members he is considering or has already appointed. Although the bill's rules governing when delta pumps can operate and how water must be managed are technical and subject to interpretation, they grant Trump's secretaries of Commerce and Interior an important role in determining when to divert less and leave more for endangered fish and the environment. That sort of discretion might have been tolerable if entrusted to cabinet members of an environmentally responsible administration, but it must be seen in a different light with a White House with a decidedly different approach to the environment.

An internal memo from the current White House also notes that since Feinstein's earlier bill, populations of endangered salmon and smelt have significantly declined. Even the current program of scientific findings may be insufficient to protect the fish as required under the Endangered Species Act.

The regrettable conclusion must be that the so-called drought provisions are unacceptable. The proposed drought-year legislation would appear to be directly at odds with current, laudable efforts by the State Water Resources Control Board to ensure the presence of enough water in the lower San Joaquin River—close to the delta pumps—to sustain migrating salmon, which are not merely another fish but integral to California's ecology, culture and history.

All that aside, Feinstein's effort to add some flexibility to delta rules to provide more water for farms and urban areas in times of drought—despite serious concerns that they could weaken species protection—might still be worth the risk if they were part of a final compact between environmental and agricultural interests on delta water.

But there is still no final compact, no grand bargain, and in fact the recent election has only emboldened Republicans who are targeting the Endangered Species Act. House Majority Leader Kevin McCarthy of Bakersfield and other members of Congress who represent the San Joaquin Valley have made it clear that they intend to press further to divert more Sacramento and San Joaquin river water to agricultural use rather than letting it flow into the sea to sustain the state's increasingly fragile environment. The drought language, negotiated in private and inserted into Boxer's bill at close to the last minute, would embolden them further if adopted. Let's hope that Kamala Harris, Boxer's successor, has been paying attention and is prepared to stand up for California's increasingly fragile environment.

Mrs. BOXER. Madam President, I yield such time as he may consume to Senator MERKLEY.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, what is at issue here? The core issue is whether we raid the waters of Northern California to provide additional water to the farmers of the Central Valley and in so doing whether we wipe out the salmon which provides jobs for 20,000 fishermen. It is a powerful piece of our economy, a piece of our history, and a piece of our soul. That is what is at issue here—whether we drain these rivers.

It has been said there is nothing in this bill that changes how the biological opinions will be applied or the Endangered Species Act will be applied, and that simply is not the case. I will walk you through the three core provisions that are in this bill.

The first is section 4001. What it does is set up a pilot project, and that pilot project allows circumvention to biological opinions to open up the delta cross-channel gates. What does that mean? It means when the salmon are returning from the ocean to spawn, these gates are kept closed so the salmon do spawn and continue the cycle of life and productivity, but instead this says no and this pilot project will open the gates and then the salmon get diverted from going up the river. They don't spawn, it doesn't continue, and then it says, we will go ahead and study the impact on the salmon. That is measure No. 1 that bypasses the Endangered Species Act.

The second provision, 4002, says the Bill Jones and Harvey Banks Southern Delta Pumping Plants must operate at the very highest level of the spectrum of the biological opinion. The way these biological opinions work is they say we need to operate somewhere between here and here, and then as the scientists observe what is going on, the amount is adjusted. What this section says is, no, we are not going to operate the normal way, we are going to insist in this bill that you must operate at the highest level, disregarding the scientific information on the impact on the salmon and on the smelt. That is provision No. 2. Then they get to the one that is really the biggest shocker, 4003. This says the Secretary of Interior and the Secretary of Commerce, through an operations plan, may operate at levels—get this—that result in the Old and Middle River flows more negative than the most negative reverse flow prescribed by biological opinion.

Have you ever heard of negative river flow? What does that mean? It means water doesn't flow downstream. It means so much water is drained that the remaining water in the river kind of flows upstream at the point it is being diverted. This says that in the range that is allowed by the biological opinion, the Secretary of Commerce or Interior can take even more, way outside the ban authorized by biological opinion.

Mrs. BOXER. The Senate is not in order. I can't hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MERKLEY. This is clearly a provision that goes completely against the normal framework of a biological opinion, and, indeed, that is not the whole part of 4003. It goes on to say that this section shall not affect the biological opinion unless the Secretary of Commerce finds such applicable requirements may be adjusted. It basically says the Secretary of Commerce can violate the biological opinion. How clear can that get? Then it continues even further, and it says: Water transfers exclusively through the State water project are not required to be consistent with section (a)(1)(H) of the Central Valley Project Improvement Act.

Well, of course you are wondering what that part of the act is, and that part of the act is one that says you can't violate the fish and wildlife obligations in the process of pumping water. OK. That is wiped out by this. Clearly, case after case after case, this bill is a raid on the water of Northern California to basically pump it through in violation of biological opinions and in violation of the Endangered Species Act, and it is an assault on 20,000 fishermen and fisherwomen. That is what is wrong with this airdropped provision that never went through the committee in the Senate, and it didn't get

to the floor of the Senate. We didn't have it offered as an amendment on the floor and have a vote and debate on this floor. It didn't go through the House. It wasn't debated there. It was airdropped in on a conference committee.

Water is a precious resource, and this pits the salmon industry against the Central Valley farmers and says we are ruling for one over the other by violating the biological opinions necessary for the salmon and the smelt to survive. That is just wrong.

It says something else. It says the power of this body to authorize dams is being wiped out because no authorization is needed anymore by this body. Now, a colleague came to the floor and said, well, not really because the Senate would still have to provide some funds in an appropriations bill, but we all know how appropriation bills work. They are massive. They come out of conference at the last second. There are little things tucked in there. Taking away the process of an authorization debate on the merits of a dam nullifies the role of this body in implementing smart decisions about whether dams make sense or don't make sense under a particular set of conditions. Some make sense, some don't, and that is why we come through and we have an authorizing discussion. This guts that.

This is a terrible precedent for legislation that will come in the future, and it is terrible at this moment for the damage to the water in these upper rivers that actually flow backward and is authorized by this bill. It is a terrible provision for the salmon that 20,000 fishermen and fisherwomen depend on, and it is a terrible precedent for every other ecological discussion. That is why every major newspaper in California has written an editorial saying: Don't do this. Don't do this, says the Mercury News editorial board. They proceed to say it ''would gut environmental protections and have devastating long-term effects on the Sacramento-San Joaquin Delta's ecosystem.'' It says this last-minute, closed-door provision ''allows maximum pumping of water from the Delta to the Central Valley and eliminates important congressional oversight over building dams . . . dramatically roll back the Endangered Species Act . . . perhaps paving the way for its repeal . . . or gutting.'' It says: ''We're not sure whether the Republican sweep in November means Americans no longer care about clean air and water, but we're about to find out. In the interim, the Senate and if necessary president need to protect the Delta. . . . ''

That is what the Mercury said.

The Los Angeles Times editorial says: ''A water deal that's bad for California's environment,'' and it goes on. It says: ''The regrettable conclusion must be that the so-called drought provisions are unacceptable.'' It notes that ''the proposed drought-year legislation would appear to be directly at odds with current, laudable efforts by the State Water Resources Control Board to ensure the presence of enough water in the lower San Joaquin River—close to the delta pumps—to sustain migrating salmon, which are not merely another fish but integral to California's ecology, culture, and history'' and certainly to Oregon's ecology, culture, and history.

We have the San Francisco Chronicle, which is simply entitled: ''Stop . . . water-bill rider.'' It proceeds to conclude, after a couple of extensive analyses, it says:

> Drought and warming temperatures . . . are tipping off mass extinction of the species in the San Francisco Bay and its estuary. We have to work to share water among people, farms and the environment of California—not try to benefit one interest with a midnight rider.

Here we are 15 minutes from midnight. Multiple provisions raid the water, changing the status quo that has been carefully worked out with biological opinions. Multiple newspapers say it is just wrong so let's take a moment and say let's cut this provision out of this bill.

Let's put this bill on hold until it is gotten rid of because it is wrong to have an airdropped provision on a challenge of maintaining a viable salmon industry debated on a midnight rider.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to thank the Senator from Oregon very much. He gets it. We are united on this. We hope our colleagues hear our plea that if we can get rid of this rider, we will have a magnificent bill that was worked on by so many: my friend JIM INHOFE, myself, Senator MERKLEY in the committee, Senator FISCHER—a beautiful bill. Why? Because we worked together. The bill had hearings, saw the light of day. Then literally, literally at the last second, a special interest rider was added. I know this was not the work of the Senate. I love my colleagues here. They did not want this done. It was done. Once it was done, we have to make a decision.

You know, before I yield to RON WYDEN, what I want to say is, if you ask people on the street ''Why do you give Congress such low marks?'' people don't like us here. I personally think this is a noble profession. I am so blessed to have a chance to make life better for people. All of us feel that way. But why don't people really appreciate our work? One of the reasons is they put unrelated matters on at the last second, as MARIA CANTWELL said, simply because they can.

This is a bill which is so wonderful for the country. Now they make it so controversial and so difficult for Members to choose. Look at my situation. I have 26 provisions in here for my State. It is magnificent for my people. But yet and still, this rider threatens the entire fishing industry of my State and thousands of jobs all up and down the west coast.

For people like my friends from Michigan—they know how hard I worked. They know how hard MARIA CANTWELL worked to fix the problem in Flint, to replace those pipes. Yet it is in this bill. So it makes it even more cynical that such a thing was added at the end and force people to choose between helping the people of Flint and preserving the tens of thousand of fisherman jobs. This is not right. This is ridiculous and not necessary.

If Mr. MCCARTHY is so powerful, why does he just not introduce the bill as freestanding legislation next year and let it go? But, no, it had to be done on this bill. Why? Because he could do it. I tell you, if he reads the newspaper articles and op-eds that are in every paper in my State, from Republican areas, from Democratic areas, he is not that well thought of for this. It was a big mistake.

At this time, I want to yield to my colleague and friend, who, with Senator MERKLEY, has been an outstanding voice protecting the fishing industry in his State and the beauty of his State, RON WYDEN.

Mr. WYDEN. I thank my colleague. I would be happy to yield to our colleague from Oklahoma.

REMOVAL OF INJUNCTIONS OF SECRECY—TREATY DOCUMENT NOS. 114–13, 114–14, AND 114–15

Mr. INHOFE. Madam President, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on December 9, 2016, by the President of the United States: The Treaties with the Republic of Kiribati and the Government of the Federated States of Micronesia on the Delimitation of Maritime Boundaries, Treaty Document No. 114–13; the Arms Trade Treaty, Treaty Document No. 114–14; and United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration, Treaty Document No. 114–15. I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to their ratification, two bilateral maritime boundary treaties: the Treaty between the Government of the United States of America and the Government of the Republic of Kiribati on the Delimitation of Maritime Boundaries, signed at Majuro on September 6, 2013; and the Treaty between the Government of the

United States of America and the Government of the Federated States of Micronesia on the Delimitation of a Maritime Boundary, signed at Koror on August 1, 2014. I also transmit, for the information of the Senate, the report of the Department of State with respect to the treaties.

The purpose of the treaties is to establish our maritime boundaries in the South Pacific Ocean with two neighboring countries. The treaty with Kiribati establishes three maritime boundaries totaling approximately 1,260 nautical miles in length between Kiribati and the United States islands of Palmyra Atoll, Kingman Reef, Jarvis Island, and Baker Island. The treaty with the Federated States of Micronesia establishes a single maritime boundary of approximately 447 nautical miles in length between the Micronesian islands and the United States territory of Guam. The boundaries define the limit within which each country may exercise maritime jurisdiction with respect to its exclusive economic zone and continental shelf.

I believe these treaties to be fully in the interest of the United States. They reflect the tradition of cooperation and close ties with Kiribati and with the Federated States of Micronesia in this region. These boundaries have never been disputed, and the delimitation in the treaties conforms closely to the limits the United States has long asserted for our exclusive economic zone in the relevant areas.

I recommend that the Senate give early and favorable consideration to the treaties, and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, *December 9, 2016*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, subject to certain declarations and understandings set forth in the enclosed report, I transmit herewith the Arms Trade Treaty, done at New York on April 2, 2013, and signed by the United States on September 25, 2013. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Treaty, which contains a detailed article-by-article analysis of the Treaty.

The Treaty is designed to regulate the international trade in conventional arms—including small arms, tanks, combat aircraft, and warships—and to reduce the risk that international arms transfers will be used to commit atrocities, without impeding the legitimate arms trade. It will contribute to international peace and security, will strengthen the legitimate international trade in conventional arms, and is fully consistent with rights of U.S. citizens (including those secured by the Second Amendment to the U.S. Constitution). United States national control systems and practices to regulate the international transfer of conventional arms already meet or exceed the requirements of the Treaty, and no further legislation is necessary to comply with the Treaty. A key goal of the Treaty is to persuade other States to adopt national control systems for the international transfer of conventional arms that are closer to our own high standards.

By providing a basis for insisting that other countries improve national control systems for the international transfer of conventional arms, the Treaty will help reduce the risk that international transfers of specific conventional arms and items will be abused to carry out the world's worst crimes, including genocide, crimes against humanity, and war crimes. It will be an important foundational tool in ongoing efforts to prevent the illicit proliferation of conventional weapons around the world, which creates instability and supports some of the world's most violent regimes, terrorists, and criminals. The Treaty commits States Parties to establish and maintain a national system for the international transfer of conventional arms and to implement provisions of the Treaty that establish common international standards for conducting the international trade in conventional arms in a responsible manner. The Treaty is an important first step in bringing other countries up towards our own high national standards that already meet or exceed those of the Treaty.

The Treaty will strengthen our security without undermining legitimate international trade in conventional arms. The Treaty reflects the realities of the global nature of the defense supply chain in today's world. It will benefit U.S. companies by requiring States Parties to apply a common set of standards in regulating the defense trade, which establishes a more level playing field for U.S. industry. Industry also will benefit from the international transparency required by the Treaty, allowing U.S. industry to be better informed in advance of the national regulations of countries with which it is engaged in trade. This will provide U.S. industry with a clearer view of the international trading arena, fostering its ability to make more competitive and responsible business decisions based on more refined strategic analyses of the risks, including risks of possible diversion or potential gaps in accountability for international arms transfers, and the associated mitigation measures to reduce such risks in a given market.

The Treaty explicitly reaffirms the sovereign right of each country to decide for itself, pursuant to its own constitutional and legal system, how to deal with conventional arms that are traded exclusively within its borders. It also recognizes that legitimate purposes and interests exist for both individuals and governments to own, transfer, and use conventional arms. The Treaty is fully consistent with the domestic rights of U.S. citizens, including those guaranteed under the U.S. Constitution.

I recommend that the Senate give early and favorable consideration to the Treaty, and that it give its advice and consent to ratification of the Treaty, subject to the understandings and declarations set forth in the accompanying report.

BARACK OBAMA.

THE WHITE HOUSE, *December 9, 2016*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, subject to certain reservations, I transmit herewith the United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration (Convention), done at New York on December 10, 2014. The report of the Secretary of State, which includes an overview of the Convention, is enclosed for the information of the Senate.

The Convention requires the application of the modern transparency measures contained in the United Nations Commission on International Trade Law (UNCITRAL) Transparency Rules to certain investor-state arbitrations occurring under international investment agreements concluded before April 2014, including under the investment chapters of U.S. free trade agreements and U.S. bilateral investment treaties. These transparency measures include publication of various key documents from the arbitration proceeding, opening of hearings to the public, and permitting non-disputing parties and other interested third persons to make submissions to the tribunal. As the UNCITRAL Transparency Rules by their terms automatically apply to arbitrations commenced under international investment agreements concluded on or after April 1, 2014, and that use the UNCITRAL Arbitration Rules (unless the parties to such agreements agree otherwise), there is no need for the Convention to apply to international investment agreements concluded after that date.

Transparency in investor-state arbitration is vital, given that governmental measures of interest to the broader public can be the subject matter of the proceedings. The United States has long been a leader in promoting transparency in investor-state arbitration, and the 11 most recently concluded U.S. international investment agreements that contain investor-state arbitration already provide for modern transparency measures similar to those made applicable by the Convention. However, 41 older U.S. international investment agreements lack all or some of the transparency measures. Should the United States become a party, the Convention would require the transparency measures to apply to arbitrations under U.S. international investment agreements concluded before April 2014, to the extent that other parties to those agreements also join the Convention and to the extent the United States and such other

parties do not take reservations regarding such arbitrations. The Convention would also require the transparency measures to apply in investor-state arbitrations under those agreements when the United States is the respondent and the claimants consent to their application, even if the claimants are not from a party to the Convention.

The United States was a central participant in the negotiation of the Convention in the UNCITRAL. Ratification by the United States can be expected to encourage other countries to become parties to the Convention. The Convention would not require any implementing legislation.

I recommend, therefore, that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification by the United States, subject to certain reservations.

BARACK OBAMA.

THE WHITE HOUSE, *December 9, 2016*.

GEORGE P. KAZEN FEDERAL BUILDING AND UNITED STATES COURTHOUSE—Continued

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, reclaiming my time, I can't help but note the irony that Senator BOXER, who has done so much to protect special places in California and around our country and who at the same time has consistently worked with our colleague from Oklahoma, Senator INHOFE, on infrastructure—that here they are, after once again coming together—and everybody practically slaps their forehead: How in the world can Senator BOXER and Senator INHOFE keep coming together on all of these kinds of issues? It is because they are real legislators. They are people who don't just throw out press releases, they write legislation. It is hard. It is a heavy lift.

This bill was not easy. To think that Senator BOXER is here on the last night of her time in public service, after she has protected all of these special places and then worked with Senator INHOFE on infrastructure, and we are still faced with this one last hurdle. I have seen a lot of ironies in the Senate. This is just about as dramatic an irony as I have seen.

To me, we have had wonderful statements. My colleague from Oregon laid out very clearly how this rider would compromise good science. That is what this is about. Senator MERKLEY, who knows much more about these subjects, frankly, than I do, went through the biological opinions one by one, the key sections. But the bottom line is, it is compromising good science.

For us in Oregon, you have a water infrastructure bill that is designed to provide support to places like the beautiful Oregon coast. My wife and I were married at Haystack Rock, right in front of the rock, one of the prettiest places on the Oregon coast. Our friend from Michigan has visited the Oregon coast. This is one of the great American treasures, the Oregon coast and Haystack Rock.

Senator BOXER and Senator INHOFE came up with this terrific bill to provide support to places such as the Oregon coast, where my wife and I were married. You have to say: What is a bill that is designed to provide support for special places really mean when it does not do a whole lot of good if there is no salmon in the ocean, no fishing families or fishing boats in the ports, and no fish at the dinner table? That, colleagues, is what this is really all about.

Now, as far as the infrastructure is concerned, Senator MERKLEY has led this in Oregon and has done terrific work to protect the displaced tribes to ensure that they would have a better quality of life.

I think I have already summed it up. You can't have big-league quality of life with little-league infrastructure. So this legislation ensures that we are going to have that kind of infrastructure. Particularly in rural and coastal Oregon, it would be a huge benefit. But at a time when the Oregon coastal communities need as much help as they can get, the provision that my colleagues—Senator BOXER, Senator CANTWELL, and Merkley—have been talking about deals with drought and really threatens to do just the opposite of providing the help these communities need.

I think that the provision my colleagues have been talking about in effect threatens the very viability of the west coast fishing industry and has literally put so many of the good provisions in this bill at risk.

Senator MERKLEY went into a fair amount of detail—and very eloquently—about the specifics in the drought provisions, so what I would like to do is just highlight a little bit of what I have heard from fishing families on the Oregon coast and what they are concerned about.

Their big concern is that this drought provision basically maximizes water delivery to agribusiness without adequate safeguards for the fisheries that depend on that water. By preauthorizing a number of dams across the entire west coast without additional Congressional oversight, it basically turns years of policy with respect to dams on its head.

We know those issues are tough. We have been dealing with them as westerners for years. But the way we deal with them is collaboratively. That is how Senator BOXER has managed to protect all of these special places. That is how she has managed to work with Senator INHOFE to promote infrastructure at the same time—because we work collaboratively.

That is sure not the case here because all of these small fisheries and the fishing families don't feel they have been consulted. They make a very good case that this really gives the upcoming administration the authority to determine whether or not salmon is being harmed by maximizing water delivery to big agribusiness.

Water issues for us in the West are never a walk in the park; I think we all understand that. I want to commend our other colleague from California for her hard work. She has put in a tremendous amount of time. I can tell colleagues that she has spoken with me again and again on this issue in order to get an agreement on drought that helps California.

Suffice it to say that Senator MERKLEY and I know our State is no stranger to water challenges, if you just think about the amount of time we spent on the Klamath and the whole host of issues around our State. But, as I touched on, you have to have everybody at the table. It has to be collaborative.

This rider we have been discussing is not a product of compromise. A small west coast industry has been left out of the discussions because the deck was stacked in favor of these very large agribusinesses. Even though those hard-working families in small coastal communities know that a healthy stock of salmon is a lifeline, these stakeholders in the debate not only got short shrift, their voice really was not heard much at all.

So I am going to close by way of saying that we don't think this rider is just about water and agriculture in California; this is going to put at risk the salmon fishing industry up and down the Pacific coast. The drought provision, in my view, threatens to undermine bedrock environment laws like the Endangered Species Act. We have already touched on the power it would give the new administration to override critical environmental laws.

But if you are not from the Northwest, we have talked—Senator CANTWELL has described so thoughtfully what the stakes are. They are enormous for us in the Pacific Northwest. But no matter how many times the sponsors say they don't think this sets a precedent, I think this is going to be pointed too often in the days ahead as we go forward in this present form as an argument for doing the same sort of thing elsewhere.

I and my northwest colleagues have heard a lot from concerned west coast fishery groups and coastal business owners over the last few days. I am very hopeful—I know we are going to vote here in a bit—that the position my colleagues have outlined against this proposal in its current form is supported here in the Senate.

I thank my colleague for her terrific work on this. We have been in public life now a pretty good stretch of time in both the Senate and the House. This is an area, particularly, where Senator BOXER has shown something that I think is going to stand the test of time—the ability to protect special places, the treasures we want our kids and our grandkids to go to. Scarlett

Willa Wyden, not 4, is my daughter. We are older parents. She has the brightest red hair on the planet. She is going to be able to enjoy some special places because of the work Senator BOXER has done. She has protected those special places while at the same time defying most of what the political observers thought was impossible by teaming up with Senator INHOFE on infrastructure projects that have paid off so tremendously in terms of jobs and quality of life. So it is possible to do this right, but this drought provision doesn't do it. I am very hopeful that the work my colleagues have done will be supported in the Senate.

I thank my colleague for our years and years of friendship.

Mrs. BOXER. I thank my friend so much. Madam President, how much time remains for us?

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mrs. BOXER. Madam President, I am going to speak for a little while and then reserve the remainder.

I say to Senator WYDEN, thank you for your words.

I also wish to explain why it was important to take the time at this late hour. We are all exhausted. We must make this case, and I will tell you why—not only for the history books, but for the courthouse.

There is no way that this position is not going to be litigated. That is the tragedy of it, because as my friends know and has been said by all of us, when it comes to water, you need to have everybody around the table.

This provision doesn't do a thing to end the doubt. Let's be clear. All it does is take water away from the fishermen and give it to agribusiness. You know, that doesn't help add any water.

My colleague from California who has worked so hard on this has had some very good language in there about desalinization and about water recharging, but we have that in the base bill. It is already in the base bill.

For the first time, Senator INHOFE and I—and, oh, how I will miss him—made sure we had provisions in the bill that dealt with the drought. We reauthorized the desal program in the United States of America. We have a new program to give funds for new technologies.

We have talked about conservation, water recharging, and underground storage, which my friend Maria talked about. It is in the base bill. So to call this rider about the drought is a misnomer. It is about killing off the fishing industry so ag can have more water. That is not doing anything to help.

I think a lot of what this election was about, as we look at it, was which candidate really spoke to the hopes and dreams of people who work every day.

If we really care about the miners, then we vote against the continuing resolution that turns its back on the miners' widows, and a lot of us did.

On this, it breaks my heart to say this, but filibustering against my own bill is ridiculous. It is an out-of-body experience. It is kind of Shakespearean. I don't know if it is tragedy, comedy, or what, but it is unbelievable. What a situation. My last moments in the Senate I am spending against a bill that I carry in my heart. It is a beautiful bill.

Yet when are we going to stand up against this kind of blackmail. I don't care whether it comes from a Democrat or a Republican, frankly, and it was not the work of anyone in the Senate.

I say to my friends on the Republican side: I don't blame you for this in any way, shape, or form. You did not do this to me, to us, and to the salmon fisherman. You did not. It was done by a House Member who represents Big Agriculture, and he did it because he could.

When are we going to stand up and say no?

My colleague ELIZABETH WARREN was speaking about this, and she said something to the effect—I am not quoting her exactly right: You take a beautiful piece of legislation, you add a pile of dirt on it, and then you stick a little Maraschino cherry on the top—whether it is Flint, or whatever it is. Then you put people in a horrible position.

So I know this vote may not go the way we want. I have hope that it would. But I understand why it might not. But when are we going to stand and say this is wrong? We have a chance to do it tonight and send a message to everyone. This isn't the way to legislate. This is why people can't stand Congress, with 17 percent approval. If you ask them, do you think it is right to add an unrelated rider in the middle of the night on a bill that has been worked on for 2 years—and, by the way, it is not even in the jurisdiction, Senator INHOFE, of our committee. It is in the jurisdiction of the Energy Committee of Senator MURKOWSKI and Senator CANTWELL. It is awful.

I say to everyone who is in a Western State—not just west coast but Western States, between 11 and 17 States, depending on how you look at it: The next President of the United States and the one after will have the ability to say: We are building a dam right over here and cut out Congress.

Congress has no authority to stop it. It is just incredible. Why would that be done? Why is there that insult to the Members of Congress to take that away? We already don't do earmarks. That is a whole other issue. We are not supposed to anyway. But this is another way to say: Oh, just give it to the executive branch. They will decide where to put dams. I don't know about your experience, but we have had proposals in our State where people wanted to put dams right on an earthquake fault. It took a series of hearings to bring that point to light.

Now there won't be any hearings because President Trump and whoever the next President is—because this bill lasts 5 years—will say: You know what, my business interests think it will be good to build a dam right over here, and who cares about the consequences.

Look, we know where the people are, the people in my State who really care. Every single major newspaper, every fishery organization—they are frightened. Then when they run them out, they will have more water, and they won't have to fight with them—Big Ag. They will just take the water. That is not right.

I represent all of the people, and I have said for a long time that we must resolve these issues together. It is essential. I am going to call on Senator MURRAY, but I want to say that every environmental group in the country opposes this. The League of Conservation Voters is scoring this, and the Defenders of Wildlife. Trout Unlimited is not a partisan organization. They are recreational fishermen. They are going: Wait a minute; this is a disaster. Environmental entrepreneurs, business people, and very successful business leaders say: Don't do this.

I am sad. My consolation is that if we lose this, my State is going to get a lot of provisions. Good for them. I am happy. I worked hard for it. But you know what, this is wrong.

The reason I wanted to make this record and why I asked my colleagues to please speak is that I want this record to show up in court. This definitely is going to wind up in court, and I want them to hear that Senator BOXER said this was clearly a special interest provision and at the last minute to simply destroy the fishing industry—the jobs—so that Big Ag could get what they wanted. This is not right, and it is a frontal assault on the Endangered Species Act, just overriding every position. We all know that under the Endangered Species Act, we saved the American bald eagle, the great sea turtle, and the California condor—the most magnificent creatures of God. We never would have been able to save them if we had similar language that said that regardless of whether the scientists say there are only three or four pairs of these creatures left, we have decided it is a problem for the economy. We are going to just not worry about them. We never would have saved any of these—God's creatures.

We talk a lot here about God, of our commitment to all of humankind and all of God's creations. We don't have the right to do this. That is why I wanted the time. It wasn't just to hear myself talk. I already gave my farewell speech. That was long enough. I already gave my second speech today. I didn't expect to. Now this is my last one.

Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mrs. BOXER. Madam President, I yield to Senator MURRAY for 7 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank my colleague.

Madam President, I thank my colleagues from the west coast for the amazing job of pointing out the egregious nature of this poison pill amendment that was added to this very critical bill. We are here tonight after midnight talking about the Water Resources Development Act. It is a bill that addresses water resource projects and policies that are very important to our economic development and the environmental welfare of communities in my State and across the Nation. I was proud to work closely with my colleagues on both sides of the aisle to craft this bipartisan WRDA bill. I thank the Senator from California for her tremendous work, listening to all of us, incorporating our ideas and making sure this reflected all of the needs of our States. I personally fought for critical provisions in this bill important to Washington State, making sure our Columbia Basin tribes have an opportunity to give their descendants—the ancient ones—a proper burial and a final resting place. I thank my colleague for putting that in this bill and for keeping our ports competitive, which is extremely important in the Pacific Northwest in our global maritime economy, and making sure our workforce is strong. I am proud it addresses the needs of Flint, MI—and I see my colleagues from Michigan here tonight—communities that have been dealing with lead in their drinking water. This was a good bill. It was a good bill.

But as you have heard, at the last minute, a poison pill rider concerning California water management, in the face of a long-running drought, turned another bipartisan bill into a very—as you have heard—contentious, divisive bill. It is a bill that is especially problematic for our west coast States.

I thank my colleague from Washington, Senator CANTWELL, who has fought diligently, worked hard to get us to where we are, and now has had to turn against this bill because she knows the long-term consequences of this. This was a provision that was added very late. There were no hearings. There was no agreement. It wasn't included in either the House or Senate versions of this bill, and then there was this backroom deal that set new precedent and undermined the Endangered Species Act. It reduces congressional oversight of water projects in our Western States and could harm our commercial, our recreational, and our tribal salmon fisheries along the entire west coast.

Environmental and conservation groups and west coast industries are very opposed to this last-minute backroom deal. I wanted to be here tonight to stand with my colleagues from the west coast. I will vote against this bill tonight because of the inclusion of this last-minute rider, and I urge our colleagues to stand with us as well.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Madam President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I have listened to the words from the other side. I have respect for them and their thoughts. I don't agree with them. But I wish to share a couple of things with the Senate.

First of all, people need to understand what we went through on this bill. There were 2 years of work. It has been a long, involved time for all of us. Particularly, we had Mr. Jackson, Mr. Herrgott, Susan Bodine. These are experts in different areas. She is the water expert. Charles Brittingham has been crucial to this becoming law; he knows that end of it. The Corps operations—Charles Brittingham knows more about the Corps operations and worked tirelessly. These guys worked for several hours on this thing for many, many weeks. Byron Brown negotiated the coal ash. The coal ash issue is a huge issue. The States have been wanting this for a long period of time. It was a compromise, and everyone was happy with it.

I wish to thank Jennie Wright, Andrew Neely, Andrew Harding, Carter Vella, Amanda Hall, Devin Barrett, and Joe Brown. And from Senator BOXER's staff, I don't think we could have gotten this done without the long hours of Jason Albritton and others from her staff, like Ted Ilston. The CBO staff came in and they worked very hard on this. Aurora Swanson was always available. I thank the Senate legislative counsel, including Deanna Edwards, Maureen Contreni, and Gary Endicott.

We have a lot of people involved in this. I don't want people to think this is just another bill that came along and it is time for it to be considered.

We could have done this a long time ago. We weren't quite ready. It took time for all of us to get together, and I think it is important. We have heard others talk about one major provision in the bill, and I wish to address that in a moment, but we should stop and think about what is in this.

We have 30 new navigation, flood control, and environmental restoration projects and modify 8 existing projects based on reports submitted to Congress by the Secretary of the Army. These projects support our Nation's economic competitiveness and well-being by deepening nationally significant ports. Everyone here knows which ones we are talking about.

The bill also includes ecosystem restoration in the Florida Everglades, which will fix Lake Okeechobee and stop the algae blooms on the Florida coasts.

The bill includes ongoing flood control and navigation safety in the Hamilton City project—that is in California—and the Rio de Flag project in Arizona.

It includes programs that will help small and disadvantaged communities provide safe drinking water and will help communities address drinking water emergencies like the one facing the city of Flint, MI.

The bill includes the Gold King Mine. The people in California, and certainly Senators GARDNER, BENNET, and UDALL, spent a lot of time on it. It is in this bill.

The bill includes the rehabilitation of high hazard potential dams. This section of the bill authorizes FEMA assistance to States to rehabilitate the unsafe dams. This is significant. There are 14,724 what they call high hazard potential dams in the United States. That means that if a dam fails, lives are at stake. The program will prevent loss of lives. We have talked about this on the floor. That is significant—14,726.

The WRDA bill is bipartisan and will play a critical role in addressing problems facing the communities.

I want to make sure everybody understands how long we have been talking about the Flint, MI, tragedy. We have been talking about it for a long time. It is in here. The solution is in here. The bill we just passed, that is an appropriation, but the authorization has to be there. I would say this: Since I am looking across at the two Senators from Michigan, I know they are concerned with this. We have to understand that without this authorization, this bill, there would be no Flint relief, none whatsoever.

I will yield some time to either of the two Senators from Michigan—Senator STABENOW—for any comments she wants to make about this. But I hope she understands, as I yield time that she would be requesting, that without this bill, there is nothing for Flint.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you very much. First, I wish to thank the chairman of EPW for his very hard work on behalf of the 100,000 people in the city of Flint and his incredible staff, all of his staff who have been following this.

Madam President, I ask unanimous consent to have printed in the RECORD a list of all of the staff. I want to make sure they are in the RECORD so we can properly thank all of them.

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

Approps Vice Chair Barbara Mikulski: Chuck Kieffer, Staff Director, Melissa Zimmerman, Interior Approps; EPW Ranking Member Barbara Boxer: Bettina Poirier, Staff Director, Jason Albritton, Senior Advisor; EPW Chair Inhofe: Alex Hergott, Deputy Staff Director, Susan Bodine, Chief Counsel; Gary Peters: David Wineburg, LD, Bentley Johnson, LA; Chuck Schumer: Gerry Petrella; Debbie Stabenow: Matt VanKuiken, Kim Corbin, Aaron Suntag.

Ms. STABENOW. This is, on the one hand, a very important time where we finally are saying to the people we have been fighting for, for over a year: We see you, we hear you, and we are going to be able to get something done

so you can turn the faucet on and actually have clean, safe water come out of the faucet. We all take that for granted.

I have to say it is also bittersweet, though, when I look to my colleagues, Senator BOXER and Senator CANTWELL, who have spent more time working than anyone else I have worked with, other than working with Senator INHOFE and his staff. They have worked so hard to help us get to this point, only to find us in this situation because of what the House did, where we can't all be unified. It is something I feel very sad about and regret deeply.

Senator MURKOWSKI and Senator CANTWELL were very instrumental in spending hours and hours early on in the year trying to get something done as it related to the Energy bill. I regret that the Energy bill is not part of what is being done by the end of this year. The Democratic leader, the majority leader, certainly Senator PETERS, and I have been fighting together for a year and beyond in terms of what the people of Flint need.

But I want to say just one thing to really focus on this. There are many needs, there are many issues, but there are people whose health is literally permanently damaged; 9,000 children under the age of 6 who have been so exposed to lead that they may not have the opportunity to have a healthy, full life, where they can focus in the future as they otherwise would, because of developmental concerns. So we have people who are in a crisis situation. This bill needs to get passed for them. They have waited and waited while other things have been done the entire year. It is time for them to stop having to wait.

This is the opportunity for us to actually take an entire city—no place else in the country is there an entire city that has not been able to use their water system because of fear of lead poisoning. That is what is happening in this community. And this bill authorizes funding to be able to fix that and give them the dignity we all take for granted of safe drinking water.

Thank you.

Mr. INHOFE. Madam President, reclaiming my time, let me just say that I saw the other Senator from Michigan nodding with approval and agreement.

So this can happen, and that is why it is in here. I have to say to both Senators from Michigan—and we on this side worked very closely together to make this happen. That wasn't really easy. But now there is an agreement, and I think that is a very important part of this.

Let me mention one of the things the Senator from Oregon made some comments about, about Senator BOXER and me, the things we have done together, and we have. It does show, though, that we can disagree, but that doesn't change my feelings about Senator BOXER.

I want to conclude just by saying something that I don't think people have heard. They talk about the drought provision as if something evil put that together. Well, the White House put it together. It was drafted by the U.S. Department of the Interior and the U.S. Department of Commerce.

The savings clause—we have spoken about that. According to the White House, the savings clause prohibits any Federal agency under any administration from taking any action that would violate any environmental law, including the Endangered Species Act and the biological opinions. Don't take my word for it; just ask Senator FEINSTEIN. We talked about this on the floor.

This was put together by those Departments, and the savings clause that is there is strong. And according to them—not to me; I actually don't know that much about it, but they do because this is their area of specialty—they say this prevents any type of action.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator there California.

Mrs. BOXER. Madam President, I love my colleague. However, the White House strongly opposes this rider, and we have it in clear writing. They issued that notice. They didn't issue a veto because, as Senator STABENOW points out, they are torn.

But let's be clear. All we have to do is strip this poison pill and we have a gorgeous bill that saves Flint, that helps us all, where we can smile and I can leave here with a really nice lift in my step rather than leaving here sad that we are threatening a magnificent historical industry called the fishing industry, where people go out and work for their families on little boats, some of them big boats. So what we are saying is we have no choice; we have to swallow this poison pill and, thank God, help the people of Flint, thank the Lord. God, we should have done that a long time ago. Oh my Lord, thank you, JIM INHOFE, for your work on that. Thank you, DEBBIE and GARY and all the staff. But now we have a circumstance where we are saying yes to that and no to our entire industry on the entire west coast. And every single editorial in California, where—as my friend points out, the underlying bill—I have never gotten as much for California; I almost don't want to say it—26 provisions, everything from Lake Tahoe to the Salton Sea, from the Sacramento River to the San Francisco Bay, to Orange County, the Inland Empire, Republican parts of my State, Democratic parts of my State, amazing work that was done.

Yet, as we pass this, which we may because of the situation, I want everyone here to understand that there are people who are shivering and shaking because they know the water they need to support their livelihood is going to be diverted away. This isn't a drought provision; this is taking water from one group that desperately needs it to sustain their business—the salmon fishery—and giving it to Big Agriculture.

We all need to come together. I represent all of those interests, including urban users and rural users and suburban users and farmers and the fishery. As my friend MARIA CANTWELL pointed out when she had a voice this afternoon—she said: Can you really think about the long-range issue here, which is if you drive out the salmon fishermen, they are gone, and then all the water can be taken away, and they won't be there? It is so sad to do such a thing without a hearing—without a hearing.

By the way, you can say anything. You can say you are saving anything. You can say it; it doesn't mean it is true. So let me say for the court record—because this is going to go to a lawsuit immediately—if you are listening and you are reading this, you can say anything. If you send a bomb over to another country and bomb the heck out of them and they say ''Wait a minute, this is an act of war,'' you can say ''No, it isn't. We said it wasn't an act of war; we are just trying to teach you a lesson.'' You can say anything. It is what you do that matters. And when you have operations language that says you must use so much water, the maximum water, even though the biological opinion says that it will destroy the fishery, this is a real problem.

I reserve the remainder of my time.

Mr. INHOFE. I would inquire as to how much time remains.

The PRESIDING OFFICER. The Senator from Oklahoma has 9 minutes remaining; the Senator from California has 2½ minutes remaining.

Mr. INHOFE. Well, I just consulted with my staff.

I know you believe in this or you wouldn't have said it, but the administration cannot be opposed to this. As a matter of fact, the administration drafted this. Everyone liked the underlying bill before the change was made, but then the Department of—and I will repeat this.

''Section 4012 includes a savings clause—a savings clause written by the U.S. Department of Interior and Commerce''—that is the White House—''that ensures that the entire subtitle must be implemented in accordance with the Endangered Species Act, or the smelt and salmon biological opinions.''

So I would just say, in response, they are the ones who drafted that.

Here is a bill that everybody talked about—my friend from California and myself included and more than half the people. Then, when that provision was put in by those two departments, all of a sudden it is a bad bill. That is what I don't understand and I don't agree with. They are very emphatic in their paper that they wrote, with their opinions, putting this provision in.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I did not say this was a bad bill. I said this

is a beautiful bill with a bad rider dropped on us. That was what I was talking about, the bill that was placed on top of WRDA. It is awful. The White House said: We do not support the kinds of proposals that have been put forward to address the water resource issues in California right now.

For every major newspaper in my State to come out—I don't think we ever argue about this because it is a California issue, it is a west coast issue. If it doesn't bother you, fine, but the bottom line is, a beautiful bill was hijacked, and it is going to result in the loss of the fishing industry. I can assure my friend, if you had a proposal—and you have had some—that threatened your oil industry, you are down there and I say: Fine, that is your job. It is my job to defend my fishing industry.

So there is nothing anyone can tell me that changes my mind, even though this puts me in a tough, tough, tough spot because the rest of the bill is beautiful and I greatly enjoyed working on it. But I know this stuff. Every single fishery organization opposes it. It is opposed strongly. Even Trout Unlimited—you know those folks. They don't get involved that often. Every single major newspaper opposes it, every single environmental organization. The White House said: We do not support the kinds of proposals that have been put forward to address some of the water resource issues.

Those are the facts. They are not subject to interpretation.

So let's be fair. We have a beautiful bill called WRDA. Standing on its own, it is one of my proudest accomplishments that I share with my chairman, but this rider did not belong in it.

Our position is, bring this bill down, strip the rider. You will have agreement, you will have the bill, and we can all go home happily. I know that is a very heavy lift, but that is the rationale. I hope when this thing gets to court—and it will get to court—that our words will be entered into the court record here. We know what we are talking about because we are from the West Coast.

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

Mrs. BOXER. All right.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I am about to yield back my time, except to make one last comment.

Everyone agrees it is a beautiful bill. They talk about the rider, but the rider came, not from someone else, it came from the Department of Commerce and the Department of the Interior, and that is the administration. So they are the ones that, I guess, made it into a bad bill, but nonetheless it is a good bill. It is one we all want, and I encourage my colleagues to support it.

Madam President, I yield back the remainder of my time.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to Calendar No. 65, S. 612, an act to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse.''

James M. Inhofe, Roger F. Wicker, Orrin G. Hatch, Johnny Isakson, John Cornyn, Thad Cochran, Mike Crapo, Pat Roberts, Bill Cassidy, John Hoeven, John Barrasso, Thom Tillis, John Boozman, John Thune, Daniel Coats, Marco Rubio, Mitch McConnell.

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

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to S. 612 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The yeas and nays resulted—yeas 69, nays 30, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—69

Alexander	Enzi	Mikulski
Ayotte	Ernst	Moran
Barrasso	Feinstein	Murphy
Bennet	Fischer	Nelson
Blumenthal	Franken	Perdue
Blunt	Gardner	Peters
Booker	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heitkamp	Rounds
Carper	Heller	Rubio
Casey	Hoeven	Schatz
Cassidy	Inhofe	Scott
Coats	Isakson	Shaheen
Cochran	Johnson	Stabenow
Collins	Kaine	Sullivan
Coons	Kirk	Tester
Corker	Klobuchar	Thune
Cornyn	Lankford	Tillis
Crapo	Leahy	Toomey
Cruz	Manchin	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Wicker

NAYS—30

Baldwin	King	Reid
Boxer	Lee	Sanders
Brown	Markey	Sasse
Cantwell	McCain	Schumer
Cardin	McCaskill	Sessions
Durbin	Merkley	Shelby
Flake	Murkowski	Udall
Gillibrand	Murray	Warren
Heinrich	Paul	Whitehouse
Hirono	Reed	Wyden

NOT VOTING—1

Cotton

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 30.

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

The motion to refer falls.

Under the previous order, all postcloture time is expired.

MOTION TO CONCUR WITH AMENDMENT NO. 5144 WITHDRAWN

Under the previous order, the motion to concur with an amendment is withdrawn.

VOTE ON MOTION TO CONCUR

Under the previous order, the question occurs on agreeing to the motion to concur in the House amendment to S. 612.

Mr. RISCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

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

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—78

Alexander	Enzi	Menendez
Ayotte	Ernst	Mikulski
Baldwin	Feinstein	Moran
Barrasso	Fischer	Murkowski
Bennet	Franken	Murphy
Blumenthal	Gardner	Nelson
Blunt	Graham	Perdue
Booker	Grassley	Peters
Boozman	Hatch	Portman
Brown	Heinrich	Risch
Burr	Heitkamp	Roberts
Capito	Heller	Rounds
Cardin	Hoeven	Rubio
Carper	Inhofe	Schatz
Casey	Isakson	Scott
Cassidy	Johnson	Shaheen
Coats	Kaine	Stabenow
Cochran	King	Sullivan
Collins	Kirk	Tester
Coons	Klobuchar	Thune
Corker	Lankford	Tillis
Cornyn	Leahy	Toomey
Crapo	Manchin	Udall
Cruz	Markey	Vitter
Daines	McCaskill	Warner
Donnelly	McConnell	Wicker

NAYS—21

Boxer	McCain	Sasse
Cantwell	Merkley	Schumer
Durbin	Murray	Sessions
Flake	Paul	Shelby
Gillibrand	Reed	Warren
Hirono	Reid	Whitehouse
Lee	Sanders	Wyden

NOT VOTING—1

Cotton

The motion was agreed to.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF THE BILL S. 612

The PRESIDING OFFICER. Under the previous order, the clerk will report H. Con. Res. 183.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 183) directing the Secretary of the Senate to make a correction in the enrollment of the bill S. 612.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution, H. Con. Res. 183, is considered and agreed to.

The Senator from Arkansas.

MORNING BUSINESS

Mr. BOOZMAN. 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. Is there objection?

Without objection, it is so ordered.

JASTA

Mr. HATCH. Mr. President, today I wish to share some of my thoughts on an issue relating to the Justice Against Sponsors of Terrorism Act.

Few dispute the noble goal of ensuring that justice is done for the families of the victims of September 11. Time after time, this body has acted to honor the memories of the fallen from that terrible day, just as it should. But in acting to honor the victims of September 11 and the grieving families they left behind, we cannot lose sight of other crucial policy goals that enjoy broad bipartisan support, such as preserving important legal principles that protect the members of our Armed Forces and perpetuate strong relations with important allies.

As an article in the December 6 edition of the New York Times explains, there are ample concerns that individual citizens of a close U.S. ally have funded terrorist activities and may have assisted those who carried out the September 11 attacks.

Despite the claim that this ally has taken any official action to support the September 11 attackers remains far from proven and, in fact, has been of great and instrumental assistance that this ally has provided in prosecuting the war on terrorism, questions do remain.

In response, the families of numerous September 11 victims looked to resolve these questions through the courts. Specifically, they sought a change to the law that greatly expands the ability of a private individual to bring a suit in federal court against a sovereign nation. Heeding the calls for justice from victims' families, we recently enacted the Justice Against Sponsors of Terrorism Act law, and as a result, the scope of the legal principle known as sovereign immunity—here, the immunity of a foreign government from a civil suit in our Federal courts—has been distinctly reduced.

Again, there is nothing wrong with September 11 families seeking justice; in fact, I laud them for their commitment and perseverance, which is why I supported the passage of this legislation at the time and still strongly support its goals. Nevertheless, one of the consequences of the exact language of the new statute is that our important ally now faces the prospect of going through the extensive and intrusive discovery process in federal court. As a result, one of our closest partners in the war on terrorism could be ordered by a Federal judge to turn over some of their most sensitive documents in order to show that their official governments actions did not directly support the September 11 attackers. Indeed, nothing in the recently declassified portions of the September 11 Commission Report suggests that our ally's government leadership had any role in the attack.

We must consider how the technical features of this change in the law will affect our national security. If we allow such lawsuits to proceed under the particulars of the newly enacted statutory language here in the United States, we undermine the central premise of our objection to other countries that might seek to modify their sovereign immunity laws by permitting lawsuits against the United States. We could easily find ourselves at the mercy of a foreign justice system—one far different than our own—if someone filed suit in a foreign nation against the United States and demanded that our government turn over highly classified documents. If our government refused, that foreign court could potentially exact serious consequences, such as freezing American assets overseas. Worse yet, if other nations change their sovereign immunity laws, foreign courts could potentially begin to hold U.S. service members personally liable, both civilly and criminally, for actions they have based upon the lawful orders of their superiors.

In sum, once we begin to unravel sovereign immunity at home, we risk creating a cascade of unintended consequences abroad.

These concerns are widely shared. In a recent op-ed in the Wall Street Journal, former Attorney General Michael Mukasey and Ambassador John Bolton made those very same arguments. They also point out that the new law ''shifts authority for a huge component of national security from the politically accountable branches—the President and the Congress—to the Judiciary, the branch least competent to deal with international matters of life and death.

In fact, I was particularly struck by the fact that the editorial boards of the New York Times, the Wall Street Journal, the Washington Post, the Los Angeles Times, and Bloomberg have all raised serious and substantial concerns regarding the particulars of the new legislation. Mr. President, I ask unanimous consent that some of these editorials be printed in the RECORD following my remarks.

Not only do these editorial boards believe this is not in the best interest of the United States, but so do our closest allies as well. Specifically, officials from the European Union, the United Kingdom, and the Netherlands have all written public messages or passed resolutions echoing these arguments. Mr. President, I ask unanimous consent that a letter from the government of the Netherlands be printed in the RECORD following my remarks.

Nevertheless, I do believe a solution can be found that provides justice for the September 11 families while enhancing our national security. My optimism stems in no small part from the leaders involved. I understand Senators MCCAIN and GRAHAM are working on just such a compromise, and I fully support their efforts to achieve a just resolution of this issue. Furthermore, we all owe Senator CORNYN a debt of gratitude for his leadership in ensuring that justice is done. I am also greatly encouraged that Senator SCHUMER is leading the Democratic efforts on this matter.

The role of the Senate is to resolve the great issues facing our Nation by forging lasting consensus. We have numerous such challenges in the past, and I fervently believe that building such a solution is possible. I urge all my colleagues to help us move toward this goal.

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

[From the New York Times, Sept. 28, 2016]

THE RISKS OF SUING THE SAUDIS FOR 9/11

(By the Editorial Board)

The Senate and the House are expected to vote this week on whether to override President Obama's veto of a bill that would allow families of the victims of the Sept. 11 attacks to sue Saudi Arabia for any role it had in the terrorist operations. The lawmakers should let the veto stand.

The legislation, called the Justice Against Sponsors of Terrorism Act, would expand an exception to sovereign immunity, the legal principle that protects foreign countries and their diplomats from lawsuits in the American legal system. While the aim—to give the families their day in court—is compassionate, the bill complicates the United States' relationship with Saudi Arabia and could expose the American government, citizens and corporations to lawsuits abroad. Moreover, legal experts like Stephen Vladeck of the University of Texas School of Law and Jack Goldsmith of Harvard Law School doubt that the legislation would actually achieve its goal.

Co-sponsored by Senator Chuck Schumer, Democrat of New York, and Senator John Cornyn, Republican of Texas, the measure is intended to overcome a series of court rulings that have blocked all lawsuits filed by the 9/11 families against the Saudi government. The Senate passed the bill unanimously in May, and the House gave its approval this month.

The legislation would, among other things, amend a 1976 law that grants other countries broad immunity from American lawsuits—unless the country is on the State Department's list of state sponsors of terrorism (Iran, Sudan and Syria) or is alleged to have committed a terrorist attack that killed Americans on United States soil. The new bill would clarify that foreign governments can be held liable for aiding terrorist groups, even if that conduct occurred overseas.

Advocates say the measure is narrowly drawn, but administration officials argue that it would apply much more broadly and result in retaliatory actions by other nations. The European Union has warned that

if the bill becomes law, other countries could adopt similar legislation defining their own exemptions to sovereign immunity. Because no country is more engaged in the world than the United States—with military bases, drone operations, intelligence missions and training programs—the Obama administration fears that Americans could be subject to legal actions abroad.

The legislation is motivated by a belief among the 9/11 families that Saudi Arabia played a role in the attacks, because 15 of the 19 hijackers, who were members of Al Qaeda, were Saudis. But the independent American commission that investigated the attacks found no evidence that the Saudi government or senior Saudi officials financed the terrorists.

Proponents of the legislation cite two assassination cases in which legal claims were allowed against Chile and Taiwan. Administration officials, however, say that those cases alleged the direct involvement of foreign government agents operating in the United States.

The current debate is complicated by the fact that Saudi Arabia is a difficult ally, at odds with the United States over the Iran nuclear deal, a Saudi-led war in Yemen and the war in Syria. It is home of the fundamentalist strand of Islam known as Wahhabism, which has inspired many of the extremists the United States is trying to defeat. But it is also a partner in combating terrorism. The legislation could damage this fraught relationship. Riyadh has already threatened to withdraw billions of dollars in American-based assets to protect them from court action.

The desire to assist the Sept. 11 families is understandable, and the bill is expected to become law. The question is, at what cost?

[From the Wall Street Journal, Sept. 28, 2016]

CONGRESS OVERRIDES OBAMA—TOO BAD IT'S ON A BILL THAT WILL HURT U.S. INTERESTS

Wouldn't you know that Congress finally challenges President Obama on foreign policy, and it's in a bad cause that will harm U.S. interests. Too bad the President did so little to stop it.

On Wednesday the Senate (97–1) and House (348–77) overrode Mr. Obama's veto of the Justice Against Sponsors of Terrorism Act (Jasta) that will let victims of terrorism sue foreign governments linked to such attacks. Mr. Obama's veto message rightly noted that this break from the diplomatic principle of sovereign immunity will take ''consequential decisions'' about terrorism from Presidents and hand them to courts and private litigants.

The law is supposed to help the families of those killed on 9/11 to pursue Saudi Arabia, the ultimate deep-pocket target. Never mind that there is no hard proof the Saudi government was complicit in those attacks. Or that Americans can already sue nations that are officially designated as state sponsors of terror.

This bill has no such limit, so all it takes is a trial lawyer to persuade a judge that a foreign government is liable and we're off to the races. Lawyers will have endless fun subpoenaing documents and testimony from the U.S. and foreign governments that will complicate American diplomacy and security.

Supporters of the bill rejected any compromise, including language that would limit lawsuits to 9/11 victims, which shows that the real game is to enrich the trial bar. The Saudis may now move to liquidate at least some of their U.S. holdings so they don't become hostage to lawsuits, and some countries might retaliate against U.S. officials.

The blame is bipartisan. Democrats want another income stream for their trial-lawyer campaign funders, while Republicans stampeded because no one wants to be seen as defending Saudi Arabia in an election year. We hope Republicans appreciate their hapless cynicism. They get the votes to override Mr. Obama for the first time, and it's on a bill that could help make New York Democrat Chuck Schumer Senate Majority Leader.

These are the same dime-store Metternichs who denounce Donald Trump for being reckless, though Mr. Trump also endorsed the veto override. So did Hillary Clinton, who as a former Secretary of State knows better.

The current Commander in Chief didn't do much to help. While he vetoed the measure in the end, he did almost nothing along the way to rally opposition. Harry Reid was the only Senate Democrat to support the veto, and he's not running for re-election. Mr. Obama expected the same Republicans he routinely portrays as evil to rescue him even as Mr. Schumer was waiting to ambush any Republicans who supported the Democratic President.

White House spokesman Josh Earnest called the Senate vote ''the single most embarrassing thing'' it has done in decades and said it was ''an abdication of their basic responsibilities.'' But not nearly as embarrassing as the junior-varsity effort by his boss, who made it easy for Congress to trample him.

[From the Washington Post, Sept. 15, 2016]

SHOULD WE LET 9/11 VICTIMS SUE SAUDI ARABIA? NOT SO FAST.

(By Editorial Board)

A BASIC precept of international law is that sovereign nations, or their government officials, should not be liable for official actions in the civil courts of other sovereign nations. Sovereign immunity has stood the test of time because it makes practical sense. And it makes practical sense because the international deeds and misdeeds of governments are more equitably dealt with through state-to-state negotiations than by hauling one country's officials in front of the judges and juries of another.

Alas, the Senate and the House have unanimously voted to weaken this principle in the noble-sounding cause of justice for American victims of alleged state-sponsored acts of terrorism. The legislation, sparked by much-ballyhooed but so-far-unsubstantiated claims of official Saudi collusion in the Sept. 11, 2001, attacks, would permit victims of acts of terrorism in the United States to sue alleged state sponsors for monetary damages in federal court. Under current law, such suits are permissible only against governments that the State Department has already designated as sponsors of terrorism: Iran, Syria and Sudan. The bill would enable private individuals and their lawyers to add oil-rich Saudi Arabia, perhaps the ultimate deep-pocketed defendant, to that list. Someday, other countries could find themselves in the dock, too.

Proponents describe the bill as a ''narrow'' adjustment to existing law, and, to be sure, they have watered down more sweeping earlier versions in the face of veto threats from President Obama and criticism from international-law and national-security experts. The revised bill allows the executive branch to freeze any given suit for 180 days, by certifying to a court that it is engaged in good-faith negotiations to resolve the plaintiff's claims with the defendant nation. Such a stay could be extended for as long as the State Department certifies that the negotiations are still ongoing. As long as an administration is willing to jump through these hoops, it could probably block an objectionable lawsuit indefinitely, which makes one wonder what the point of the bill is anymore.

Note, however, that this would require the executive branch to conduct negotiations so it could make the certification, even if it didn't think such talks were warranted. And the bill leaves it up to a court whether to grant the initial stay. This is still too much power to give unelected, inexpert judges over a core function of the political branches.

In short, to the extent the revised bill isn't merely symbolic, it's mischievous. Mr. Obama has repeatedly called it a precedent other countries could easily turn against the United States. It is not a far-fetched concern, given this country's global use of intelligence agents, Special Operations forces and drones, all of which could be construed as state-sponsored ''terrorism'' when convenient. Even if a future administration did succeed in blocking a lawsuit, the mere filing of it could irritate the target country or countries. Members of Congress have repeatedly claimed enough votes to override Mr. Obama's veto threat, and they may be right. Mr. Obama should carry it out anyway. If long-standing principles of law and policy are to be discarded so lightly, at least let it be done without his approval.

[From the Los Angeles Times]

ALLOWING AMERICANS TO SUE FOREIGN GOVERNMENTS OVER TERRORIST ACTS MAY SOUND LIKE A GOOD IDEA. IT'S NOT

(By LA Times Editorial Board)

From an emotional standpoint, the Justice Against Sponsors of Terrorism Act has some appeal. The bill, which is still being finalized, aims to open U.S. courts to civil lawsuits by Americans against foreign governments tied to terror attacks in the United States. Though it would be written broadly enough to encompass all the countries in the world, the bill has a clear target: Saudi Arabia. Proponents say they want to allow families of the nearly 3,000 victims of the 9/11 attacks seek damages in court if proof emerges that the Saudi government supported the 19 al Qaeda hijackers, 15 of whom were Saudis. It may sound good, but it's a bad idea.

Saudi Arabia isn't the most embraceable of U.S. allies. It executes people with abandon, including 47 in one day in January on charges ranging from involvement in terror attacks to disloyalty. The royal family's repression of women—from its draconian dress codes to its requirement that women be accompanied by male chaperones when leaving the house—offends basic concepts of human rights and equality, as does its practice of imprisoning dissidents. The government embraces public flogging as punishment for some crimes, a judgment facing Palestinian poet Ashraf Fayadh, who has been sentenced to eight years in prison and 800 lashes. His offense? Apostasy, based on poems that the government said embraced atheism and spread ''some destructive thoughts into society.''

What's more, the Saudis have close ties to deeply unsavory organizations. The bill currently making its way through Congress was prompted, in part, by investigations showing that leading Saudis helped bankroll Al Qaeda, though the reports that have been released so far have stopped short of linking Osama bin Laden's terror group to the Saudi royal family or government. Speculation continues to swirl around 28 pages of an 838-page congressional report on the 9/11 attacks that were withheld as classified when the rest of the report was released in 2002. The Saudi government has denied any complicity in the attacks. The pages were ordered classified by President George W. Bush, who said he feared their release would divulge sensitive investigative techniques.

The Obama administration has been reviewing the 28 pages and reportedly will soon declassify some of them. It ought to release all of them.

But regardless of the Saudi role in 9/11, it would be a big mistake to pass the bill, which would badly undercut the legal principle of ''sovereign immunity.'' Rooted in international law, sovereign immunity protects governments from being held to account in the courts of another country (with some narrow exceptions). Obviously, the downside of this is that it sometimes protects bad governments from being punished for their policies and actions. But on the other hand, it also serves as needed protection against trumped up or politicized prosecutions in courts around the world. And be warned: If Congress strips governments everywhere of their protection in U.S. courts, those countries will almost certainly adopt similar policies against the U.S.

That would lead to a mish-mash of legal challenges, claims of damages, and complicated international relations. Given the U.S. government's disproportionate role in foreign affairs, the potential exposure such a measure would bring to the U.S. is inestimable. Expect to see civil claims by victims of collateral damage in military attacks, lawsuits by people caught up in the nation's post–9/11 detention policies, including Guantanamo Bay, and challenges over atrocities committed by U.S.-backed Syrian rebels. Pretty much anywhere that U.S. policies have led to damages, those who suffered could potentially seek redress in their own courts, jeopardizing American assets overseas, where the rule of law sometimes is solid, but in other cases is a tool wielded for political purposes.

Fearing its exposure in American courts, Saudi Arabia has already threatened to sell $750 billion in U.S. assets that it says would be at-risk if the proposed law goes into effect.

The 9/11 attacks were horrific, and the losses suffered by the victims' families are incalculable. But the solution is not to open this Pandora's Box. If the Saudi government is found to have supported the attacks, a resolution should be reached through diplomacy, nation to nation, not through individual claims in civil courts.

[From Bloomberg, May 24, 2016]

SUING THE SAUDIS WOULD MAKE THE U.S. A LEGAL TARGET

(By the Editorial Board)

It's not easy to defend an obscure legal doctrine against claims for justice from the victims of the worst terrorist attack ever to take place on U.S. soil. But doing so has become a necessity, since Congress has decided to rewrite U.S. law on sovereign immunity.

Last week the Senate unanimously passed the Justice Against Sponsors of Terrorism Act, which authorizes U.S. courts to hear civil claims for monetary damages against a foreign state accused of direct involvement in a terrorist act harming an American citizen in the U.S. Under current law, almost all foreign nations are immune from lawsuits in U.S. courts.

While the bill doesn't name any particular country, it would enable the 9/11 families to sue Saudi Arabia. Fifteen of the 19 hijackers were Saudi citizens, and some officials and members of the royal family have long been accused of involvement in the plot. Despite its wide support, President Barack Obama has promised to veto the bill.

A veto would be well deserved, and before members of Congress try to override it, they might want to consider the value of sovereign immunity—and the nation that benefits from it the most. (Hint: They represent it.)

If other nations follow the Senate's lead, no country would be a bigger, better, richer target for lawsuits than the U.S. In Cuba and Iran, in fact, courts have already issued billions of dollars in judgments against Washington. Changing U.S. law might give them and other nations so inclined a chance to actually collect on such rulings.

This potential legal liability would hang over the U.S. fight against global terrorism, and leave the government liable for actions by U.S. troops in Afghanistan, Iraq, Syria and elsewhere. U.S. aid to Israel, for example, could leave it open to suits from Palestinians injured by Israeli troops. The entirety of U.S. foreign policy could be put on trial under the guise of seeking monetary justice.

Acknowledging the importance of sovereign immunity does not require overlooking the Saudis' role in the rise of Muslim extremism: They have spent decades and billions of dollars exporting their extremist Wahhabi version of Islam. Many Saudi charities and individuals have directly supported violent groups such as al-Qaeda.

But the response to this activity properly resides in the realm of diplomacy and trade policy, not in court, It is a slow, uneven process, but change is possible—and there are signs that the Saudi ruling family realizes this.

No one can deny the right of the 9/11 families to truth and justice. They have already received billions from the victim compensation fund established by Congress, and two separate government investigations spent years producing the 9/11 Commission report.

A more productive exercise of congressional authority would focus on that report—specifically, the so-called ''28 pages'' from the initial 9/11 investigation that remain under seal. Many of the victims' families, as well as other Americans, want to know what is in those pages.

Some lawmakers who have seen them say there is nothing damaging to national security in them and they should be released. Others, including members of the 9/11 Commission staff, say they are filled with hearsay implicating prominent Saudi citizens.

A compromise is not hard to envision: Release the pages, along with an explanation from the commission as to why the allegations don't hold up. Such an agreement would also serve the cause of truth and justice—without jeopardizing America's moral and legal standing in the rest of the world.

[From The Hill, Sept. 21, 2016]

EU EXPRESSES CONCERN OVER 9/11 BILL

The European Union on Wednesday expressed concern about the possible adoption by Congress of a bill that would allow U.S. citizens to sue Saudi Arabia over the 9/11 terrorist attacks.

The Justice Against Sponsors of Terrorism Act (JASTA), which has bipartisan support and passed both houses of Congress, would amend the federal criminal code to permit lawsuits against foreign states and officials believed to be involved in terrorist attacks.

The White House is expected to veto it this week, arguing that the bill would lead to reciprocal lawsuits against U.S. citizens, but Congress is expected to attempt to override the veto. In a letter dated Sept. 19 obtained by The Hill, the EU said ''the possible adoption and implementation of the JASTA would be in conflict with fundamental principles of international law and in particular the principle of State sovereign immunity.''

''State immunity is a central pillar of the international legal order. Any derogation from the principle of immunity bears the inherent danger of causing reciprocal action by other states and an erosion of the principle as such. The latter would put a burden on bilateral relations between states as well as on the international order,'' the EU said.

The passage of JASTA came after suspicions that Saudi Arabia supported four of the 9/11 hijackers. Saudi Arabia has denied any support of the attack.

[From The Telegraph, June 2016]

WHY A U.S. LAW TO LET 9/11 FAMILIES SUE SAUDI ARABIA IS A THREAT TO BRITAIN AND ITS INTELLIGENCE AGENCIES

(By Tom Tugendhatmp)

The Justice Against Sponsors of Terrorism Act (Jasta) that is making its way through Congress is not intended as an attack on MI5 or MI6, services that work so closely with the U.S. intelligence community. The law was written with the intention of allowing U.S. victims of terrorism to bring lawsuits in American courts against the government of Saudi Arabia and other nations whose state bodies could be accused of offering a blind eye—and even a helping hand—to sponsors of terror. The Senate has already passed it, leading the Saudi government to threaten to sell the $750 billion in assets it holds in the U.S.

Under the bill, U.S. citizens might sue the British government claiming a negligent lack of effort to tackle Islamic radicalism in earlier decades. Some in the U.S. already accuse Britain of tolerating radical preachers in ''Londonistan'' during the Nineties, an approach they say spawned terrorism. Saudi Arabia may be the target of the law, but it could also have serious unintended consequences for Britain.

The act would expose the British government to the possibility of revealing the secrets of intelligence operations in open court, or paying damages over alleged failures to prevent terrorist attacks. Either outcome would put the special relationship under severe strain.

Under the bill, U.S. citizens might sue the British government claiming a negligent lack of effort to tackle Islamic radicalism in earlier decades. Some in the US already accuse Britain of tolerating radical preachers in ''Londonistan'' during the Nineties, an approach they say spawned terrorism.

Such critics cite cases such as the 2001 failed attack on an aircraft by Richard Reid, the shoe bomber. A petty criminal from Bromley and a Muslim convert, he was radicalised at the Finsbury Park Mosque which was known to the police and MI5 as a base for extremist preachers.

A lawsuit brought under Jasta might force the UK government to reveal intelligence about the plot, why it failed to act and its reasons for doing so. Alternatively, Britain would have to agree a financial settlement. Either way, Britain's reputation would be severely damaged.

Modern diplomacy is based on an old concept, sovereign immunity, which Britain adopted in 1648. It prevents the courts of any nation being used to harass government officials. The bill before Congress would see the U.S. abandon that principle. Foreign governments, even friendly ones, would be exposed to the U.S. courts and the prospect of judicial extortion to avoid revealing secret intelligence. That can only lead to a cooling of relations and isolate the U.S.

Dismissing cases brought under the new law would be harder, since the act also undermines the power of U.S. authorities to halt trials. Federal courts would no longer be able to rule on sovereign immunity protections during a trial's ''motion to dismiss'' stage. That would allow U.S. lawyers to either force foreign states to disclose sensitive information and extort settlements.

There is a way to prevent the most damaging of cases. The U.S. president can invoke

a state secrets privilege to bar certain ''discoveries'' of sensitive information, even in private litigation. Under the current administration, that may prove adequate protection for an ally such as Britain. But given his disregard for international co-operation it seems reasonable to wonder whether a President Trump would ever invoke that legal privilege, even on behalf of an allied nation. The decision would be completely at his discretion. Such is the power of the presidency.

The Obama White House and the State Department are strongly opposed to Jasta. They can see the potential for diplomatic damage. They also realise the potential for revenge prosecutions in foreign jurisdictions. The international banking system means that most of the world's financial transactions are routed through computer servers in the U.S. If the U.S. allows lawsuits against foreign governments for complicity in terrorism, how long before a foreign court allows, case against the U.S. for negligence over terrorist financing?

The Senate was mistaken to pass this bill and the House of Representatives should reject it. Sadly though, both Mr Trump and Hillary Clinton have said they would sign it. Doing so would weaken the U.S. and damage the special relationship. The world needs U.S. leadership and partnership. Jasta would only leave us all more isolated.

TRIBUTE TO HARRY REID

Mr. HATCH. Mr. President, today I wish to pray tribute to a selfless public servant, a committed leader, and a dear friend: Senator HARRY REID.

Growing up in the small town of Searchlight, NV, Senator REID was no stranger to hardship. His father suffered from severe depression and his mother worked long hours as a laundress to help support their struggling family. The Reids lived in a tiny tin shack with no toilet or telephone. They had limited access to schools, healthcare, and the basic comforts of modern life.

From his hardscrabble youth, HARRY developed a fighting spirit that would later define his career in public service. That spirit was cultivated by his high school boxing coach, Mike O'Callaghan, who would later become Nevada's 23rd Governor. More than a coach, O'Callaghan was a mentor. He taught Senator REID his first lessons in civics and raised HARRY's vision of what he could accomplish, encouraging him to pursue higher education and a life in politics.

Senator REID graduated with a bachelor's degree in political science from Utah State University and would later earn a law degree from George Washington University. While still a law student, Senator REID worked nights as a U.S. Capitol Police officer to pay his way through school. Shortly after finishing his law degree, he returned to Nevada where he began climbing the ladder of State politics. Senator REID served as a city attorney, a State assemblyman, a Lieutenant Governor, a gaming commissioner, and a Congressman before being elected to the Senate in 1986.

Here in the Senate, HARRY distinguished himself as a no-nonsense legislator whose unmatched work ethic and fiery commitment to principle stood out among his peers. As a young boxer, HARRY was renowned for being tough and tenacious in the ring; as a rising Senator, he was equally steadfast and determined.

Having spearheaded the passage of several high-profile pieces of legislation, HARRY quickly won the respect of his colleagues and earned a spot on the Democratic leadership team. He served for many years as the Senate Democratic leader. But regardless of the ranks he has achieved, HARRY's first and foremost commitment has always been to the people of Nevada.

Despite his years in Washington, HARRY never actually left Searchlight; he simply carries it with him wherever he goes. He holds close to his heart the painful memory of growing up in a dusty mining town with little hope and limited opportunity. He embraces the harsh experiences of a childhood spent living in poverty and draws upon them to fuel his work in the Senate today. In his decades-long effort to empower society's most vulnerable, he has never forgotten where he came from or whom he fights for. He has never forgotten Searchlight.

Perhaps this is why he eschews the trappings of public office and frequently skips the galas, gaudy dinners, and other extravagant affairs that are part and parcel of the Washington social scene. Perhaps this is why he avoids television interviews and rarely ever spends more than 10 minutes at a political fundraiser—because, at the end of the day, no matter the titles he receives or the awards he is given, he will always be that little boy from Searchlight.

Senator REID is among the most grounded of legislators. I have always had the deepest admiration for his humility, kindness, and compassion. Although he and I have often disagreed on the issues, we have always agreed on the values that make life worth living: namely, God, family, and service to country. Over many decades in the Senate, he has served our Nation exceptionally well. Although he will be missed in this Chamber, he has earned well-deserved golden years in his beloved home State of Nevada. I wish HARRY, his wonderful wife, Landra, and all the Reid family the very best.

TRIBUTE TO BARBARA MIKULSKI

Mr. HATCH. Mr. President, today I wish to pay tribute to BARBARA MIKULSKI, who is retiring from the Senate this year, having spent 40 years serving the people of Maryland in Congress.

Senator MIKULSKI has been a trailblazer all her life. She grew up in east Baltimore and attended Mount Saint Agnes College and the University of Maryland School of Social Work. She began her career as a social worker and community organizer before being elected to the Baltimore City Council in 1971. In 1976, Senator MIKULSKI won election to the U.S. House of Representatives, where she served for 10 years before winning election to the Senate in 1986.

At the time Senator MIKULSKI began her Senate service, she was one of only two female Senators. Today there are 20 female Senators. Next Congress there will be 21. Senator MIKULSKI has served as a role model and mentor for many of these leaders. She is the longest serving woman in the history of the U.S. Congress and retires as an icon for many young women who dream of serving their country in elected office.

Senator MIKULSKI has been a leader for many years on health care, education, and veterans' issues. She is the first woman and first Marylander to chair the Senate Appropriations Committee, one of the most influential committees in Congress. Senator MIKULSKI has been a strong supporter of our Nation's space program throughout her time in Congress and was instrumental in the creation and launch of the Hubble and Webb space telescopes. She even has a supernova named after her—Supernova Mikulski.

Senator MIKULSKI has fought long and hard for the people of Maryland and for the issues she believes in. She is tenacious and dedicated and knows how to get things done. I wish her the very best as she moves on to her next endeavor.

TRIBUTE TO DAVID VITTER

Mr. HATCH. Mr. President, today I pay tribute to the senior Senator from Louisiana, my friend DAVID Vitter. Over more than a decade, I have had the privilege to get to know DAVID as a colleague and a friend. When he retires in January, he will be greatly missed.

DAVID is a New Orleans man, born and raised. In his younger years, he achieved impressive academic feats, graduating from Harvard and earning a Rhodes scholarship to study at Oxford. As he is fond of telling, after his time in England, he applied to three law schools—Harvard, Yale, and Tulane—and chose to attend the best of the three: Tulane.

Just a few years later, he won a seat in the Louisiana House of Representatives. There, he earned a reputation as an ethics crusader—a reputation that has stuck with him throughout his career. Many observers credit him in no small part with the transformation of his home state's politics—once famously dominated by colorful but ethically questionable characters—and he should be rightfully pleased at the fruits his efforts bore for the State he loves. In Washington, his work to strengthen ethics laws at the Federal level may not have always made him the most popular among his colleagues, but they reflect the same spirit of reform and willingness to stand up for what he believes in that have been the hallmarks of DAVID's career.

On the legislative front, DAVID has been a champion for his conservative

values and his beloved Louisiana. Taking office in 2005, he almost immediately was faced with one of the greatest crises any senator in my tenure has had to confront: Hurricane Katrina. As his State has faced Katrina's devastation and other natural disasters, Louisianans could always count on DAVID to deliver for them, no matter what. Throughout, DAVID mastered the skill of fighting as hard as anyone when the situation called for it—as he did as the top Republican on the Environment and Public Works Committee, pushing back against the overreach of the EPA—and then turning right around and making partners of those who were his most entrenched opponents—as he did by working with liberal Democrats to update the Nation's water infrastructure and pass a once-in-a-generation reform of the Nation's toxic chemical laws.

DAVID's work in the Senate has produced an impressive legacy for him and for Louisiana. As he embarks on his next chapter, I send my best wishes to him, his accomplished and lovely wife, Wendy, and his four children.

TRIBUTE TO MARK KIRK

Mr. HATCH. Mr. President, today I pay tribute to the junior Senator from Illinois, my good friend MARK KIRK. I know I speak for all of my colleagues in expressing gratitude of his service on behalf of our Nation. When he leaves us in January, we will miss him dearly.

Senator KIRK was born in Champaign, IL, in 1959 and attended Cornell University, where he graduated cum laude with a bachelor's degree in history. He would later earn a master's degree from the London School of Economics and a law degree from the Georgetown University Law Center. His academic background in law and history prepared him for a life in public service.

Senator KIRK first came to Capitol Hill as a staffer, working for Congressman John Porter of Illinois. He quickly rose through the staff ranks to become Congressman Porter's chief of staff before leaving to take a post at the World Bank and, later, at the State Department.

While still working on Capitol Hill, MARK also pursued military service, joining the U.S. Navy Reserve in 1989 as an intelligence officer. He was an active member of the Navy Reserve for the next 24 years, retiring from the military with the rank of commander. As a Navy officer, MARK's duties took him to conflict zones across the world—from the forests of former Yugoslavia to the deserts of Iraq and the mountains of Afghanistan. For more than a decade, MARK continued military service while simultaneously working as a Congressman in the House of Representatives.

While in the House of Representatives, MARK distinguished himself as a prudent member of the Appropriations Committee and an expert on foreign policy issues. In 2010, he was elected to the Senate and quickly set to work the following year championing infrastructure reform that was critical to his home State of Illinois. In 2012, MARK faced perhaps his most significant challenge yet when he unexpectedly suffered a stroke that nearly took his life and left the left side of his body severely impaired. Rather than be defeated, MARK channeled all of his energies in working towards recovery, spending countless hours working with physical therapists to regain his ability to walk.

What motivated MARK most during this difficult period was the desire to continue serving the people of Illinois. Thanks to MARK's unrelenting efforts and the heartfelt prayers of family and friends—including all of his colleagues in the Senate—MARK miraculously recovered and was able to return to his work in the Senate, where he has served out the remainder of his term with the utmost honor and distinction. Senator KIRK offers all of us an unparalleled example of courage amid hardship and grace amid suffering.

Through his decades of dedicated service to our Nation, both here in Congress and in the military, Senator KIRK represents the very best this Nation has to offer. His integrity, determination, and fortitude in the face of adversity embody the very pinnacle of American virtue. Today I would like to thank him for his courage, his commitment, and his sacrifice. I wish MARK and his family all the best, and I hope that he will continue his service to our Nation in the years to come.

TRIBUTE TO DAN COATS

Mr. HATCH. Mr. President, today I wish to pay tribute to my friend DAN Coats. DAN has twice served the people of Indiana as Senator, first in the late 1980s and 1990s, and again for the past 6 years. DAN is a man of integrity and a leader in the fight against government waste. He will be missed.

Senator COATS was born in Jackson, MI, in 1943 and attended Wheaton College in Illinois and Indiana University School of Law. He served in the U.S. Army from 1966 to 1968, during which time he deepened his lifelong love of our country.

DAN began his career in politics in 1976 when he went to work for future Vice President Dan Quayle, who at the time was serving in the House as a Representative from Indiana. When Representative Quayle decided to run for the Senate in 1980, DAN ran for and won Quayle's House seat.

DAN served four terms in the House before being appointed to the Senate in 1989 to fill the remainder of Senator Quayle's term after Quayle was elected Vice President. DAN served in the Senate until 1999. He was a leader in tax and entitlement reform and provided unwavering support to our Armed Forces.

After Senator COATS retired from the Senate, President George W. Bush appointed him Ambassador to Germany, where he developed a close working relationship with future Chancellor Angela Merkel and oversaw construction of a new embassy near the Brandenburg Gate.

But DAN soon felt the pull of the Senate again and decided to return to this body in 2010, winning election to his old seat. Over the past 6 years, Senator COATS has again been a leader in tax and entitlement reform and has become well known for his ''Waste of the Week'' speeches, in which he comes to the floor to highlight particularly egregious examples of government waste and abuse.

Senator COATS has served the people of Indiana well. He has served our country well. He has led the fight against wasteful spending and helped keep our government accountable. I wish him, his wife, Marsha, and their family the very best.

TRIBUTE TO KELLY AYOTTE

Mr. HATCH. Mr. President, in the U.S. Senate, seniority is the typical route to influence. As Senators serve longer, they typically acquire more powerful positions, more knowledge of how to work the levers of power, and more sway over their colleagues. Over the course of my time in the Senate, I have had the privilege to serve with 352 other Senators. While in my experience the longest serving ones on average do indeed tend to make the greatest impact, I have always been most impressed by the rare colleague that leaves an indelible mark after only a relatively short time in this body. KELLY AYOTTE is such a standout.

KELLY came to this body well prepared to make a difference. As New Hampshire's first—and, so far, only—female attorney general, she left her mark across a wide swath of law and policy, from prosecuting the infamous Dartmouth College murderers to successfully defending New Hampshire's parental consent law before the U.S. Supreme Court.

As soon as she arrived here in 2011, the Senator from New Hampshire began to make her mark. Within a short period of time, publications like the New York Times and Politico began consistently referring to her as a rising star, and in 2012, her name perennially surfaced as a contender for the Republican Vice Presidential nomination.

How did KELLY gain such recognition so quickly? The answer is simple: through good old-fashioned hard work. From her first day in the Senate, she hit the ground running. The wife of an Air Force combat veteran, she joined the Armed Services Committee and poured her heart and soul into its work. It took little time for her to become one of the most powerful voices on the committee. On issues as wide ranging as protecting our servicemembers from sexual assault to keeping

dangerous terrorists detained at Guantanamo, she made a real difference, enhancing our national security and advocating for our men and women in uniform.

While defense and security policy has proven her signature issue, KELLY's influence extends across the board. From creating jobs to protecting our environment, she has proven an enormously effective advocate for families in New Hampshire and across America, willing to work across the aisle and buck her own party to do what she thinks is right for her State and the Nation. Her work to combat the opioid crisis merits particular praise. Both New Hampshire and Utah have been particularly hard hit by the rise in this dangerous trend of substance abuse, which has wreaked havoc in the lives of so many. KELLY made it her mission to do everything in her power to confront this challenge, resulting in the Comprehensive Addiction and Recovery Act. This landmark legislation will make a real difference in the lives of so many in New Hampshire and across the Nation, and it will go down as one of the crown jewels of her legacy here in the Senate.

While I am deeply saddened that KELLY will no longer be with us here in the Senate come January, I am comforted by the fact that her best years of service to her State and Nation lie ahead. After some well-deserved rest with her family, it is my sincerest hope that she will continue her public service. In whatever capacity she chooses to serve, she will always have a devoted supporter in me.

WRDA

Mr. MCCONNELL. Mr. President, I would like to highlight several provisions I worked to secure in the water resources bill that will be a great benefit to Kentucky and to my constituents. Included in the Water Infrastructure Improvements for the Nation Act is a provision I have worked on with Paducah Mayor Gayle Kaler, Paducah city manager Jeff Pederson, and Paducah city engineer Rick Murphy that will advance a critical and comprehensive flood wall infrastructure project to better protect residents and businesses in Paducah from flooding.

The bill also includes an important provision that directs the U.S. Army Corps of Engineers to transfer certain inoperable lock and dam infrastructure along the Green and Barren Rivers in Kentucky to State and local entities. My Green and Barren Rivers provision will allow communities to remove certain aging infrastructure in an effort to enhance river-based recreation and tourism. This language also allows the Rochester Dam Regional Water Commission to take control of the Rochester Dam—a critical water source for citizens and employers in six counties—so the dam can be repaired and better maintained. In this effort, I would like to thank David Phemister and Mike Hensley with the Kentucky Nature Conservancy, as well as members and supporters of the Rochester Dam Regional Water Commission, including Butler County Judge Executive David Fields, Walt Beasley with the Ohio County Water District, Damon Talley, and Gary Larimore with the Kentucky Rural Water Association.

GUN VIOLENCE IN CHICAGO

Mr. DURBIN. Mr. President, more than 4,100 people have been shot this year in Chicago. And there have been over 700 homicides in the city this year, the vast majority of them due to gun violence. This is unconscionable. The American Medical Association has declared that gun violence is a public health crisis in our nation. And it is.

Every day in America, around 300 men, women, and children are shot. And every day about 90 of those shooting victims die. Gun violence touches nearly every community in America. But no community has suffered more than Chicago.

The stories of Chicago's shooting victims are heartbreaking. Here is one of them.

On November 18, Javon Wilson, the 15-year-old grandson of my friend Congressman DANNY DAVIS was shot and killed in a dispute over a pair of basketball shoes. It is hard to imagine a more senseless and tragic killing. Congressman DAVIS said of his grandson, ''He was a typical 15-year-old. He liked basketball. If you listened to him he was a basketball star, but he liked basketball and music.'' Congressman DAVIS went on to say that Javon's grades had improved in school and that ''his father had just told me about how proud of him that he was because he was catching on and realizing that all his life was in front of him.'' The two suspects charged with Javon's murder are a 16-year-old boy and a 17-year-old girl. It was a dispute between kids that turned into a deadly tragedy because of easy access to guns.

My heart goes out to Congressman DAVIS and his family. But thoughts and prayers are not enough when it comes to reducing this epidemic of gun violence. We have had too many funerals, too many families who now have to face an empty seat at the dinner table or walk past an empty bedroom, too many children who suffer the physical trauma of gunshot wounds or the mental trauma of witnessing a shooting. We have had too many of our fellow Americans getting shot while they are sitting on their porches or walking on their sidewalks.

So many of these shootings could have been prevented. But there are loopholes in our gun laws that make it too easy for dangerous people to get their hands on guns. It is absurd that we have not closed the loopholes in our background check system—a step that 90 percent of Americans support. And we have had enough of the gun traffickers and straw purchasers who are able to buy guns out of State and sell them out of the trunks of their cars in Chicago.

At Javon's funeral, Congressman DAVIS said this: ''Not only Javon, but thousands and perhaps millions of other young people cannot exist on a regular, daily basis without the fear of not making it through the day. Somehow, with all the technology that we have, with all the know-how, all the things that we as a nation have been able to do, somehow or another we have not had the will to stop the flow of guns through inner cities.''

Well, we have a new President-Elect who said during his campaign that he was concerned about the shootings in cities like Chicago. If President-Elect Trump really wants to help Chicago, he can work to stop the flood of guns coming in to the city from States with weak background check laws. He could work with the Vice President-Elect, the governor of Indiana, to stop letting people buy guns without background checks at gun shows in Northwest Indiana. Hundreds of crimes in Chicago are being committed with guns that are brought into the city from Indiana.

America has had enough of politicians who are too scared of the gun lobby to stand up and fix our laws so we can keep guns out of the wrong hands.

We also need to address the crisis of poverty that affects many of our Nation's most violent neighborhoods. We need to provide our young men and women in these neighborhoods with economic opportunity and a path to a brighter future. This is going to require a sustained commitment of resources and investment at every level of government. But it is an investment that will pay off. It will save lives and avoid the devastating costs of violence to our communities.

I will do all I can to make sure that the Federal Government does its part to help create growth and economic opportunity in our most depressed neighborhoods. But as we head into a year when the White House and Congress will be controlled by the Republican Party, it will require cooperation from the other side of the aisle. It is a moral imperative, and it is an investment worth making.

I am angry about the shootings that injure and kill so many people in our Nation. I will not be silent about the need for action and reform. But I am also hopeful. Even in the neighborhoods of Chicago where the violence has been the worst, everywhere you look you will find determination and resilience. You will find mothers and fathers and teachers and faith leaders and many others who are going the extra mile to bring their children up safely and to provide them with love, faith, and hope for their future. They aren't going to quit. And neither can we.

There is a lot of work we need to do to address the public health crisis of gun violence. But we owe it to the

memory of Javon Wilson and so many others to roll up our sleeves and get to work.

KATHARINE ''KAPPY'' SCATES

Mr. DURBIN. Mr. President, today I want to say a few words about one of the most admired members of my staff, Katharine ''Kappy'' Scates. Kappy is retiring at the end of the year. I don't know what we will do without her. Oftentimes, public servants are in it for the accolades—not Kappy. She, in her own quiet way, just wanted to make a difference in people's lives.

Since 1996, when I first ran for the U.S. Senate, Kappy has been my eyes and ears in southern Illinois. She is a retired elementary school teacher and a friend of my predecessor and mentor Senator Paul Simon. Kappy joined our campaign as a volunteer, and we all fell in love with her. She not only knew everybody, she was happy to drive the wheels off her car to be everywhere. In 1999, Kappy came to work for us in our Marion, IL, offices. She quickly became indispensable.

When it comes to southern Illinois, Kappy is a human rolodex. From Carmi to Cairo, Kappy Scates is a household name. On my behalf, Kappy met with countless people. She listened to their ideas and concerns—and did her best to help solve problems. And whatever the task, there isn't a town in southern Illinois that Kappy can't recruit a few folks to pitch in and help. People know that when you are on Kappy's side, you are on the right side.

Let me give just one example. In Ridgway, IL, Kappy helped a dental clinic. It wasn't easy; there were hurdles every step of the way. But Kappy would not take no for an answer. She got all the equipment and convinced hygienists and a part-time dentist to help out in this severely underserved community. I got the credit, but it was Kappy's vision, hard work, and determination that made it happen.

I could go on about all those Kappy has helped, but let me tell just one story—about a housekeeper at a motel where I often stay. Years ago, at 62 years old, she told me that she had never in her life had health insurance—not for a single day. She had worked as a cook, waitress, and housekeeper, but had never known the security of having health insurance. She hadn't even seen a doctor in over 20 years. Enter Kappy Scates. Kappy spent hours meeting with her and helping her figure out a solution. Finally, because of the Affordable Care Act and Kappy's help signing her up—she was able to afford health insurance for the first time in her life. But that is not the end of the story.

You see, after my friend saw a doctor for the first time in more than two decades, she was told she was diabetic. Fortunately, Kappy had stayed in touch. She drove her to doctor appointments and helped get the critical medications she needed. It probably saved her life. That is who Kappy is—always going above and beyond the call of duty. She has a great heart and pours it into everything she does.

I want to thank Steve—Kappy's husband of more than 56 years—their children: Steve, Carole, Tim, Susie, and 18 grandchildren—for sharing so much of their wife, mother, and grandmother with the community. I also want to thank the entire Scates family, who have lived in the Shawneetown area since the early 1800s. You can't set foot in southern Illinois without running into a member of the Scates family. They are the heartbeat of one of the best parts of our State. The Scates family farm is a well-known and respected family operation. In fact, it is not only one of the largest family farms in Illinois, it is known as one of the best. Throughout the years, the Scates family support and generosity have meant more that I can express in words.

I will close with this. I believe in the role of public service to make a difference. Kappy's years of service reflect that, too. Our Nation needs more people like Kappy Scates. I couldn't be more proud of the work she has done—and the person she is. I am honored to congratulate her on a job well done, and I am lucky to count her as a friend. I wish Kappy, Steve, and her family all the best.

NOMINATION OF MERRICK GARLAND

Mr. LEAHY. Mr. President, I have served in this Chamber for 42 years and served as chairman or ranking member of the Judiciary Committee for nearly two decades. I have seen a lot of debates, even contentious ones, and good-faith disagreements between Senators. But what Senate Republicans did this year to shut down Chief Judge Merrick Garland's nomination to the Supreme Court—well, it might be the most outrageous act of obstruction and irresponsibility that I have seen in my entire time in the Senate. It is a dangerous step toward politicizing our highest Court, in a judicial system that long has been the envy of the world.

Now that there is a Republican President about to be sworn in, I predict that all of a sudden we will hear Republicans talking about the importance of the Supreme Court having its full nine Justices. But make no mistake, these will be the same Senators who turned their backs on the Court and the American people for nearly a year by refusing to fill the vacancy since February.

Senate Republicans cared more about preserving that vacancy for a Republican president than they did about an independent Supreme Court. The result was that they blocked one of the most qualified Supreme Court nominees in this Nation's history. Chief Judge Garland is an exceptional jurist with a stellar record and impeccable credentials. He has the most Federal judicial experience of any Supreme Court nominee ever. Republicans and Democrats alike have recognized Chief Judge Garland as a brilliant and impartial judge with unwavering fidelity to the rule of law. In this day and age, he was as much of a consensus Supreme Court nominee as one could find. The senior Republican Senator from Utah and former chairman of the Judiciary Committee has previously noted that he would be confirmed easily. It is not hard to see why Chief Judge Garland has received significant bipartisan support in the past. When the American Bar Association reviewed his nomination, it unanimously awarded him its highest rating of ''Well-Qualified.'' To reach that rating, lawyers from across the country assessed his integrity, professional competence, and temperament. One said, ''Garland is the best that there is. He is the finest judge I have ever met.'' Another said ''He is a judge's judge, with a very high standard and legal craftsmanship, a fine sense of fairness to all parties, a measured and dignified judicial temperament, and the highest respect for law and reasoned argument.'' One even said that Chief Judge Garland ''may be the perfect human being.''

And yet Republicans have refused to provide him with any process whatsoever—no hearing, no vote. The result is that Chief Judge Garland is now the longest pending Supreme Court nominee in history. No Supreme Court nominee has ever been treated this way. Republicans set a new standard this year. It is the American people who have been harmed and spurned by this unprecedented blockade.

Until this year, Senate Judiciary Committee members had always taken their responsibility seriously. Ever since the Judiciary Committee started holding public confirmation hearings of Supreme Court nominees more than a century ago, the Senate has never denied a Supreme Court nominee a hearing and a vote.

Even when a majority of the committee has not supported a Supreme Court nominee, the committee has still sent the nomination to the floor so that all 100 Senators can fulfill their constitutional role of providing advice and consent on Supreme Court nominees. When I became chairman of the Judiciary Committee in 2001 during the Bush administration, I and Senator Hatch—who was then the ranking member—memorialized in a letter this longstanding tradition regarding Supreme Court nominees. The current Republican leadership has broken with this century of practice to make its own shameful history. But Senate Republicans have spent 8 years insisting on a different set of rules for President Obama.

Republicans rolled the dice this year, subjecting the Supreme Court and the American people to their purely political gamble. They will tell us they have won. But there is no victor—for their partisan game, this body, the Supreme

Court, and the American people all suffered. As we go forward under the new President-elect, I urge those Republicans to think carefully about their own words about the voice of the American people. I remind those Republicans that, in last month's election, Secretary Clinton received over 2.5 million more votes from the American people than the President-elect. That is hardly a mandate for any Supreme Court nominee who would turn back the clock on the rights of women, LGBT Americans, or minorities; or a nominee who would undermine safety net programs like Social Security, Medicare and Medicaid, or the Civil Rights Act, the Fair Housing Act, or the Voting Rights Act.

President Obama made the best possible choice for a Supreme Court nominee, and any other Supreme Court nominee will face a difficult comparison to Chief Judge Garland's experience, brilliance, integrity, and support from across the political spectrum. Chief Judge Garland is an honorable, decent man and a model of public service. What Senate Republicans have done to him is unfair and unwarranted, and it is an insult, not just to him, but to all Americans who expect all of us to do our jobs and uphold our oath to the Constitution.

As the Republican leadership brings the 114th Congress to a close, they do so having established another record for inaction on judicial nominations. Despite the fact that there are dozens of qualified, consensus nominees pending on the Senate floor right now, we will finish this Congress having confirmed just 22 judicial nominees in 2 years. That is the lowest number since Harry Truman was president. There are currently 30 judicial nominees awaiting a vote, all with the support of their home State Senators and bipartisan support from the Judiciary Committee. We have not had a single confirmation vote on a judicial nominee since July. Because the Republican leadership shutdown judicial confirmations, the number of judicial vacancies in our Federal courts will increase to over 100 for the first time in almost 6 years, a vacancy rate of nearly 12 percent. And of those, the number of judicial emergency vacancies will exceed 40.

This did not happen overnight. It is the result of a sustained effort that the Republican leadership chose. If we had just followed regular order, like them majority leader promised time and again, all of these nominees would have been confirmed months ago. Republicans cannot claim that President Obama has not made enough nominations to solve this crisis. They cannot say that he has not worked with them to find consensus nominees. Of the nominees awaiting a vote, 13 have the support of either one or two home State Republican Senators, and 28 were reported by voice vote.

The majority leader has repeatedly come to the floor to justify his obstruction by claiming he has treated ''President Obama fairly with respect to his judicial nominations'' in comparison to President Bush. That is not even close to accurate. Even more to the point, our constitutional duty of advice and consent is not about comparing one President to another. It is to ensure our Federal courts have the judges they need in order to provide Americans the speedy justice the Constitution promises. And right now, that is not the case when one of every nine judgeships across the country is vacant. Currently, there are 13 judicial emergency vacancies in Texas alone.

Compare the record of the Republican Senate today to that of Senate Democrats in 2008, when I was chairman of the Judiciary Committee during the last 2 years of the George W. Bush administration. Senate Democrats confirmed 68 judicial nominees, accounting for two-thirds of all of the judicial nominations President Bush made in those 2 years. In contrast, since last January when Republicans took the majority, they have confirmed just 22 judicial nominees-barely one-quarter of the nominations President Obama has made during this Congress. To reach parity with President Bush, this Senate would need to confirm an additional 31 nominees. We could make that happen right now by voting on the nominees currently pending on the Senate floor.

During the final year of the Bush administration, Senate Democrats confirmed 28 circuit and district nominees, all of whom the Judiciary Committee reported to the floor that year. This year, Republicans have allowed confirmations of just nine circuit and district nominees, each of whom the Judiciary Committee reported last year. So the majority leader has failed to even begin this year's work on nominees.

When the Senate operated under regular order, consensus nominees like the ones we have pending on the floor were confirmed before long recesses and at the end of the year. Instead, the Republicans' standard operating procedure has been to refuse votes on consensus nominees. At the end of 2009, they refused to vote on 10 judicial nominees. At the end of 2010 and again in 2011, they left 19 judicial nominees pending, almost all of whom were consensus nominees. At the end of 2012, they blocked votes on 11 judicial nominees pending. After blocking 10 nominees at the end of 2013 and then 6 in 2014, Senate Republicans once again blocked 19 nominees at the end of last year. This year, they set a new record by leaving 30 judicial nominees pending. All 30 are qualified and have bipartisan support, and there is no good reason we should not have voted on them already or before we adjourn this month.

The vacancy crisis has happened because 8 years ago, rather than adhering to regular order, Republican leadership granted the wishes of rightwing legal groups who lobbied them to engage in ''unprecedented'' obstruction of President Obama's nominees. They have proven again that pure partisanship matters more to them than ensuring our courts have the resources they need to uphold the rule of law and provide justice for all Americans. Republicans have set a new standard for judicial nominees: it involves confirming only 11 nominees per year, routinely holding nominees over in Committee, and routine cloture votes and roll call votes on every district nominee. That is the way to ensure the President-elect's nominees are treated as ''fairly'' as President Obama's nominees.

In the President's second full month in office, Senate Republicans wrote to him, demanding that he consult with them on judicial nominations. The President did just that. His first nominee was David Hamilton of Indiana to the Seventh Circuit, a nomination made in consultation with, and with the support of the most senior Republican Senator, Richard Lugar. Senate Republicans nonetheless filibustered the nomination. These were the same Republicans who used to claim that the filibustering judicial nominations was unconstitutional.

Since then, Senate Republicans have obstructed and delayed just about every circuit nominee of this President. They filibustered Robert Bacharach's nomination to the 10th Circuit, even though he had the support of his two home State Republican Senators. That was the first time a circuit nominee had been successfully filibustered after receiving bipartisan support in Committee. That filibuster meant that his confirmation was needlessly delayed for 8 months, after which he was confirmed unanimously.

When George W. Bush was President, the average circuit nominee spent just 18 days waiting for a vote on the Senate floor. The average circuit nominee of President Obama's waited exactly 100 days longer than that. There is no good reason these nominees should have had to wait six and a half times as long for a vote.

Senate Republicans delayed confirmation of Judge Patty Shwartz of New Jersey to the Third Circuit for 13 months. They delayed confirmation of Judge Richard Taranto to the Federal circuit for a full year. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit and Judge William Kayatta to the First Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit, Judge Felipe Restrepo of Pennsylvania to the Third Circuit, and Judge James Wynn, Jr., of North Carolina to the Fourth Circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge

Jacqueline Nguyen of California to the Ninth Circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the 11th Circuit, Judge Beverly Martin of Georgia to the 11th Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, Judge Chris Droney of Connecticut to the Second Circuit, Judge David Barron of Massachusetts to the First Circuit, and Judge Carolyn McHugh of Utah to the 10th Circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Michelle Friedland of California to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Nancy Moritz of Kansas to the 10th Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, Judge Cheryl Krause of New Jersey to the Third Circuit, Judge Jill Pryor of Georgia to the 11th Circuit, and Judge Kathleen O'Malley of Ohio to the Federal circuit for 3 months. Even though they have been approved by the Republican-led Judiciary Committee, the three circuit nominees currently awaiting votes have been pending for months, too. Donald Schott of Wisconsin, nominated to the Seventh Circuit, has been waiting for 6 months. Jennifer Puhl of North Dakota, nominated to the Eighth Circuit, has been waiting for 5 months. Judge Lucy Koh, of California, nominated to the Ninth Circuit, has been waiting for 3 months.

And then there was the unprecedented blockade of the D.C. Circuit, when Senate Republicans refused to allow President Obama to fill any of three vacancies that still existed in 2013. Republicans tried to suggest that filling vacancies was ''court packing'' and tried to eliminate three seats from that court. This unfortunate tactic was pioneered by one Senator 20 years ago to prevent President Clinton from appointing an African-American judge to the Fourth Circuit, ultimately forcing President Clinton to recess appoint Judge Roger Gregory as the first African-American judge on that court. The filibuster, even as Senate Republicans abused it again and again, had traditionally been reserved for ''extraordinary circumstances'' and extending debates about the merits of individual nominees. President Obama made three excellent, highly respected nominations to the D.C. Circuit, but Senate Republicans did not focus debate on their qualifications or their records. Rather they claimed President Obama should be denied the ability to make nominations under his constitutional authority. I said at the time that some called this blockade ''nullification,'' as Republicans tried to thwart the will of the majority of Americans who elected President Obama in 2008 and again in 2012. Little did the American people know that this blockade would be a precursor to what they would do with his next Supreme Court nominee.

Republican obstruction and abuse of the filibuster also extended to district court nominees under President Obama. It is particularly troubling that many of these nominees were targeted on the basis of actions they took on behalf of clients. I remember what Chief Justice Roberts said at his confirmation hearing: ''[I]t's a tradition of the American Bar that goes back before the founding of the country that lawyers are not identified with the positions of their clients. The most famous example probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about vindicating the rule of law. ''Our Founders thought that they were not being given their rights under the British system to which they were entitled, and by representing the British soldiers, he helped show that what they were about was defending the rule of law, not undermining it, and that principle, that you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances on behalf of the client, is critical to the fair administration of justice.''

To attack a judicial nominee on the basis of work they did for a client is to denigrate the rule of law and strike at the very foundations of the American legal system. It was wrong to filibuster Caitlin Halligan because special interests disliked a position she argued at the direction of New York's attorney general when she was that State's solicitor general. It was wrong to attack Edward Chen because he had worked at the ACLU and accuse him of having an ''ACLU gene.'' And it was appalling to filibuster John McConnell because of his work on litigation against tobacco companies. Nor was this limited to judicial nominations—the same shameful playbook was used against Debo Adegbile, an honorable and distinguished public servant who was nominated to serve as Assistant Attorney General for the Civil Rights Division in the Department of Justice. It should concern all of us that one of the leaders of this effort to undermine the adversarial system might be our next Attorney General.

Until Barack Obama was elected President, we had a different standard. In all but the most extreme circumstances, we deferred to home State Senators and their work with the President to find the right nominee for their state. In 8 years, I cast votes against just two of President Bush's district court nominees. Early in President Obama's first term, 37 Senate Republicans voted against two of his district court nominees in 1 day. In my 42 years in the Senate, I have opposed cloture on a single district court nominee. I did so because of his personal involvement with efforts to intimidate African-American voters.

One important Senate tradition has remained intact: the Judiciary Committee blue slip, which represents Senators' important role in providing advice and consent for the President's nominees. During the almost 20 years that I have served as chairman or ranking member of the Judiciary Committee, I have steadfastly protected the rights of the minority through both Republican and Democratic administrations-and I have done so despite criticism from Democrats. I have only proceeded with judicial nominations supported by both home State Senators. I will put my record of consistent fairness up against that of any chairman. Chairman Grassley has stated that he will continue the practice of requiring both blue slips before proceeding with a nomination, and I applaud him for that commitment. I hope he will continue to honor that commitment, despite the criticism he might receive.

The blue slip matters because it protects the Senate's constitutional role in providing advice and consent on nominations. The Judiciary Committee and the Senate are not rubberstamps; we are a check on Presidential power, and we have a meaningful role in making recommendations to the President and then evaluating nominees on their individual merits. A fair and thorough confirmation process is how we give meaning to the checks and balances in the Constitution.

Our Federal judiciary is also strengthened when it better reflects the Nation it serves. I commend President Obama for having nominated such a diverse group of qualified judges. In his first term alone, President Obama appointed as many women judges as President Bush did during his entire 8 years in office. In just those first 4 years, President Obama also nominated more African Americans, more Asian Americans, and more openly gay Americans than his predecessor did in 8 years. This progress continued in President Obama's second term, and even without additional confirmations, he has appointed nearly twice as many women judges, more than two and a half times as many African-American judges, and more than five times as many Asian American judges as President Bush. All Americans can be proud of the Senate and the President's efforts to have the Federal judiciary better reflect the public it serves.

Despite unrelenting Republican obstruction, President Obama worked hard with home State Senators to find judicial nominees who were qualified,

in the mainstream, and who helped ensure the Federal judiciary reflects all Americans. President Obama's nominees included Judge Christina Reiss, the first woman to serve on the District of Vermont; Judge Andre Davis, just the third African American to serve on the Fourth Circuit; Judge Irene Berger, the first African-American Federal judge in West Virginia; Judge Abdul Kallon, the third African-American district judge in Alabama, whose nomination to be the first African American from Alabama to serve on a Federal appeals court is being blocked by that State's Senators; Judge Jacqueline Nguyen, the first Vietnamese American to serve as a Federal district judge and now the first Asian Pacific American woman to serve as a Federal circuit judge as well; Judge Dolly Gee, the first Chinese American woman to serve as a Federal judge; Judge Rosanna Peterson, the first woman to serve on the Eastern District of Washington; Judge Nancy Freudenthal, the first female Federal judge in Wyoming; Judge Benita Pearson, the first African-American Federal judge in Ohio; Judge Kimberly Mueller, the first woman to serve on the Eastern District of California; Judge Edmond Chang, the first Asian American Federal judge in Illinois; Judge Carlton Reeves, the second African-American district judge in Mississippi; Judge William Martinez, the second Hispanic to serve on the District of Colorado; Judge J. Michelle Childs, the second African-American woman to serve on the District of South Carolina; Judge Tanya Pratt, the first African-American Federal judge in Indiana; Judge Lucy Koh, the first Korean American woman to serve as a Federal judge; Judge Gloria Navarro, then the only woman and only Hispanic on the District of Nevada; Judge Barbara Keenan, the first woman from Virginia to serve on the Fourth Circuit; Judge O. Rogeriee Thompson, the first African-American and just the second woman to serve on the First Circuit; Judge Albert Diaz, the first Latino to serve on the Fourth Circuit; Judge Mary Murguia, the first Hispanic and the second woman from Arizona to serve on the Ninth Circuit; Judge Denny Chin, who upon confirmation to the Second Circuit became the only active Asian Pacific American judge on our circuit courts; Judge Marco Hernandez, the first Latino to serve as a Federal judge in Oregon; Judge James Graves, the first African-American from Mississippi to serve on the Fifth Circuit; Judge James Shadid, the first Arab American Federal judge in Illinois; Judge Mae D'Agostino, the only woman on the Northern District of New York; Judge Jimmie Reyna, the first Latino on the Federal circuit; Judge Edward Chen, just the second Asian Pacific American to serve on the Northern District of California; Judge Arenda Wright Allen, the first African-American woman to serve as a Federal district judge in Virginia; Judge J. Paul Oetken, the first openly gay man confirmed to be a district judge; Judge Ramona Villagomez Manglona, the first indigenous person to serve as a U.S. District Court Judge in the Northern Mariana Islands; Judge Bernice Donald, the first African-American woman to serve on the Sixth Circuit; Judge Cathy Bissoon, the first woman of color to serve on the Western District of Pennsylvania; Judge Sharon Gleason, the first woman to serve on the District of Alaska; Judge Morgan Christen, the first woman from Alaska to serve on the Ninth Circuit; Judge Nannette Brown, the first African-American woman to serve as a Federal district judge in Louisiana; Judge Nancy Torresen, the first woman to serve on the District of Maine; Judge Steve Jones, who became one of only two active African-American Federal judges in Georgia; Judge Paul Watford, who is one of only two African-Americans serving on the Ninth Circuit; Judge Adalberto Jordan, the first Cuban-born judge on the 11th Circuit; Judge Stephanie Thacker, the first woman from West Virginia to serve on the Fourth Circuit; Judge Shelley Dick, the first woman to serve on the Middle District of Louisiana; Judge Landya McCafferty, the first woman to serve on the District of New Hampshire; Judge Susan Watters, the first woman to serve on the District of Montana; Judge Elizabeth Wolford, the first woman to serve on the Western District of New York; Judge Debra Brown, the first African-American woman to serve as a Federal judge in Mississippi; and Judge Diane Humetewa, the first Native American woman to serve as a Federal judge. We can all be proud that our Federal bench today better reflects the broad diversity of our Nation and represents the best of the legal profession.

However, the nominees that are being obstructed on the floor today include Armando Bonilla, who would be the first Hispanic judge to ever serve on the U.S. Court of Federal Claims; Stephanie Finley, who would be the first African-American judge to serve on the Western District of Louisiana; Lucy Koh, who would be the first Korean American woman to be a circuit court judge; and Florence Pan, who would be the first Asian American woman on the district court in DC. I am also disappointed that we have not moved forward on the nomination of African-American Judge Richard Boulware to serve on the U.S. Sentencing Commission. The Sentencing Commission currently does not have a single person of color serving as a commissioner—yet it impacts criminal justice issues that deeply affect communities of color.

In the 20 years that I have been chairman or ranking member of the Judiciary Committee, I have worked with Republicans and Democrats to ensure that our committee has provided a fair and thorough process for judicial nominees. Our power of advice and consent is a critical check on any President, and by protecting the independence of the third branch, we uphold our Constitution. The late Chief Justice Rehnquist referred to our independent judiciary as the crown jewel of our democracy, and he was absolutely right. I have worked to protect and strengthen that crown jewel during my time as chairman and ranking member of the Senate Judiciary Committee, and I will continue to do so in the years ahead.

ATTORNEYS GENERAL IN CENTRAL AMERICA

Mr. LEAHY. Mr. President, the Northern Triangle countries of Central America—El Salvador, Honduras, and Guatemala—face many similar challenges: poverty, gangs, violence, corruption, and organized crime. Another one of these challenges is weak judicial systems.

For as long as anyone can remember, judges in these countries, no matter how unqualified, have been selected through opaque processes which have benefited those with personal or political connections or the ability to curry favor. Attorneys general have often turned out to be corrupt and in cahoots with organized crime, or they have been harassed and threatened to the point that they have declined to pursue cases against powerful elites or have left the country out of fear for their own safety or that of their families.

But there are some signs that things are changing for the better. Today, each of these countries has an attorney general who is working to end the history of impunity that has enabled almost anyone, including members of the police and armed forces, to get away with the most heinous crimes.

In Guatemala, Attorney General Thelma Aldana Hernandez; in El Salvador, Attorney General Douglas Melendez Ruiz; and in Honduras, Attorney General Oscar Fernando Chinchilla Banegas have each shown that they take seriously their responsibility to act with professionalism and impartiality in pursuit of justice. For doing so, they have each faced attempts to thwart their efforts through intimidation and threats.

In the U.S. Congress we recognize the challenges and dangers they face, and we strongly support them. No democracy can survive without a justice system that has the confidence and respect of the people. There is nothing more fundamental to a credible justice system than an independent judiciary and professionally trained prosecutors who are trustworthy. Equal access to justice is a necessity for all people, regardless of economic status, race, religion, ethnicity, gender, or political affiliation.

It is in the interest of each of these attorneys general to share best practices; to collectively reinforce the importance of investing in stronger judicial institutions; to develop a joint strategy for using their offices to help

promote economic and social development and the rule of law; and to establish a regional mechanism for collecting and sharing information to support crime prevention, investigations, and prosecutions.

It is also critically important that they continue to work cooperatively with regional independent judicial institutions, like the International Commission Against Impunity in Guatemala, the Mission to Support the Fight Against Corruption and Impunity in Honduras, the Inter-American Commission on Human Rights, and the UN High Commissioner for Human Rights.

Before I was a Senator, I was a prosecutor. I know the challenges of the job and that there is nothing more important for a prosecutor than having the respect, the trust, and the support of the people.

As a Senator, I have long served as either the chairman or ranking member of our Judiciary Committee. I have strongly defended the principle of independence of the judiciary as a cornerstone of a democratic system of government. Judges should be selected transparently on the basis of professional qualifications, temperament, and integrity.

And as the chairman or ranking member of the Appropriations subcommittee that funds our foreign assistance programs I will continue to support attorneys general who, like the three I have mentioned, have courageously demonstrated a commitment to upholding the rule of law.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, BBEDCA, establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate is considering the Further Continuing and Security Assistance Appropriations Act, 2017, the House Amendment to the Senate Amendment to H.R. 2028, which provides for continuing appropriations for fiscal year 2017 and full-year appropriations related to U.S. national security and disaster relief and recovery efforts.

Sections 185–192 of this legislation provides emergency funding for disaster relief and recovery efforts. In total, these provisions provide $2,704 million in revised nonsecurity budget authority that produce $480 million in outlays in fiscal year 2017. This legislation includes language that designates these provisions as emergency funding pursuant to section 251(b)(2)(A)(i) of BBEDCA. The inclusion of these designations makes this spending eligible for an adjustment under the Congressional Budget Act.

Section 192 of the legislation also provides funding for disaster relief and recovery efforts, but designates the provision as being for disaster relief pursuant to section 251(b)(2)(D) of BBEDCA. This designation makes the spending associated with this provision, $1,416 million in revised nonsecurity budget authority and $25 million in outlays, eligible for an adjustment under the Congressional Budget Act.

Finally, Division B provides funding for the Department of Defense and U.S. international affairs entities for counterterrorism and other national security efforts. These provisions are designated as being for overseas contingency operations/global war on terrorism pursuant to section 251(b)(2)(A)(ii) of BBEDCA. These designations make the spending associated with the division, $5,775 million in revised security budget authority, $4,300 million in revised nonsecurity budget authority, and $4,387 million in outlays, eligible for an adjustment under the Congressional Budget Act.

As a result, I am increasing the budgetary aggregate for fiscal year 2017 by $14,195 million in budget authority and outlays by $4,892 million. Further, I am revising the budget authority and outlay allocations to the Committee on Appropriations by increasing revised nonsecurity budget authority by $8,420 million, revised security budget authority by $5,775 million, and increasing outlays by $4,892 million in fiscal year 2017.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

REVISION TO BUDGETARY AGGREGATES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 102 of the Bipartisan Budget Act of 2015)

$ in Millions	2017
Current Spending Aggregates:	
Budget Authority	3,212,522
Outlays	3,219,513
Adjustments:	
Budget Authority	14,195
Outlays	4,892
Revised Spending Aggregates:	
Budget Authority	3,226,717
Outlays	3,224,405

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2017

(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

$ in Millions	2017
Current Allocation:	
Revised Security Discretionary Budget Authority	551,240
Revised Nonsecurity Category Discretionary Budget Authority	518,531
General Purpose Outlays	1,182,122
Adjustments:	
Revised Security Discretionary Budget Authority	5,775
Revised Nonsecurity Category Discretionary Budget Authority	8,420
General Purpose Outlays	4,892
Revised Allocation:	
Revised Security Discretionary Budget Authority	557,015
Revised Nonsecurity Category Discretionary Budget Authority	526,951
General Purpose Outlays	1,187,014

Memorandum: Detail of Adjustments Made Above	OCO	Program Integrity	Disaster Relief	Emergency	Total
Revised Security Discretionary Budget Authority	5,775	0	0	0	5,775
Revised Nonsecurity Category Discretionary Budget Authority	4,300	0	1,416	2,704	8,420
General Purpose Outlays	4,387	0	25	480	4,892

WRDA

Mr. DAINES. Mr. President, I wish to recognize today as a historic day for Montana and the Blackfeet people. With the passage of the Water Infrastructure Improvements for the Nation Act, the Blackfeet Water Rights Settlement Act is ready to be sent to the President's desk. We thank Chairman BARRASSO, Chairman INHOFE, Ranking Member BOXER, Leader MCCONNELL, and Leader REID and their counterparts in the House of Representatives for working with the Montana delegation throughout this process to enact this long-awaited water settlement.

The Blackfeet tribe has been working for better access to quality water and a better livelihood for decades. In 1989, the tribe initiated negotiations with the Montana Compact Commission. Shortly thereafter in 1990, the Department of the Interior appointed a Federal negotiation team to assist in achieving a negotiated settlement of the tribe's reserved water rights claims. The State of Montana and the tribe then reached an agreement in 2007 in the form of a compact which settled the tribe's water rights to avoid costly litigation, allow the tribe to build and repair much-needed water infrastructure, and protect access to water for neighboring communities like Birch Creek water users off the reservation.

On March 16, 2009, the Montana State House passed the agreement by an overwhelmingly bipartisan vote of 87–12, and on March 20, 2009, the Montana State Senate passed the agreement by a nearly unanimous vote of 48–2. Critical to ensuring strong bipartisan support in the State legislature was ensuring potential impacts to all water users could be adequately mitigated pursuant to the Birch Creek Agreement. Federal legislation to authorize the Compact was first introduced in 2010 and has been reintroduced every Congress since, including in the 114th Congress by Senator TESTER and myself and Representative ZINKE. Since its initial introduction, the administration has been negotiating with the tribe and the State to resolve important Federal concerns relating to cost, cost sharing, Federal interests, and Federal responsibilities. On February 3, 2016, the legislation passed the Senate Committee on Indian Affairs for the first time, marking the first committee vote on Indian water rights legislation in more than 5 years. On May 24, 2016, the House Committee on Natural Resources held a hearing on the legislation, and on July 22, 2016, the Department of the Interior and Justice issued a letter to House Natural Resources Committee Chairman ROB BISHOP certifying that enacting the much needed Blackfeet Water Rights Settlement Act was a net benefit for the American taxpayer.

On November 15, 2016, through the diligence of the entire Montana delegation, the House Committee on Natural Resources passed the legislation out of committee, and on September 15, 2016, the Senate passed the legislation as part of the Water Resources Development Act. Today's action, final passage of S. 612, the Water Infrastructure Improvements for the Nation Act, marks the first time legislation authorizing the water rights settlement has passed both Chambers of Congress. Indeed, it has been a long road for this water compact. I am proud to get it over the finish line today.

The Blackfeet water settlement will not only establish the tribe's water rights but will also facilitate real, tangible benefits for the Blackfeet and surrounding communities. The bill will improve six significant drainages and several Federal water structures that are some of the oldest and most in need of repair in the country. The compact will also keep wildlife and fish habitat healthier and municipal water supplies cleaner. Furthermore, it upholds agreements by the State that will strengthen irrigation for neighboring farmlands called Montana's golden triangle for its wheat, barley, and hay production.

In order to ensure nearby productive farmlands remain productive well into the future, early drafts of the Federal legislation provided funding for the Four Horns infrastructure and for a mitigation fund for Pondera County Canal and Reservoir Company, PCCRC, and other water users on Birch Creek. As farming investment decisions require certainty for the long-term, these funds remain necessary to ensure neighboring families have the certainty necessary to mitigate any impacts if the tribe's ability to exercise its Birch Creek water rights impact communities' access to water.

In 2015, the State, tribe, and PCCRC agreed to additional changes to the legislation to address the Department of the Interior's position that the Federal Government should not provide mitigation funds as a matter of Federal policy, and as a result, Federal mitigation funding was eliminated from the Federal legislation.

I appreciate the State of Montana's commitment to ensure that potential impacts to Birch Creek water users will be fully mitigated by the State as called for by the Birch Creek Agreement and the Blackfeet Water Compact. I trust that the State of Montana will uphold this commitment, as doing so remains an important aspect of the passage and implementation of the Blackfeet Water Rights Settlement.

I also recognize that Blackfeet Nation is not the only Indian tribe to hold reserved water rights in the Milk River Basin. The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community have long awaited settlement of their water rights as well. This bill includes language to protect the ability for the two Tribes to reach an agreement regarding each Tribe's rights on the Milk River, and I look forward to working with stakeholders on an agreement moving forward.

I commend the Blackfeet Tribe and Chairman Harry Barnes, who have been diligent and patient in seeing this settlement forward. I commend our State for its commitment to the Blackfeet tribe and Indian Country in Montana.

I am thrilled to get this through Congress and look forward to the President's signature and to working with the tribe and local community next year to finally put it into action, starting with securing the Federal funding necessary to ensure much-needed water infrastructure authorized in this settlement becomes a reality.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. PETERS. Mr. President, I wish to applaud the passage of the National Defense Authorization Act. This week, the Senate overwhelmingly passed the NDAA Conference Report, and I am proud that the final bill includes my Fairness for Veterans provision.

We have far too many servicemembers who are suffering from trauma related conditions like posttraumatic stress disorder or traumatic brain injury. Unfortunately, many of these servicemembers have received a less-than-honorable discharge, instead of the help and assistance they have earned. Last year, I introduced the Fairness for Veterans Act. I am proud to say that a modified version of that bill was included as an amendment to the National Defense Authorization Act.

The Peters provision ensures liberal consideration will be given to petitions for changes in characterization of service related to PTSD or TBI before discharge review boards. It also clarifies that PTSD or TBI claims that are related to military sexual trauma should also receive liberal consideration.

I would like to thank my colleagues—Senators DAINES, TILLIS, and GILLIBRAND—for joining me in leading the charge on this very important issue. In addition to being a bipartisan effort, this has also been a bicameral effort. I would like to thank Representatives MIKE COFFMAN of Colorado and TIM WALZ of Minnesota who introduced the companion bill in the House and have supported the NDAA provision.

Additionally, I would like to thank the many veteran service organizations that advocated tirelessly on behalf of this legislation. These organizations knocked on doors, wrote letters, held press conferences—whatever it took to have their voices heard.

I would like to recognize Iraq and Afghanistan Veterans of America, Disabled Veterans of America, Military Officers Association of America, the American Legion, Paralyzed Veterans of America, Vietnam Veterans of America, Veterans of Foreign Wars, United Soldiers and Sailors of America, and Swords to Plowshares.

Finally, I would like to thank one veteran in particular: Kristopher Goldsmith. After serving his country, Kris faced his own struggles with PTSD after serving in Operation Iraqi Freedom. Determined, Kris has channeled his personal struggles into advocacy on behalf of his fellow veterans. He was relentless in his quest to ensure that former servicemembers looking to get a change in service characterization had a fair shot. I thank Kris for his service, as well as for his determination.

Servicemembers who are coping with invisible wounds inflicted during their service and receive a related bad paper discharge should not lose access to benefits they have rightfully earned. That is why we must ensure all veterans get

the fair process they deserve when petitioning for a change in characterization of their discharge. Fairness for Veterans will do just that.

While I am proud that the final NDAA bill includes Fairness for Veterans—make no mistake—there is still a great deal more work to be done. I will continue working with the Defense Department to ensure that discharge review boards are providing the appropriate consideration when reviewing PTSD and TBI related appeals.

I applaud the passage of the National Defense Authorization Act, and I intend to continue fighting on behalf of our Nation's veterans. Thank you.

LEGISLATION OBJECTION

Mr. WYDEN. Mr. President, in accordance with my policy to put a notice in the CONGRESSIONAL RECORD whenever I place a hold on legislation, I object to any unanimous consent request to pass H.R. 6438, a bill to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals. I object not because I disagree with the policy underlying this proposal—in fact, I support it—but because the Senate cannot pass this singular bill ignore the long list of other tax proposals that are outstanding or expiring at end of this Congress; among them clean energy and infrastructure incentives that create good-paying jobs, an education incentive that makes a college degree more affordable, provisions to make homes more affordable to the middle class and protect struggling homeowners from a tax bill if they negotiate mortgage debt relief.

DACA

Mrs. FEINSTEIN. Mr. President, I wish today to speak about the need to protect undocumented young people, commonly referred to as DREAMers, from deportation by preserving the Deferred Action for Childhood Arrivals Program, or DACA.

President-Elect Trump has threatened to eliminate the program, which would have serious consequences for families and communities across the United States, particularly those in California.

That is why I join my colleagues in the Senate to urge that President-Elect Trump allow young people to continue to study, work, and live in our country.

The DACA program was announced by President Obama in 2012. It temporarily halts the threat of deportation for undocumented young people who were brought to the United States as children before their 16th birthday.

DACA also provides the opportunity to obtain work permits and the documents often required to enroll in college.

Around 750,000 young people have been admitted to the program, allowing them to come out of the shadows and make incredible contributions to their communities.

Nearly half of DREAMers—370,000—live, work and are educated in California. They are an essential part of the fabric of our communities and it is so important for people and the President-Elect to know the very real, human side to this issue.

I would like to begin with the story of one talented and ambitious Californian who has taken full advantage of the opportunity she had been given by the DACA program.

Denisse Rojas arrived in the United States when she was just 10 months old, brought here from Mexico. Like many of our immigrant ancestors, her parents wanted to make a better life for her and her siblings.

Denisse's family is similar to many undocumented families in California. After arriving in Fremont, CA, her father worked full-time in a restaurant while pursuing his high school diploma at night.

Her mother attended community college part-time for 7 years to earn her nursing degree. Denisse excelled in high school, graduating with a 4.3 GPA. She attended U.C. Berkeley, one of the top public universities in the Nation, to study biology and sociology.

Denisse dreamed of going to medical school, driven in part by a family member's early death from cancer. The disease was diagnosed at a late stage because the family's immigration status made it impossible to afford health insurance.

Denisse worked as a waitress and commuted an hour each way to classes because she couldn't afford to live on campus. After graduation, she volunteered at San Francisco General Hospital.

Today, Denisse is attending medical school in New York at one of the country's top programs, and she is on track to earn her degree in 2019. To help other students navigate the admissions process and pursue careers in health and medicine, Denisse cofounded a national nonprofit organization called Pre-Health Dreamers.

Pre-Health Dreamers has connected an incredible network of students, and I would like to introduce you to just a couple of them: Oscar Hernandez is a medical student at U.C. Irvine. He grew up in San Diego's Barrio Logan neighborhood and received his bachelor's degree in physiology and neuroscience from U.C. San Diego. Oscar is being specially trained to address the unique challenges in providing health care to California's Latino communities—a growing need in our State.

Seung Lee is a medical student at the David Geffen School of Medicine at UCLA. His family immigrated to the United States from South Korea in 1998. Seung is also pursuing a career in medicine because he wants to help reduce inequality by increasing access to health care in his community.

Through Pre-Health Dreamers, Denisse has helped bring Oscar, Seung, and many other students together as they work toward their goals.

After graduation, Denisse intends to specialize in emergency medicine and work in low-income communities to provide health care to families like her own that too often go without needed treatment. Parts of California, particularly our rural communities, are very short on doctors. We desperately need people like Denisse who want to work in communities most in need of skilled health care professionals.

Without the DACA program, Denisse wouldn't be able to obtain the license required to practice medicine. She would not have the proper work authorization or accompanying documents. And our country would be denied a highly qualified, motivated doctor.

DREAMers are also working in classrooms across the country. Jaime Ballesteros came to the United States from the Philippines when he was 11 years old.

He excelled in school but knew that being undocumented would make it much harder to go to college.

Jaime's English teacher encouraged him to pursue private scholarships, and he enrolled in Drew University, a top school for teachers.

Jamie was admitted into the DACA program during his junior year of college. He obtained a work permit and said filing his taxes for the first time was ''one of the happiest days of my life.''

Jamie wanted to give back to students facing the same challenges he did, and he joined Teach for America. Today he serves as a 7th grade science teacher at KIPP Academy of Innovation, a STEM charter middle school in east Los Angeles.

Now, I would like to explain the application process these young people go through. They need to pay a nearly $500 application fee and provide a wide range of documents to U.S. Citizenship and Immigration Services showing their identity; proof they came to the United States before their 16th birthday; proof that they were present in United States on June 15, 2012; proof that they have continuously lived in United States since June 15, 2007; and confirmation that they are or have been students or honorably discharged military veterans. Potential DACA recipients must also undergo a criminal background check, during which fingerprints and photographs may be collected. Those with felony convictions or three or more misdemeanors are ineligible for the program. Once approved, DREAMers must reapply every 2 years. The renewal process allows the Department of Homeland Security to ensure young people still meet the program's requirements.

Despite the program's success, exemplified by young people like Denisse, Oscar, Seung, Jamie, and many others, President-Elect Trump has threatened to immediately rescind the program. There is a very real fear that DREAMers and their families could be targeted

for deportation under his administration. The fear is compounded because DREAMers trusted the government with their home and work addresses, school information, family details, and other personally identifiable information.

My office has received hundreds of calls and emails from Californians who have been admitted to the program, their families and friends, as well as others who support DACA because they have seen the benefit to their communities. I would like to share just some of the feedback I have received. A professor from the University of San Francisco shared that a student sobbed in her arms in the first class after Election Day. And a wife from Forest Lake feared that her husband's status would be revoked and their family could be separated.

She wrote, ''Under a Trump presidency, I, a U.S. citizen, may need to leave my home and start a new life in Mexico. Family is family, and where my husband goes, I go.''

This is unacceptable and not the America I know. We can't allow whole communities in this country to live in fear.

Upon his election, President-Elect Trump said he wants to be the President for all Americans. I would urge him to meet some of these young people. He would see that DREAMers are fiercely patriotic.

He would see that, in every way that matters, DREAMers are Americans. They were educated here, they work here, they pay taxes, and they contribute to communities across America.

And he would see that they want to be accepted and integrated into American society.

Unequivocally stating that he will not overturn DACA and will not target DREAMers for deportation would send a strong message that President-Elect Trump is serious about turning the page from the toxic campaign rhetoric and being a President for all Americans.

In the event that President-Elect Trump doesn't change course, Senators DICK DURBIN and LINDSEY GRAHAM have committed to introducing legislation to extend deferred action status for those who currently have it.

I will join this effort. I want to be crystal clear: this Senator will not sit by and do nothing if these young people are targeted for deportation.

We have a moral obligation to do all we can to shield the DREAMers from deportation and keep their families together. This is not a matter of politics. This is about what is right as Americans and human beings.

Denisse, Oscar, and Seung deserve the opportunity to earn their medical degrees. Jamie deserves the opportunity to continue teaching. They and other DREAMers deserve the opportunity to give back to their country—the United States of America—and I pledge that I will work to give them that opportunity.

NOMINATION OF MARY MCELROY

Mr. REED. Mr. President, I join with my fellow Senator from the State of Rhode Island, Senator WHITEHOUSE, to urge this body to confirm Mary McElroy to the U.S. District Court for the District of Rhode Island.

Ms. McElroy is an eminently qualified and dedicated public servant whose nomination was reported unanimously to this body by the Judiciary Committee in January of this year. She, along with 20 other district court nominees from States represented by Members from both sides of the aisle, has undergone the required rigorous vetting process and passed through committee only to have her nomination stalled on the floor of this body. We should confirm all of these nominees right now before the 114th Congress draws to a close.

I have been proud to support Mary's nomination at every step of this process. Her legal career has spanned more than 20 years from her time as a paralegal in the Rhode Island Attorney General's office while attending law school at night, clerking for Associate Justice Donald F. Shea of the Rhode Island Supreme Court, private practice, and her work in the State and Federal public defender offices. Throughout her career, she has shown the highest levels of integrity and professionalism and earned the respect and support of Rhode Island's law enforcement community.

It is a shame that this Congress may come to a close before Mary can receive what I am sure would be a very strong floor vote in favor of her confirmation. Mary has the full support of her home State and the legal community to assume this role and no assertion to the contrary has been made at any time since her nomination by the President. Should we not take up and pass her nomination this week, as we should have for all these intervening months since the action by the Judiciary Committee, it is my hope that her nomination returns to this body and is given a fair hearing swiftly in the new year.

Mr. WHITEHOUSE. Mr. President, I would like to associate myself with all of the comments made by Senator REED. With 90 judicial vacancies in our Article III courts and 32 judicial emergencies, there is no excuse for failing to confirm nominees who have been reported to the Senate floor.

Mary McElroy has undergone the nomination and committee processes with grace and dignity. These processes are intense and time-consuming. She, her husband, Bob, and their two children, have put their lives on hold in order for her to accept this responsibility as a public servant. Mary and the 20 other district court nominees awaiting a floor vote—many of whom have waited for over than a year—should be confirmed immediately.

TRIBUTE TO HARRY REID

Ms. STABENOW. Mr. President, today I wish to honor the service of my friend, the Senator from Nevada, and the Democratic leader, HARRY REID. Senator REID's career on Capitol Hill began long before any of us.

Back in 1961, Senator REID came to work at the U.S. Capitol for the first time, though not as a Member.

While Senator REID was working his way through Law School, he spent his nights as an officer for the U.S. Capitol Police, the force that protects the U.S. Congress, in order to support his family.

Senator REID is an inspiration to us all and an incredible fighter.

By the way, I do mean that literally. We all know about his early career as a boxer.

In fact, two champion ''Boxers'' in the Senate are retiring at the end of this session, and we are going to miss both of them.

I also mean that HARRY REID never gives up.

When he was in high school, he walked 40 miles twice a week so he could get an education.

When he and his wife Landra fell in love—he was told by her family that they could never be together. They have had a lifelong love affair and are so proud of their five children and now their grandchildren.

From the beginning in public service, Senator REID has fought for the best interests of the people of Nevada and the American people.

In the Nevada State Assembly, he wrote Nevada's first air pollution legislation and worked on issues like consumer protection and public land usage.

As chair of the Nevada Gaming Commission, he ignored threats and cleaned up the gaming industry.

Since being elected in the Senate in 1987, Senator REID's accomplishments are almost too numerous to count. The list goes on and on. Through it all, he has never ever given up. He has fought to defend the environment of his beautiful home State.

He made strides in combatting ALS—writing legislation creating a registry that provides researchers with the critical knowledge they need to combat that terrible disease.

He has shepherded some of the most critical legislative accomplishments in the past 8 years through the Senate.

He led the effort to create and pass the American Recovery and Reinvestment Act, saving millions of jobs. He helped our economy begin to recover.

He was responsible for making sure the ACA passed in 2010. So many people have gotten the care they have needed, their lives have been saved, by the work that he has done.

As leader of the Caucus, he has been responsible for bringing so many of us into this Chamber.

He said it himself: ''You have to stand up, even when you think you're not gonna win, if you think something's right.''

He stood up. He fought the good fight. He fought for all of us. I know that he still have so much to give.

Senator, thank you for your incredible service. Thank you for being such a generous and wonderful friend to me and to my family. I wish you, Landra, and your family many more years of happiness and good work. We will all miss you dearly.

TRIBUTES TO BARBARA MIKULSKI

Mr. WARNER. Mr. President, today I wish to pay tribute to a dear friend and colleague, Senator BARBARA MIKULSKI, as she retires after three decades in the U.S. Senate.

Senator MIKULSKI has been serving the people of Maryland in one form or another for more than 50 years.

From her time as a social worker helping at-risk children and seniors, to the Baltimore City Council, to her four decades of service in the United States Congress, Senator MIKULSKI has always been a strong champion for women, for working families, and for Maryland.

On the rare occasion I have found myself on the other side of an issue from Senator MIKULSKI, as we in Virginia occasionally have been, I actually find myself wishing Maryland had a little bit less of a tenacious advocate in the Senate than BARBARA MIKULSKI.

But luckily for me, I have much more often had the good fortune to be standing side-by-side with Senator MIKULSKI.

I have been proud to work with her and learn from her on a great many issues which will remain her legacies even after she leaves the Senate.

In her position on the Senate Appropriations Committee, for instance, Senator MIKULSKI has been instrumental in making sure the Federal Government abides by its commitments to Metro, and we have worked together to improve oversight of the system's safety.

In an environment where they are more often treated as political punching bags than like the dedicated public servants they are, Federal employees have always known that they can count on Senator MIKULSKI to have their backs.

Senator MIKULSKI might occasionally have trouble reaching the microphones—but when it comes to the issues affecting women, children, working families, and Maryland, Senator MIKULSKI's voice is nearly always the loudest voice in the room.

Today there are more students in school, more women in the workforce, and fewer seniors living in poverty as a result of her determination and her leadership.

It is well known in this body that Senator MIKULSKI is a force of nature, with a wit to match.

Her signature one-liners aren't just funny—though they usually are—but she also has a way of cutting to the heart of the issue and speaking directly to people that I know will be greatly missed by both her colleagues and her constituents.

It is no surprise that the people of Maryland have chosen, over and over again, to send this extraordinary leader back to the Senate on their behalf.

Today there are 20 women Senators, but when BARBARA MIKULSKI first decided to ''suit up'' and run for the Senate, women in public office at any level were a rarity indeed—rarer still in this body.

Thirty years after President Reagan, campaigning for her opponent in that first Senate race, predicted that BARBARA MIKULSKI would go the way of other short-lived fads like the ''Edsel, the hula hoop, and the all-asparagus diet,'' Senator MIKULSKI retires from the Senate as the longest serving woman in Congressional history.

So while she may be leaving us here in the Senate, one of Senator BARB's greatest legacies may be inspiring generations of American women to follow in her footsteps.

Senator MIKULSKI, thank you for your service and your friendship.

Ms. HIRONO. Mr. President, I wish to recognize the many accomplishments of my colleague Senator BARBARA MIKULSKI, the dean of the Senate women. When she took office during the 100th Congress in 1987, BARBARA was the first Democratic woman Senator elected in her own right. There were only two women Senators at the time, BARBARA and Nancy Kassebaum. Certain expectations that we could consider arcane, such as women were expected to wear skirts or dresses on the floor, were still in place. In 1993, BARBARA, Nancy, and their staffs mounted a simple protest—they wore trousers on the Senate floor.

''The Senate parliamentarian had looked at the rules to see if it was okay,'' she recounted. ''So, I walk on that day and you would have thought I was walking on the moon. It caused a big stir.''

As someone who rarely wears skirts and only wears pantsuits on the Senate floor, I and many others are grateful. This simple act of commonsense defiance, if you will, in a body steeped in tradition, exemplifies BARBARA's approach to getting things done and getting on with the important matters of the day. That she is a trailblazer goes without saying.

Throughout her time in the Senate, BARBARA has fought for equal pay for equal work. The gender pay gap costs women hundreds of thousands of dollars over their lifetime. She led the charge in the Senate to pass the Lilly Ledbetter Fair Pay Act, and I am proud to stand with her in calling for the passage of the Paycheck Fairness Act and other equal pay proposals.

As our dean, usually over dinner, we get to know each other on a personal level. In a body where these opportunities are rare, it matters. During the summer of 2014, it was my turn to host our gathering. I greeted each Senator with a lei, served local food from Hawaii, and hosted a hula performance. The Aloha spirit was definitely present.

The next day, BARBARA told me that the dinner was very special and gave her a better understanding about what it must be like to be in Hawaii. It meant a lot to me for BARBARA to make that observation because Hawaii truly is a special place where embracing and caring for others, our ohana, is how we aspire to live.

BARBARA has shown her Aloha spirit to me and so many others throughout her time in public service. I will miss her wit, leadership, drive, and compassion.

Aloha, BARBARA, and a hui hou, ''until we meet again.''

TRIBUTE TO BARBARA BOXER

Ms. HIRONO. Mr. President, today I wish to recognize the contributions of my colleague and friend, Senator BARBARA BOXER. While her distinguished time in the House and Senate comes to a close at the end of the 114th Congress, she will continue to be engaged and serve her community.

During her more than 30 years in the House and Senate, BARBARA worked tirelessly to create a better future for all Americans. When she first announced that she would run for the Senate in 1990, BARBARA declared, ''I will be running based on issues of the environment, a world of peace, economic prosperity, individual freedom of choice and freedom of the arts.''

This declaration defined her time in Congress.

Becoming the first woman to chair the Senate Committee on Environment and Public Works reflected her decades of dedication to protecting the environment. BARBARA was unafraid to take on big oil, and fought to block oil drilling in the Arctic National Wildlife Refuge in Alaska. She also led the effort in the Senate to invest in the development of clean energy technology and to strengthen protections for our oceans.

BARBARA knew that, for many, achieving ''economic prosperity'' meant attaining a college education. But the soaring cost of college keeps them from attaining a degree. Each year, BARBARA was one of the strongest leaders to ensure that college students have access to Pell grants, which nearly half of college students in our country depend upon. BARBARA's advocacy moved the ball forward, and I was proud to join her in crafting a caucus-wide bill that included our provisions to strengthen and protect Pell grants, and lower interest rates on student debt.

BARBARA also never forgot her promise to protect ''freedom of choice.'' She authored the Freedom of Choice Act of 2004, which would have affirmed that ''every woman has the fundamental right'' to make her own reproductive health decisions. Without fail, BARBARA leads us each and every time that access to reproductive health care comes under attack.

While BARBARA's departure leaves the Senate without one of its strongest champions for the environment, college affordability, and reproductive rights, we will continue to fight for these core priorities as she would have done.

It has been a privilege to serve alongside a steadfast champion like BARBARA.

She has served Maryland with utter conviction, and I know she will continue to be a progressive force in this new chapter of her life.

Aloha, BARBARA, and a hui hou, ''until we meet again.''

TRIBUTES TO DEPARTING SENATORS

Mr. CARDIN. Mr. President, much of the time here in the Senate, we are engaged in pretty fierce partisan battles. I would like to take a break from that for a moment and talk about the four Republican Senators who will not be back when the 115th Congress convenes next month. While we may have different political philosophies and policy prescriptions, I respect and admire each of them, and I will miss working with all of them.

KELLY AYOTTE

Mr. President, Senator AYOTTE and I serve together on the Small Business Committee. I have seen firsthand her commitment to helping small businesses in New Hampshire and across the Nation. She is like so many other Senators, past and present, from New England States: pragmatic and willing to reach across the aisle to get things done.

Prior to her election to the Senate, Senator AYOTTE served as the chief of New Hampshire's Homicide Unit and deputy attorney general before she became the State's first female attorney general in 2004. She was appointed to that position by a Republican Governor, but she was reappointed twice by a Democratic Governor.

In the short span of one Senate term, Senator AYOTTE has become a respected voice on national security issues while serving on the Armed Services Committee and the Homeland Security & Governmental Affairs Committee. Foreign Policy magazine listed Senator AYOTTE as one of the top 50 Republicans on international affairs.

Senator AYOTTE comes from a military family and is married to an Iraq War veteran—Lieutenent Colonel Joe Daley—so she has been a staunch supporter of our men and women in uniform and their families.

Senator AYOTTE has worked hard to give New Hampshire veterans more choices when it comes to health care since the State does not have a full-service Veterans Administration, VA, medical facility. To help veterans in New Hampshire's North Country access care closer to home, she successfully pushed for the opening of VA clinics in Colebrook and Berlin.

Senator AYOTTE has been a leader in the fight against opioid abuse and addiction, helping Congress to pass the Comprehensive Addiction and Recovery Act, CARA, to improve prevention and treatment, support those in recovery, and ensure first responders have the tools they need. She helped to pass legislation to reauthorize the Violence Against Women Act, crack down on sexual assault in the military, make college campuses safer, and improve mental health first aid training and suicide prevention programs.

Senator AYOTTE has followed in the footsteps of other Republican Senators from New England, such as Robert Stafford of Vermont and John Chafee of Rhode Island, who are true conservatives when it comes to the environment. She crossed party lines to vote for Federal clean air rules that protect New Hampshire's air and water from cross-State pollution and to deploy the best available technology to reduce pollution from energy production. She helped pass the Better Buildings Act to encourage greater energy efficiency in commercial buildings, and she has been a strong supporter of the Land and Water Conservation Fund, which has helped protect thousands of acres in New Hampshire.

I have enjoyed working with Senator AYOTTE and send my best wishes to her and her husband, Joe, and their children Katherine and Jacob.

DAN COATS

Mr. President, there is a famous quote attributed to the American author F. Scott Fitzgerald: ''There are no second acts in American lives.'' We all know that to be untrue and, as it turns out, so did Fitzgerald, who was quintessentially American. What he actually wrote, in an essay called ''My Lost City,'' is this: ''I once thought that were no second acts in American lives.''

If we want to see a successful ''second act'' we need to look no further than to the senior Senator from Indiana, Mr. COATS. He is actually on about his fourth act.

Senator COATS graduated from Wheaton College and then began his long service to our Nation by enlisting in the U.S. Army. Following his military service, he attended the Indiana University Robert H. McKinney School of Law. He excelled academically, becoming associate editor of the Indiana Law Review, and earned his juris doctor degree.

Senator COATS served as a district representative to then-Representative Dan Quayle. When Dan Quayle was elected to the Senate in 1980, DAN COATS won his House seat and was reelected four times, never receiving less than 60 percent of the vote. When Dan Quayle was elected Vice President in 1988, DAN COATS was appointed to the Senate seat being vacated and then won elections in 1990 and 1992.

During what I will call Senator COATS' ''first'' congressional career, he focused on cutting taxes and government spending and reforming entitlement programs. In 1998, he honored a term limit pledge he had made to his Hoosier constituents and did not run for reelection to the Senate.

For many people, 18 years in Congress might be enough, but Senator COATS was just getting started. After he left the Senate, he joined the prestigious law firm of Verner, Liipfert, Bernhard, McPherson and Hand. In 2001, then-President Bush nominated Senator COATS to be Ambassador to the Federal Republic of Germany. He arrived in Germany just 3 days before the September 11, 2001, terrorist attacks. In the aftermath of 9/11, Ambassador Coats established excellent relations with then-opposition leader and future German Chancellor Angela Merkel—a crucial ally—and managed the construction of a new U.S. Embassy in the heart of Berlin, next to the Brandenburg Gate.

Senator COATS served honorably as Ambassador for 3 and one-half years and then returned to practicing law at another ''blue chip'' law firm, King & Spalding. But he also served as president of Big Brothers Big Sisters of America and on the boards of many civic and volunteer organizations, including the Center for Jewish and Christian Values, which he cochaired with Senator Joe Lieberman. And Senator COATS and his wife, Marsha, formed the Foundation For American Renewal to continue their engagement in faith-based initiatives.

Senator COATS began his ''second'' congressional career by running successfully for his old Senate seat in 2010. During Senator COATS' second stint, I have had the pleasure of serving with him on the Finance Committee, where we worked together to help charities receive timely notice on issues related to their tax-exempt status. I appreciate Senator COATS' calm and steady demeanor, the diligence he applies to his work, and the civility he extends to his colleagues.

Senator COATS may be retiring from the Senate, but I have a hunch there will be yet another successful act in his long, distinguished career. While we may have policy disagreements, I have no doubt that Senator COATS is committed to the common good and will find new ways to serve. I anticipate, however, that he will also seek to spend more time with his wife, Marsha, whom he met in college, their three children, and their 10 grandchildren.

MARK KIRK

Mr. President, John Kennedy wrote ''Profiles in Courage'' nearly 50 years ago. But for the last 6 years, we have had yet another profile in courage here in the Senate: the junior Senator from Illinois, Mr. KIRK. In 2012, he suffered a devastating ischemic stroke. He had to relearn how to do basic things, like walking. It took a year of intensive physical therapy at the Rehabilitation Institute of Chicago—physical therapy that has been likened to boot camp. When he returned on January 3, 2013, and climbed the 45 steps of the Capitol Building to reenter the Senate, it was

a truly inspirational moment none of us will forget.

Senator KIRK is an Illinois native, from Champaign. He received his B.A. in history from Cornell University, graduating cum laude. He went on to earn a master's degree from the London School of Economics and a law degree from Georgetown University. While he practiced law at the law firm of Baker & McKenzie, most of his adult life has been spent in public service.

Senator KIRK joined the U.S. Navy Reserve as a direct commission officer in the intelligence career field in 1989. He was recalled to Active Duty for the 1999 NATO bombing of Yugoslavia; participated in Operation Northern Watch in Iraq, which enforced the no-fly zone, in 2000; and later served three reserve deployments in Afghanistan. He retired from the Navy Reserve with the rank of commander.

Senator KIRK worked for Representative John Porter and at the World Bank and the State Department. He came back to the Hill to serve as a counsel to the House International Relations Committee, as it was known at the time. When Representative Porter retired, he successfully ran for the seat of his former boss and went on to win reelection four times. I had the pleasure of serving with both Representative Porter and then-Representative KIRK while I was in the House. And then he was elected to the Senate in 2010, to the seat President Obama previously held.

During Senator KIRK's 16-year congressional career, he has demonstrated that he puts country above party, most notably by supporting the commonsense assault weapon ban. More recently, he was the first Republican Senator to meet with President Obama's Supreme Court nominee, Merrick Garland. And he was the first Republican Senator to call for hearings and a vote on this superbly qualified individual, a position applauded by Crain's Chicago Business journal.

Senator KIRK is a staunch supporter of Israel and has been at the forefront of efforts to ensure that a robust sanctions regime remains in place against Iran if it fails to comply with the terms of the Joint Comprehensive Plan of Act, JCPOA. I have been pleased to work with Senator KIRK on S. 1882, the Nepal Recovery Act. That bill is on the legislative calendar; it would be a fitting tribute to Senator KIRK if the Senate can pass it before the end of the 114th Congress.

I know that Senator KIRK is justifiably proud of chairing the Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies. Under his stewardship, Congress is poised to pass record health care funding for our veterans. He serves as the cochair of the bipartisan Senate Great Lakes Task Force, which promotes the economic vitality and environmental health of the Great Lakes, which provide drinking water to 40 million Americans and Canadians. He authored the Great Lakes Restoration Initiative authorization bill and helped to secure $300 million in funding to implement it.

During the 112th and 113th Congresses, Senator KIRK had an awesome responsibility all Senators appreciate: his desk on the Senate Floor—Desk No. 95—was the ''candy desk.'' He kept the desk stocked with sweets made in Illinois such as Mars, Milky Way, Jelly Belly, and Snickers, helping to support an industry that employs over 3,000 people in his home State.

Senator KIRK suffered a life-threatening stroke. It temporarily slowed him down, but he returned to the Senate where his courage, grace, dignity, collegiality, and resolve will continue to inspire all of us long after he departs next month for his next great endeavor. I wish him well.

DAVID VITTER

Mr. President, Senator VITTER is probably one of the most conservative Senators and yet has a long record of bipartisan accomplishments on behalf of his home State and the Nation. I have enjoyed serving on the Small Business and Entrepreneurship Committee, which he has chaired for the past 2 years. During that time, the committee has reported nearly 30 bills, 8 of which have been signed into law so far. One of those bills, Senator VITTER's Recovery Improvements for Small Entities After Disaster Act—the RISE After Disaster Act—will help small businesses recover from disasters more rapidly. Considering that small businesses are major employers and the lynchpins of their communities, helping them to recover is crucial.

Senator VITTER is a Louisiana native, born in New Orleans. He was an excellent student and went on to earn his A.B. from Harvard. He attended Oxford University as a Rhodes scholar, earning a B.A., and then he earned his law degree from Tulane. He was elected to the Louisiana House of Representatives in 1992; in 1999, he won a special election to succeed then-Representative Bob Livingston to represent the State's First Congressional District. He was reelected in 2000 and 2002 with more than 80 percent of the vote in each instance. In 2004, he won the Senate seat being vacated by John Breaux. That election was historic; he became the first Republican in Louisiana to be popularly elected as a U.S. Senator. The State's last Republican Senator, William Pitt Kellogg, was chosen by the State's legislature in 1876, back before the 17th Amendment to the U.S. Constitution was adopted. Senator VITTER was reelected in 2010 with 57 percent of the vote.

Senator VITTER has had a productive career as a legislator. On June 22, 2016, President Obama signed into law the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amends the Toxic Substances Control Act, TSCA, the Nation's primary chemicals management law. Senator VITTER was the lead Republican sponsor of this measure, working first with our beloved former colleague, Senator Lautenberg, and then with Senator UDALL. The new law, which received bipartisan support in both the U.S. House of Representatives and the Senate, will make it easier for the U.S. Environmental Protection Agency, EPA, to review the safety of chemicals already on the market and the new ones being developed, and it provides a stable source of funding for EPA to meet the law's requirements, a huge step forward with respect to chemical safety.

Senator VITTER has been instrumental in developing and passing important public works bills, including the current Water Resources Development Act, WRDA, reauthorization. While he has been an architect of our Nation's infrastructure policies, he has also been sensitive to the concerns of his home State. Thanks to his involvement in the past several surface transportation bills, Louisiana is no longer a ''donor'' State with respect to the highway trust fund; the State receives $1.06 in spending for every $1.00 it sends to Washington in gasoline taxes. Senator VITTER was stalwart when one of the Nation's worst natural disasters—Hurricane Katrina—devastated Louisiana and the rest of the Gulf Coast in 2005 and again in the wake of the BP Deepwater Horizon oil spill in 2010. He coauthored the RESTORE Act, which directs 80 percent of the Clean Water Act fines levied against BP—$5.5 billion—to the States whose fisheries, shorelines, and economies were decimated by the spill.

Senator VITTER has numerous other legislative accomplishments. To mention just a few, he authored the Steve Gleason Act, which helps people afflicted with diseases such as amyotrophic lateral sclerosis, or ALS, by making it easier for them to acquire speech-generating devices. He reformed the Federal Reserve Board by putting in place the requirement that at least one sitting board member must have community banking experience. And he successfully elevated Barksdale Air Force Base's Global Strike Command to four-star general status.

I mentioned a moment ago that Senator VITTER is a conservative. He and I have vast differences of opinion on many issues. But that is ok; that is the nature of the Senate. The genius of our system of government is that it allows—and encourages—people with different points of view to come together and agree on legislation that moves our country forward, and that is something Senator VITTER has been able to do over his career. I send my best wishes to Senator VITTER, his wife, Wendy, and their children Sophie, Lise, Airey, and Jack.

Mr. CASEY. Mr. President, today I want to pay tribute to two colleagues who are retiring at the end of this year, Senator BOXER and Senator MIKULSKI, two remarkable Democratic women Senators leaving the Senate as four new women come in.

BARBARA BOXER

Mr. President, for more than 40 years, BARBARA BOXER has committed her life to public service, over 30 of them in Washington, first in the House of Representatives and, since 1993, in the U.S. Senate.

When asked what advice she would give to her successor, Senator BOXER said she should not be afraid to fight the good fight every single day.

And that is what Senator BOXER has done. Over the past four decades, she has been an advocate for medical research, women, workers, the environment, and infrastructure.

As ranking member of the Environment and Public Works Committee, BARBARA BOXER urged Congress and the country to confront climate change, creating the Climate Action Task Force with Senator SHELDON WHITEHOUSE.

In closing, I am reminded of what Robert Kennedy once said: ''The purpose of life is to contribute in some way to make things better.''

Senator BOXER has told us that, while she is leaving the Senate to return to California, she does not intend to end her life of service. She will continue to work to make things better. We wish her well and we thank her for her public service in the House and here in the Senate.

BARBARA MIKULSKI

Mr. President, this year we are also saying farewell to our colleague, BARBARA MIKULSKI, the senior Senator from Maryland.

Senator MIKULSKI first entered politics almost 50 years ago when she was elected to the Baltimore City Council in 1971. Five years later, she was elected to the U.S. House of Representatives and, a decade after that, she was elected to the U.S. Senate.

Senator MIKULSKI is the longest serving woman in the history of Congress and is the first woman Senator to be elected in her own right.

These achievements are notable, but they are not what inspired BARBARA to come to work every day.

Senator MIKULSKI one remarked that, ''Each one of us can make a difference. Together, we make change.'' And that is what BARBARA MIKULSKI sought to do every day.

As a member of the Health, Education, Labor and Pensions Committee, Senator MIKULSKI has championed education, workers' rights, and health care. She has stood up for our children and our seniors.

As a member of the Appropriations Committee since she arrived in the Senate, BARBARA MIKULSKI has worked tirelessly to ensure that the programs that advance those priorities receive the funding they need to be successful.

Margaret Chase Smith once said, ''Public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and the nation.''

Senator MIKULSKI dedicated her life to the people of Maryland and the country. We will miss her in this Chamber and wish her well.

Mr. PETERS. Mr. President, as this eventful 114th Congress draws to a close, today I wish to honor a number of our colleagues who will be ending their service in the Senate. I was a newcomer to the Senate at the beginning of this Congress and the only Democrat in the freshman Senate class of 2014. I am eternally grateful for the guidance and wisdom of my fellow Senators, particularly those with decades of experience fighting for the American people. Constituents, colleagues, and historians will recount their accomplishments for years to come, but I will take a few minutes now to convey some brief words of praise and gratitude.

HARRY REID

Mr. President, it has been a great honor to serve in the Senate under the leadership of Senate Democratic Leader HARRY REID. Senator REID has taught us all what it means to represent one's State in the U.S. Senate, doing everything one can to fight hard for the people back home. In his nearly 30 years in the Senate, Senator REID has mastered the rules and traditions of this institution and used them to deliver victories for the people of his state and the nation.

Senator REID is always ready to lend an ear and a helping hand to his Democratic colleagues; yet he listens most intently to his constituents. He never stops thinking about how to ensure that they have access to well-paying jobs, health care, education, and a better future for their children. Senator REID has supported economic development and infrastructure investments that have created jobs throughout the country.

After the 2008 financial crisis, when millions of homes were underwater and the existence of the American auto industry hung in the balance, Senator REID helped craft a compromise to begin our economic recovery. I am grateful for his strong support of the American auto industry during this crisis, which helped us pass essential legislation to restructure Michigan's automotive manufacturers and rebuild our communities. I was also proud to work with him and other leaders on the Dodd-Frank Act, which holds Big Banks accountable and helps safeguard American families to prevent another crisis and build a healthier economy. Senator REID's contributions are too many to name, from advancing affordable health care coverage for millions of Americans, to defending labor protections and our social safety net. Through it all, Senator REID has demonstrated an unwavering commitment to the details of policymaking and to his constituents.

Senator REID's legacy and the memory of his tireless work ethic will continue to inspire us to keep working hard, like our constituents do every day, to make their lives better. Senator REID understands and reminds us all that hard work, faith in each other, and faith in our country are what allow us to endure and improve as a nation. I thank Senator REID for his great service, his guidance, and the conviction with which he leaves us as our country continues to move forward.

BARBARA MIKULSKI

Mr. President, I would also like to honor Senator BARBARA MIKULSKI, who blazed a trail for women in the Senate and always looks out for the members of our communities no matter their gender, race, or identity. As the father of two daughters, as well as a son, I greatly admire Senator MIKULSKI's work to break barriers for women. She has fiercely fought to ensure that all women have access to essential health care services, is a champion for equal pay, and passed legislation that expanded childcare access for all families.

A daughter of Baltimore and a former social worker, Senator MIKULSKI also knows the challenges that our communities face. She has been dedicated to supporting our older, industrial communities like Baltimore and Detroit so that they can compete in the new economy. I would also like to recognize her leadership as Vice chairwoman on the Appropriations Committee. We owe her a debt of gratitude for her eagle eye and unrelenting spirit in defending essential programs in areas including health care, education, job creation, infrastructure, and national security. Our work on breaking down barriers and advancing these priorities is not yet done, but I thank Senator MIKULSKI for leading the way.

BARBARA BOXER

Mr. President, Senator BARBARA BOXER is also a trailblazing woman and a fierce advocate for what is best for her State, and I have been honored to get to know her through our work in the Senate. Throughout her career, Senator BOXER has fought for commonsense consumer and environmental protections to make us safer. She has been an incredible partner in our fight this year to end the water crisis in Flint, MI, and to reduce the threat of drinking water contamination in cities across the Nation.

Senator BOXER knows that we must protect our children and communities from the grave effects of environmental contamination by investing in our aging infrastructure and maintaining vigilance. We must also provide the extra care, education, and health care services that these children and communities need to recover.

She has always been a champion for children, from establishing the first federally funded afterschool program to protecting children from contaminated products. Just as importantly, Senator BOXER has been a leader in protecting the natural resources these future generations will inherit. Her victories for clean water, job-creating smart infrastructure projects, and environmental protections should inspire

us to keeping looking toward the future as we help our great States thrive today.

DAVID VITTER

Mr. President, in a Congress where bipartisanship is all too rare, I have been honored to work with many Republican colleagues on commonsense, bipartisan solutions. Senator DAVID VITTER has served as chairman of the Senate Small Business Committee, of which I am a member, and has been a consummate partner on issues affecting Michigan's small businesses. On the Small Business Committee, we have been able to pass significant legislation to ensure that small businesses have the resources they need to compete, expand, and give back to their communities. We extended the SBA 7(a) Federal loan program to provide thousands of small businesses with financing at no cost to American taxpayers. Together, we introduced legislation that will provide patent education to small businesses. We also introduced legislation that will help small businesses plan for and protect against cyber security attacks. I am glad to have colleagues like Senator VITTER who believe that no issue is too small when it comes to supporting support job creation and economic growth.

DAN COATS

Mr. President, I would also like to extend my warm wishes to Senator DAN COATS. He has served ably as chairman of the Joint Economic Committee, and I have been proud to sit on the committee during his tenure. He has convened important hearings to discuss essential issues including the Federal debt, the effects of automation on our economy, tax reform, and economic growth. I appreciate his consistent efforts to create a bipartisan forum where we can discuss innovative ideas for addressing our Nation's economic challenges. As a fellow Midwesterner, Senator COATS knows that we must have big ideas and bigger hearts as we move forward, committed to helping all Americans achieve the future they deserve.

KELLY AYOTTE

Mr. President, I also had the pleasure of serving with Senator KELLY AYOTTE on the Senate committees on Small Business, Commerce, and Homeland Security and Government Affairs. She has been a pragmatic partner on legislation as varied as the Northern Border Security Review Act, which will strengthen American security at the northern border with Canada, and the Manufacturing Extension Partnership Improvement Act, which would expand a public-private partnership to help businesses get their products to market. We also introduced the Pet and Women Safety Act to protect victims of domestic violence from emotional trauma caused by acts or threats of violence against their pets. I respect Senator AYOTTE's dedication to these issues. As a father, I also admire Senator AYOTTE's great work raising two young children while in the Senate. I wish her family all the best in their next adventure.

MARK KIRK

Mr. President, another colleague from the Midwest, Senator MARK KIRK, has served with distinction in the Senate. Like me, Senator KIRK also served as an officer in the U.S. Navy Reserve. We have collaborated on efforts to help veterans suffering from PTSD, protect wildlife habitats and improve water quality in the Great Lakes, extend Medicare coverage for Americans at risk for diabetes, and even establish the Senate Albanian Caucus. I admire the strength and resolve Senator KIRK has exhibited throughout his Senate term and wish him continued success.

It has been a privilege to work with such talented and committed colleagues. I wish them all the best in this next chapter of their lives and thank them for their work. Thank you.

TRIBUTE TO VICE PRESIDENT JOE BIDEN

Mr. ENZI. Mr. President, today I wish to recognize the service of a former colleague and our current Vice President, JOE BIDEN.

JOE was born in Pennsylvania but moved with his family to Delaware when he was 13. He left Delaware for brief stints at St. Helena School and Syracuse University Law School, but he has always returned to Delaware, including the daily trips he made home during his Senate career and the regular trips he makes home to this day.

Because of his devotion to Delaware, JOE quickly got his start in politics, first on the New Castle County Council and then in the U.S. Senate, where he became the fifth youngest U.S. Senator in history in 1972. He also has the distinction of being Delaware's longest serving Senator.

I worked with JOE on many different issues during his time in the Senate and served on the Foreign Relations Committee when he was our chairman. JOE is known as a foreign affairs expert, and he has many reasons to be proud of the work he has done in that area. One of those things that we worked on together was the President's Emergency Plan for AIDS Relief.

I remember being at the 2003 State of the Union speech when President Bush said, ''We're going to put $15 billion into an AIDS effort.'' That shocked all of us who were there. It was a lot of money. But we worked together to develop a bill that passed the House and Senate unanimously.

JOE managed the floor when we reauthorized that program in 2008, and we worked with Senators Coburn, BURR, and Lugar to develop that reauthorization. At the time, JOE suggested historians will regard PEPFAR as President Bush's ''single finest hour,'' and I tend to agree. A few years ago I visited the Kasisi Orphanage in Zambia. We were told that, before PEPFAR, they had to bury 18 kids a month that died of AIDS, but because of PEPFAR, they got that down to one a month. I know JOE shares my pride in the difference that program is making.

We were all a little sad to see JOE move to the White House in 2009, when he became our 47th Vice President. Lucky for us, he has been able to keep his ties to the Senate in his role as President of this body, and I think he has been one of our best partners in the administration.

All of us were glad to be able to recognize JOE and his son, Beau Biden, by naming the cancer section of 21st Century Cures Act after Beau. I expect JOE will continue to be a voice for ending cancer, and I hope to work with him towards that cause.

JOE, Diana and I send our best to you, Jill, and your family. You have served the people of Delaware and the people of the United States with distinction.

HONORING PRIVATE FIRST CLASS JOHN R. ALLMAN

Mr. UDALL. Mr. President, I wish to say a few words about PFC John R. Allman. John was born November 22, 1963, in Carlsbad, NM. He played fierce football for the Carlsbad High School Cavemen and graduated in 1982.

John always wanted to be a Marine—like his father and grandfather before him. He fulfilled his dream and became a marine weeks after graduating from high school.

Tragically, John was killed in a terrorist bomb attack on his barracks while on a multinational peacekeeping mission in Beirut, Lebanon. John and his fellow marines were stationed in Lebanon to help stabilize the country from civil war.

On April 18, 1983, the U.S. Embassy in Beirut was hit by a suicide truck bomb—one of the first suicide attacks in the region—killing 63 people, including 17 Americans.

On October 23, 1983, two truck bombs struck separate buildings housing American and French military forces in Beirut—members of the multinational force. The attack on American barracks housed the 1st Battalion 8th Marines, John's battalion. The bomb striking the marines' quarters was the largest nonnuclear explosion that had ever been detonated, equaling in force between 15,000 and 21,000 pounds of TNT. The death toll was 220 marines, 18 sailors, and 3 soldiers, John among them. It was the deadliest single-day death toll for the Marine Corps since World War II's Battle of Iwo Jima and the deadliest single terrorist attack on American citizens prior to the September 11 attacks. The blasts led to withdrawal of the international peacekeeping force.

John's hometown of Carlsbad and Eddy County proclaimed Veterans Day 2016 as ''John Allman Day'' in his honor. That day, the community celebrated with a parade, speeches, and tributes to John. A bench was made

and commemorated in John's name and sits permanently in Carlsbad Veterans Memorial Park.

John was humble, quiet, dedicated, fun-loving, intelligent. He was honest and proud. John always gave his all.

John was born the day of John F. Kennedy's assassination. He was not supposed to be named John, but his parents did so in honor of the slain President. Of veterans, President Kennedy said, ''As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.'' We must honor John by doing all we can for our veterans.

PFC John Allman gave his life in the service of peace in the Middle East. We do not forget his sacrifice and the sacrifice of his family. And we honor John's service and the ultimate sacrifice he made on behalf of our country.

TRIBUTE TO DEBORAH A. KAPANOSKE

Ms. MURKOWSKI. Mr. President, I wanted to say a few words in tribute to a longtime Senate employee who is retiring this month after 35 years of service. Debbie Kapanoske has served as my office manager in Washington for my entire tenure in the U.S. Senate; going on 14 years—but she has been in the Murkowski family much longer. Debbie became correspondence director for Senator Frank Murkowski in 1993. She was subsequently promoted to office manager and continued in that role until 2002 when Senator Frank Murkowski resigned from the Senate following his election as Governor of Alaska. That left Debbie the responsibility of closing one office while simultaneously opening another, and that is no small juggling act. In fact, I understand that the experience led Debbie to swear that she will never close another office again. Before joining the office of Senator Frank Murkowski, Debbie served in the office of the Senator Bob Kasten of Wisconsin as correspondence director.

Debbie is highly respected among her fellow administrative managers in the Senate. She is one of many unsung heroes without which Senate offices could not run. I have often remarked that she is the best office manager I have ever had. So today let me take this opportunity to thank Debbie for her service to the Senate and in particular for her 23 years of service to Alaska. Over the years, Debbie has mentored scores of staff members first in my father's office and now in mine. And, while they aren't here today to say it personally, I know that she has played a special role in all of their lives. So let me close by thanking Debbie for all that she has done, but more importantly for the powerful impression she has left on all who have worked with her and to wish Debbie and her husband, George, well in retirement.

TRIBUTE TO LIEUTENANT COMMANDER ERIK PHELPS

Mr. ROUNDS. Mr. President, today I recognize LCDR Erik Phelps, a defense fellow from the U.S. Navy, for his exemplary work in my office and service to our Nation during January to December 2016.

Lieutenant Commander Phelps is a California native and a graduate of the U.S. Naval Academy. Erik is married to his loving wife, Erin, and they have three young children named Owen, Summer, and Samantha.

Upon joining my office, Erik quickly became a key asset and trusted adviser on defense and veterans policy. In fact, Erik's intellectual drive, attention to detail, and thoughtful planning led to his conceiving five original, outstanding pieces of legislation. These included the Veterans Choice Equal Cost for Care Act, the Veterans Health Administration Spending Transparency and Oversight Act, and the Protection and Advocacy for Veterans Act.

I extend my sincere thanks and appreciation to Erik for his outstanding contributions to my office and wish him all the best as he continues his career.

100TH ANNIVERSARY OF KOMODA BAKERY

Ms. HIRONO. Mr. President, I wish to congratulate Maui's Komoda Store and Bakery on their 100-year anniversary. I visited the bakery in Makawao last month and met the Komoda and Shibuya families who are carrying on the tradition of serving the Maui community.

In 1916, Takezo and Shigeri Komoda opened a mom-and-pop general store, selling bread, saimin, and fresh sandwiches primarily to Makawao town residents. By 1932, they expanded their store and began selling groceries and other household items. Takezo and Shigeri passed on the bakery to their sons Takeo and Ikuo, who ran the store for the next 50 years.

While the bakery is what Komoda's is known for today, Ikuo is the only member of the family who received formal training in 1947 when he traveled to Minnesota to study baking. Over time, Komoda's transitioned from a general store to a bakery, serving fresh bread, butter rolls, and pastries like stick donuts, malasadas, Chantilly cake, and cream puffs. By the 1990s, Takeo and Ikuo considered retiring and closing the bakery. However, Takeo's son-in-law, Calvin Shibuya, did not want to see the family business close. After training with chief baker Ikuo Komoda, Calvin and his wife, Betty, took over the bakery. Their daughter, Michele, is now learning the business, the baking from her father and the retail side from her mother.

Komoda Bakery is an institution in upcountry Maui. Each day, people line up in the morning to purchase their baked goods. They only make a set amount each day, so if you don't go early, they oftentimes sell out.

Many take the delectable treats from Komoda's to neighbor islands to share with family and friends in the time-honored tradition of omiyage, or gift. When I visited right before Thanksgiving, which is their busiest time of the year, the store was bustling with activity, and the counters were stacked with fruit, pumpkin, and custard pies.

Congratulations to Komoda Bakery on 100 years of success. We thank the Komoda family and their longtime employees who each day wake early to prepare the delicious handmade and homemade baked goods enjoyed by generations.

I ask unanimous consent to have printed in the RECORD a Maui News article, which chronicles the Komoda family's dedication and success.

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

[From the Maui News, Nov. 2, 2016]

SWEET SUCCESS AT 100: KOMODA CELEBRATES CENTURY OF GOOD EATS

(By Melissa Tanji)

MAKAWAO.—Komoda Store & Bakery is celebrating 100 years of feeding Maui's appetite, in the beginning with breads and saimin and now with stick donuts and cream puffs that residents and visitors can't get enough of.

One hundred years in business is a feat rarely achieved by Maui's mom-and-pop stores or for any business, for that matter. The Komodas and their extended family don't know how the years added up.

''We can't believe it lasted this long,'' said Betty Shibuya, the granddaughter of the founders Takezo and Shigeri Komoda. She added that her ancestors would be surprised that the family has kept the business thriving for a century.

Shibuya's husband and the chief baker, Calvin Shibuya, joked that he, himself, felt like 100 years old, even though he's only 73. But his feelings are justified because Mr. Shibuya starts work at 11:30 p.m.—just to begin the baking. He doesn't end his day until around 4 p.m. at closing time.

But he's not complaining. He said his schedule is similar to what the Komoda family endured for decades.

Even at 73, Calvin Shibuya pledges that he and his family would keep the business chugging along as long as they are able to keep churning out donuts from the old fried bread dough recipe along with butter rolls, pies and buns and other baked goods.

''I've always said we'll (be open) as long as we stay healthy,'' he said.

This week, the Komoda family is celebrating its milestone with the public.

The family has been giving away 100 free stick donuts to customers on a first-come, first-served basis. (The store opens at 7 a.m.) This will continue on Thursday and Friday. (The store is closed today, as usual.)

On Saturday, 300 stick donuts will be given out. At noon, there will be a performance by Zenshin Daiko, a taiko drum group. A 100th-anniversary dish towel is on sale, and customers who spend $40 get a commemorative potholder.

Nearby, the Makawao History Museum at 3643 Baldwin Ave. is hosting an exhibit based on the anniversary. It's open from 10 a.m. to 5 p.m. daily, except for Sundays when it opens at 11 a.m.

T. Komoda Store was founded in 1916 as a general store where the current Polli's Mexican Restaurant is on the corner of Makawao

and Baldwin avenues. There was some bread baking, which later expanded to saimin and sandwiches, the family said.

In 1932, the family purchased its current spot along Baldwin Avenue. The family said it was more of a general store catering to Makawao town, selling everything from fabric, lighting fixtures and groceries.

As World War II loomed before Dec. 7, 1941, Takezo and Shigeri Komoda anticipated the loss of what they had because they were not American citizens. So, they transferred the property and business to Takeo Komoda, their oldest son and his wife, Kiyoko, who were U.S. citizens, according to Gail Ainsworth. She does research and writing for the Makawao History Museum. (Takeo and Kiyoko were Betty Shibuya's parents.) The store founders had eight children, all of whom at some point had a hand in the business.

In the early days, the family served food, such as saimin and egg sandwiches, Betty Shibuya said. But eventually that was phased out.

In 1947, Takeo Komoda's brother, Ikuo, went to baking school in Minnesota. He was the only one in the family to receive professional training. Ikuo Komoda is credited with developing the cream puff and stick donut. It was under Ikuo Komoda that Calvin Shibuya trained. He got involved in the business in the 1990s because the Komoda brothers were aging and looking for someone to take over. The family considered closing the business, Calvin Shibuya said.

Shibuya had retired from the U.S. Air Force and was contemplating a second career as a commercial pilot.

''I didn't want to see the business close,'' Calvin Shibuya said. He told the brothers not to close the business and stepped in to help.

''That would be a shame if the business shut down,'' he said.

Ainsworth called the Komoda family hard-working, though she added that is typical of mom-and-pop businesses.

''I think they were astute,'' she said. ''They transferred their property to their son when they needed to, prior to World War II. They sent another son (Ikuo) to baking school and expanded their bakery business. They adapted to the community as it changed. As people started to shop at large grocery stores, they de-emphasized their store operation.''

Indeed, the family adapted and survived the influx of large chain grocery stores, along with specialty bakeries on Maui. They still sell snacks, sodas and hot dogs, but 90 percent of the business is the bakery, Calvin Shibuya said.

The Komoda homestyle and handmade pastries are a favorite to generations of Maui residents.

On Tuesday, Shaun Lyons was in the store, a place she had been to as a kid, and now a grandmother.

Lyons, born to the Baldwin family who lived at Haleakala Ranch, remembers how her parents made her sit on a scale next to the front doors as others went shopping. Lyons remembers her family buying groceries and other necessities on credit at the store and paying a monthly bill. There were no plastic credit cards then.

''It was so convenient,'' she remembers.

At one point the Komoda family also had a grocery delivery service, which in some places was common.

''I think it's so fantastic,'' Lyons said of the centennial. ''I love all the Komodas and the Komoda family.''

On Tuesday, Lyons was buying some hamburger buns and a Chantilly cake her 46-year-old son loves. This time, the cake was for her grandson (her son's son), who was celebrating his 5th birthday on Tuesday.

''This is a great place,'' she said.

Customer satisfaction and enthusiasm for Komoda's baked goods drive Calvin Shibuya and the rest of the family to work before sunup and until almost sundown daily.

Typically, Calvin Shibuya starts at 11:30 p.m. making coconut Danish and turnovers. Around an hour later, he begins the mixes for the bread and the soft moist butter rolls and cinnamon rolls.

His daughter, Michele Shibuya, is learning the trade and helps her father cut the glob of dough for the butter rolls. Then with a spatula, the butter is spread and, by hand, sugar is sprinkled on the rolls.

Two other employees begin their day at 1:30 a.m. to help with the baking.

Usually around 2:30 a.m., Calvin Shibuya begins his work on the stick donuts. Typically, around 100 dozen are made every day. On weekends that number doubles.

All by hand, the donuts are put on sticks.

Shibuya said the only mechanical appliances the bakery has is a mixer and a dough cutter and shaper for their hamburger and hot dog buns. The cutter and shaper are new additions, maybe put in around 10 years ago.

Shibuya said the contraption cut down on 75 percent of the time he and others put in to make the buns. Previously, it involved cutting the dough and putting in on a scale.

Asked why he doesn't automate more of his equipment to help with the baking, Shibuya says the way it is now, ''this is the only way I know.''

When the Komoda brothers were living and working in the 1980s and 1990s, the bakery was churning out 100 to 150 dozen cream puffs a day. These days, Shibuya makes around 75 dozen as the main baker. But the cream puffs shells are still made one by one and placed onto pans with ice cream scoopers.

Shibuya had hoped that Ikuo Komoda, the chief baker, could have lived to see the 100th anniversary, but he died last year at the age of 86. His mother-in-law, Kiyoko Komoda died in August at the age of 95.

Michele Shibuya said her grandmother, Kiyoko, was a fixture at the bakery and even in her senior years was still at the Makawao business putting together pastry boxes.

Early in the morning when the baking is done and the bakery opens, Calvin Shibuya continues to work as his wife and daughter and others handle the retail operations.

By mid-morning, Calvin Shibuya is making the cream for the cream puffs and long Johns, all to start the process for the next day.

''At the end of the day, if everything goes well. It's very rewarding,'' Shibuya said.

ADDITIONAL STATEMENTS

REMEMBERING ED MORLAN

• Mr. BENNET. Mr. President, I would like to recognize and honor the life of Edwin Purl Morlan, a constituent in my home State of Colorado who passed away on November 15, 2016, at the age of 66. He lived in Bayfield and was a pillar of the community in southwest Colorado, where he worked for 27 years as the executive director of Region 9 Economic Development District, a nonprofit that provides support to local businesses and startups.

At his retirement party only 8 weeks ago, Mr. Morlan's friends, family, coworkers, and fellow economic development officials and entrepreneurs shared stories of the effect he had all across southwest Colorado and the entire State. Mr. Morlan was a key part of rebuilding this rural region's long-struggling economy. Through his vision and hard work, Ed loaned start-up funds to many of today's iconic southwest Colorado businesses, such as Mercury Payment Systems, Steamworks Brewing Company, and Chinook Medical Gear. During his tenure, Region 9 loaned over $22 million to business ventures. Under Mr. Morlan's leadership, Region 9 Economic Development District led the way to bringing Internet and transportation planning to southwest Colorado, and the district now maintains an indicator report that measures the economic health of 17 regional communities. Mr. Morlan's vision shaped all of these projects. His daughter Kinsee said it well in a recent article in the Durango Herald: ''He just wanted Southwest Colorado to keep up with the rest of the world in terms of economic development.''

Mr. Morlan was also a veteran. Drafted into the U.S. Army at age 19, he served as a combat medic in one of the most dangerous areas in Vietnam, earning both a Silver Star for the many lives he saved and a Purple Heart for his own injuries. After returning from Vietnam, he attended Western State College in Gunnison, where he met his wife, Jackie.

As a five-term member of the town board of Bayfield and a member of the local planning commission, Mr. Morlan was part of the inaugural class of Leadership La Plata and helped launch an entrepreneurial accelerator program called SCAPE. His commitment to the community won him the Durango Chamber of Commerce's Barbara Conrad Leadership Award, and Governor John Hickenlooper declared July 28th, 2016 to be ''Ed Morlan Day,'' in recognition of his service.

Mr. Morlan was also known for being a restaurant owner, handyman, boat captain, little league coach, friend, mentor, and dedicated family man. At a celebration of life held in Mr. Morlan's honor in late November, over 300 friends, colleagues, and family gathered at the Bayfield High School Performing Arts Center to share stories of a man who was deeply committed to his job, his family, and his community, a man who was a good friend, companion, grandfather, and husband. He is survived by his wife, Jackie Morlan; his sister, Ann Taylor, and her family; his daughters Amber and Kinsee Morlan; his son-in-law Jeff Hammett; and his grandchildren Huxley and Harper Purl Hammett.

I join with southwest Colorado in honoring Ed Morlan, and I send my deepest condolences to his family.•

THE AMERICA I BELIEVE IN

• Mr. GARDNER. Mr. President, I ask to have printed in the RECORD a copy of an essay by Ainslie Ross titled ''The America I Believe In,'' which won a regional prize for the Patriot's Pen essay contest. The material follows:

THE AMERICA I BELIEVE IN

Almost every American is taught from an early age to recite the Pledge of Allegiance by heart, but how many actually know it by heart? Most people don't think twice about what the words really mean.

The first phrase says, ''I pledge allegiance,'' meaning we personally, solemnly promise loyalty, dedication, devotion, honor, and obedience. The next phrase says, ''to the flag, of the United States of America'' so we aren't just promising these to just anyone, but to the people of our country. All those who fought for freedom in the American Revolution against Britain, the Civil War to stop slavery, and in the war that's going on right now in the Middle East to protect our rights from those who want to take it away from us. The America I believe in consists of keeping our promises to our country and our loyalty to what our flag stands for.

The phrase of the pledge that says, ''and to the Republic for which it stands'' means in addition to pledging for allegiance, we pledge to a government by the people, for the people, and in the interests of the people because the country of America belongs to the people. ''One Nation'' means we are together as one country; we are not divided by our beliefs, race, gender, or political party, we are together as one. I believe that our whole country can come together as a team because that is what we really are, but that will not be possible unless we set aside our differences and treat each other as one of our team members, with kindness and respect. ''Under God'' means we are covered by the Holy Father, and if He thinks our country is worth protecting, then it must be worth coming together for as one team.

''Indivisible with liberty and justice for all'' means we are inseparable with independence and integrity for as long as our country is complete. The America I believe in consists of not giving away or letting go of our freedoms that we fought for and worked hard for as one undivided nation.

The America I believe in is powerful, respectful, and we are a team. I believe America is the country we make it. Working together, we can make it the country that the writers of the Pledge of Allegiance saw it as so many years ago.●

RECOGNIZING EIGHT MAINE HOSPITALS RECEIVING THE LEAPFROG GROUP'S TOP HOSPITAL AWARD

● Mr. KING. Mr. President, today I wish to recognize the eight Maine hospitals being awarded the Leapfrog Group's Top Hospital Award. I am proud of the work that our State's medical institutions have done to attain the highest standards of hospital quality and safety. St. Mary's Regional received the Top General Hospital Award, and Bridgton Hospital, Charles A. Dean Memorial Hospital, LincolnHealth, Mayo Regional Hospital, Pen Bay Medical Center, Sebasticook Valley Health, and Stephens Memorial Hospital received the Top Rural Hospital Award.

The Leapfrog Group is an independent hospital watchdog group, working with hospitals around the country to discover and recognize the top performers. The surveys they conduct compare hospitals' performance ''on national standards of patient safety, quality, efficiency, and management structures that prevent errors, providing the most comprehensive picture of how patients fare at individual institutions.'' These rigorous standards have been used to vet thousands of hospitals across the Nation, and these eight Maine facilities have proven themselves worthy of recognition. The standards, quality, and safety that these hospitals have exhibited is emblematic of the work ethic and of the values that make Maine such a great place. As such, they contribute to Maine business's storied legacy of dedication to quality and high standards.

The people of our country depend on the efficient and quality functioning of health centers, and these eight Maine hospitals have proven their great commitment to quality care. Thanks to their continued efforts, individuals and families across the State of Maine have access to much-needed services—and the entire State is stronger because of it. The work of these hospitals serve as a shining example that I hope will be emulated across the State of Maine and the Nation, as all Americans deserve access to health care facilities with a strong track record of quality service and commitment to excellence.

I congratulate these eight Maine hospitals for their work providing high quality crucial health care services to the people of Maine and thank them for their pursuit of excellence. I am proud of these great Maine institutions and look forward to their continued success.●

REMEMBERING BRIGADIER GENERAL ROSANNE BAILEY

● Ms. MURKOWSKI. Mr. President, today I wish to honor the memory of Brig. Gen. Rosanne Bailey, U.S. Air Force, Retired. General Bailey, who was known simply as ''Ro,'' passed away on November 2, 2016.

Ro began her Air Force career through the ROTC program at Purdue University, where she earned a BS in industrial management from the Krannert School of Management. In 2005, she received the Krannert School's ''Distinguished Alumni Award.''

As an Air Force officer, Ro held significant positions in acquisition and logistics before assuming command level responsibilities. Before retiring, Ro served as commander of the 435th Air Base Wing at Ramstein AFB in Germany and as commander of the Cheyenne Mountain Operations Center in Colorado Springs.

One of the stops along Ro's distinguished Air Force career was Eielson Air Force Base near Fairbanks, AK, where Ro served as commander of the 354th Logistics Group from 1996–1998. Following her retirement from the Air Force, Ro returned to interior Alaska to accept a series of executive positions at the University of Alaska Fairbanks.

In 2006, she was named vice chancellor for administrative services. Two years later, she became involved in the university's efforts to develop a niche in unmanned aerial systems. Her initial position was special projects manager for unmanned aircraft and rocket launch support in 2008.

Ro's success in that position led the University of Alaska Board of Regents to create the Alaska Center for Unmanned Aircraft Systems Integration in 2012. Ro was named deputy director of the center. She was instrumental in writing the proposal that created the Pan-Pacific UAS Test Range Complex, which is one of only seven FAA-approved unmanned aircraft system test sites in the Nation. Leading the center during the difficult early years, she left her mark on the unmanned aircraft industry.

She was also active in the interior Alaska community as a commissioner of the Steese Fire District and an elder of the First Presbyterian Church of Fairbanks.

Ro's passing is a great loss to her many friends in the UAS world, at the University of Alaska, and in the broader interior Alaska community. I was privileged to know Ro and am grateful for that opportunity.

Thank you for the opportunity to celebrate the life of Ro Bailey today in the U.S. Senate.

REMEMBERING RICHARD JOHNSON AND TRIBUTE TO PAT JOHNSON

● Mr. NELSON. Mr. President, I rise today to recognize the late Richard Salisbury Johnson, Sr., and his wife, Patsy Ann Seaton Johnson, for their contributions to the betterment of Palm Beach County, FL.

Richard, Pat, and their families have been a part of the Palm Beach County community for decades. Both Pat and Richard were born in West Palm Beach. Richard's great-grandfather arrived on Lake Worth in the early 1880s, and his father worked in the historic 1916 Palm Beach County Court House. Pat's family moved to the area in 1928. Today, the family still owns the Johnson Farm in Pahokee.

Through the years, the philanthropy of Richard and Pat Johnson has benefited healthcare and education through many organizations, including the Rehabilitation Center for Children and Adults and the Brady Urological Institute at Johns Hopkins University. At Duke University Medical Center, they established the Richard and Pat Johnson University Professorship in Cardiovascular Genomics and both sat on the board. In addition, Pat has chaired many events for St. Mary's Medical Center, where Richard served as board chair for over a decade. Palm Beach Atlantic College honored Richard with the American Free Enterprise Medal in 1995 and recognized Pat with its Women of Distinction Award in 2001.

With a shared vision and extraordinary generosity, Richard and Pat committed to opening a museum to share their local history. They turned

a long, grassroots effort into reality with their generous support of the Historical Society of Palm Beach County. These efforts led to the Richard and Pat Johnson Palm Beach County History Museum, which found its home in the now-restored 1916 courthouse, where Richard's father worked so many years ago.

Since its opening, the Historical Society has engaged over 420,000 Palm Beach County school children by funding education programs, as well as providing transportation for guided tours of the museum. The Johnsons' leadership has allowed the historical society to better fulfill its mission ''to collect, preserve, and share the rich history and cultural heritage of Palm Beach County.''

Richard and Pat Johnson serve as role models through their hard work, dedication, and selflessness, not only to their five children, but also to the people of their community and State. I am honored to represent the Johnson family in the U.S. Senate, and to recognize their lives of public service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry treaties which were referred to the Committee on Foreign Relations.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 4:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bills:

S. 1632. An act to require a regional strategy to address the threat posed by Boko Haram.

S. 2974. An act to ensure funding for the National Human Trafficking Hotline, and for other purposes.

S. 3028. An act to redesignate the Olympic Wilderness as the Daniel J. Evans Wilderness.

S. 3183. An act to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

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

ENROLLED BILL SIGNED

At 11:39 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bill:

H.R. 2028. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

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–7872. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2'' (Docket No. AMS–SC–16–0042) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7873. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Suspension and Revision of Incoming Size-Grade Requirements'' (Docket No. AMS–SC–16–0031) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7874. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California and Imported Raisins; Removal of Language'' (Docket No. AMS–SC–16–0065) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7875. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dicamba; Pesticide Tolerances'' (FRL No. 9954–37) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7876. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Anthony G. Crutchfield, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7877. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''National Security Education Program (NSEP) and NSEP Service Agreement'' (RIN0790–AJ01) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Armed Services.

EC–7878. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC–7879. A communication from the Program Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appraisals for Higher-Priced Mortgage Loans Exemption Threshold'' (RIN1557–AD99) received in the Office of the President of the Senate on December 5, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7880. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Terrorism Risk Insurance Program; Adjustment to Civil Penalty Amount Under the Terrorism Risk Insurance Act of 2002'' (31 CFR Part 50) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7881. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Terrorism Risk Insurance Program; Certification'' (RIN1505–AC53) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7882. 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 ''Temporary Exports to Mexico under License Exception TMP'' (RIN0694–AG97) received in the Office of the President of the Senate on December 5, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7883. A communication from the Director, Office of Legislative and Intergovernmental Affairs, Securities and Exchange Commission, transmitting, pursuant to law, a report entitled ''Report on Modernization and Simplification of Regulation S–K'' ; to the Committee on Banking, Housing, and Urban Affairs.

EC–7884. 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 ''Amendment to the Export Administration Regulations: Removal of Semiconductor Manufacturing International Corporation from the List of Validated End-Users in the People's Republic of China'' (RIN0694–AH16) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7885. 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 ''Amendment to the Export Administration Regulations: Removal of Special Iraq Reconstruction License'' (RIN0694–AG89) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7886. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the continuation of the national emergency that was declared in Executive Order 13396 on February 7, 2006, with respect to Cote d'Ivoire; to the Committee on Banking, Housing, and Urban Affairs.

EC–7887. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC–7888. A communication from the Associate General Counsel for Legislation and

Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Changes to HOME Investment Partnerships (HOME) Program Commitment Requirement'' (RIN2501–AD69) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7889. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled ''2016 Economic Dispatch and Technological Change'' ; to the Committee on Energy and Natural Resources.

EC–7890. A communication from the Deputy Director for Operations, National Park Service, Department of the Interior, transmitting, pursuant to law, a report relative to the detailed boundaries, classification descriptions, and maps for the Snake River Headwaters, in Wyoming; to the Committee on Energy and Natural Resources.

EC–7891. 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/Disapproval; MS; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standards'' (FRL No. 9956–35–Region 4) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Environment and Public Works.

EC–7892. 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 Designations for the 2010 Sulfur Dioxide (SO2) Primary National Ambient Air Quality Standards—Supplement to Round 2 for Four Areas in Texas: Firestone and Anderson Counties, Milam County, Rusk, and Panola Counties, and Titus County'' (FRL No. 9956–10–OAR) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Environment and Public Works.

EC–7893. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Infrastructure for the Lead, Ozone, Nitrogen Dioxide and Sulfur Dioxide National Ambient Air Quality Standards'' (FRL No. 9955–28–Region 6) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Environment and Public Works.

EC–7894. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Stage II Gasoline Vapor Recovery Requirements for Gasoline Dispensing Facilities; Withdrawal of Direct Final Rule'' (FRL No. 9956–26–Region 3) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Environment and Public Works.

EC–7895. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Reasonable Further Progress Plan and Motor Vehicle Emissions Budgets for the Dallas/Fort Worth 2008 Ozone Nonattainment Area'' (FRL No. 9955–52–Region 6) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Environment and Public Works.

EC–7896. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of the 2012 Annual Fine Particulate Matter Standard; Pennsylvania; Delaware County Nonattainment Area'' (FRL No. 9956–41–Region 3) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Environment and Public Works.

EC–7897. 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'' (FRL No. 9956–05–OW) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Environment and Public Works.

EC–7898. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Site Characteristics and Site Parameters'' (NUREG–0800) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Environment and Public Works.

EC–7899. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Physical Security—Early Site Permit and Reactor Siting Criteria'' (NUREG–0800) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Environment and Public Works.

EC–7900. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Fitness for Duty—Introduction'' (NUREG–0800) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Environment and Public Works.

EC–7901. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Access Authorization Operational Program'' (NUREG–0800) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Environment and Public Works.

EC–7902. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Savannah Harbor Expansion Project, Savannah, Georgia; to the Committee on Environment and Public Works.

EC–7903. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Certain Archaeological Material from Egypt'' (RIN1515–AE19) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2016; to the Committee on Finance.

EC–7904. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Certain Archaeological and Ethnological Materials from the Plurinational State of Bolivia'' (RIN1515–AE20) received during adjournment of the Senate in the Office of the President of the Senate on December 2, 2016; to the Committee on Finance.

EC–7905. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Income and Currency Gain or Loss with Respect to a Section 987 QBU'' ((RIN1545–AM12) (TD 9794)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7906. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Recognition and Deferral of Section 987 Gain or Loss'' ((RIN1545–BL12) (TD 9795)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7907. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and State Health Care Programs: Fraud and Abuse; Revisions to the Safe Harbors Under the Anti-Kickback Statute and Civil Monetary Penalty Rules Regarding Beneficiary'' (RIN0936–AA06) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Finance.

EC–7908. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''December 2016 Supplement to Rev. Proc. 2014–64, Implementation of Nonresident Alien Deposit Interest Regulations'' (Rev. Proc. 2016–56) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7909. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Covered Asset Acquisitions'' ((RIN1545–BM75) (TD 9800)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7910. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax Return Preparer Due Diligence Penalty under Section 6695(g)'' ((RIN1545–BN61) (TD 9799)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7911. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Consistent Basis Reporting Between Estate and Person Acquiring Property From Decedent'' ((RIN1545–BM98) (TD 9797)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7912. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Unpaid Losses Discount Factors and Payment Patterns for 2016'' (Rev. Proc. 2016–58) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7913. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Salvage Discount Factors and Payment Patterns for 2014'' (Rev. Proc. 2016–59) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7914. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''User Fees for Installment Agreements'' ((RIN1545–BN37) (TD 9798)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7915. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Publication of the Tier 2 Tax Rates'' received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7916. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2016 Guidance with Respect to the Tax Credit for Employee Health Insurance Expenses of Certain Small Employers'' (Notice 2016–75) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7917. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Department of the Treasury Acquisition Regulations; Incremental Funding of Fixed-Price, Time-and-Material or Labor-Hour Contracts During a Continuing Resolution'' (48 CFR Part 1032 and 48 CFR Part 1052) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Finance.

EC–7918. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Electronic Notice of Liquidation'' (RIN1515–AE16) received in the Office of the President of the Senate on December 9, 2016; to the Committee on Finance.

EC–7919. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the annual report on the Child Support Program for fiscal year 2015; to the Committee on Finance.

EC–7920. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and State Health Care Programs: Fraud and Abuse; Revisions to the Office of Inspector General's Civil Monetary Penalty Rules'' (RIN0936–AA04) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Finance.

EC–7921. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–098); to the Committee on Foreign Relations.

EC–7922. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–110); to the Committee on Foreign Relations.

EC–7923. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) and 36(d) of the Arms Export Control Act (DDTC 16–112); to the Committee on Foreign Relations.

EC–7924. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–069); to the Committee on Foreign Relations.

EC–7925. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16–095); to the Committee on Foreign Relations.

EC–7926. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–039); to the Committee on Foreign Relations.

EC–7927. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Head Start Program'' (RIN0970–AC63) received in the Office of the President of the Senate on December 6, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–7928. A communication from the Director, Civil Rights Center, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act'' (RIN1291–AA36) received in the office of the President of the Senate on December 7, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–7929. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Department's fiscal years 2011–2014 Low Income Home Energy Assistance Program (LIHEAP) Reports to Congress and the LIHEAP Home Energy Notebooks for fiscal years 2011–2014; to the Committee on Health, Education, Labor, and Pensions.

EC–7930. A communication from the Chairman, U.S. Election Assistance 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–7931. A communication from the Director, Congressional Affairs, Federal Election 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–7932. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor'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–7933. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report on the Department of Labor's 2014 and 2015 FAIR Act Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Homeland Security and Governmental Affairs.

EC–7934. A communication from the Chief Financial Officer, National Labor Relations Board, transmitting, pursuant to law, a report entitled ''Performance and Accountability Report for Fiscal Year 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–7935. A communication from the President of the United States, transmitting, pursuant to law, notification of the implementation of an alternative pay plan for locality pay increases for civilian Federal employees covered by the General Schedule and certain other pay systems in January 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–7936. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Standards of Ethical Conduct for Employees of the Executive Branch; Amendment to the Standards Governing Solicitation and Acceptance of Gifts from Outside Sources'' (RIN3209–AA04) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–7937. A communication from the Special Counsel, United States Office of the Special Counsel, transmitting, pursuant to law, the Office of the Special Counsel's Performance and Accountability Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–7938. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of April 1, 2016 through September 30, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–7939. A communication from the Deputy Chief Financial Officer, Department of Education, transmitting, pursuant to law, the Department's fiscal year 2014 and fiscal year 2015 FAIR Act Commercial and Inherently Governmental Activities Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–7940. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report of 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–7941. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the organization's Performance and Accountability Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–7942. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense 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–7943. A communication from the Attorney-Advisor, Regulatory Affairs Law Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Petitions for Rulemaking, Amendment, or Repeal'' (RIN1601–AA56) received in the Office of the President of the Senate on December 5, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–7944. A communication from the Attorney-Advisor, Regulatory Affairs Law Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act Regulations'' (RIN1601–AA00) received in the Office of the President of the Senate on December 5, 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–7945. A communication from the Chairman, Federal Maritime 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–7946. A communication from the Chairman, U.S. Election Assistance 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–7947. A communication from the Chairman of the Consumer Product Safety Commission, 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–7948. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Addition of the Wind River Indian Reservation to the List of Courts of Indian Offenses'' (RIN1076–AF33) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Indian Affairs.

EC–7949. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indian Child Welfare Act Proceedings'' (RIN1076–AF25) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Indian Affairs.

EC–7950. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Tribal Transportation Program'' (RIN1076–AF19) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Indian Affairs.

EC–7951. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to thirteen legislative recommendations; to the Committee on Rules and Administration.

EC–7952. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 17A'' (RIN0648–BF77) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7953. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE969) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7954. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF036) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7955. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF032) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7956. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; 2016 Bigeye Tuna Longline Fishery Reopening in the Eastern Pacific Ocean'' (RIN0648–XE902) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7957. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XE967) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7958. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE932) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7959. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2016–2017 Commercial Accountability Measures and Closure for King Mackerel in the Florida West Coast Northern Subzone'' (RIN0648–XF017) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce , Science, and Transportation.

EC–7960. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Georges Bank Cod Trimester Total Allowable Catch Area Closure and Possession and Trip Limit Reductions for the Common Pool Fishery'' (RIN0648–XF002) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7961. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF064) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7962. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Pelagic Fisheries; 2016 Commonwealth of the Northern Mariana Islands Bigeye Tuna Fishery; Closure'' (RIN0648–XE284) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7963. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers'' (RIN0648–XF049) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7964. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Pago Pago Harbor, American Samoa'' ((RIN1625–AA00) (Docket No. USCG–2016–0749)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7965. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Upper Mississippi River, St. Louis, MO'' ((RIN1625–AA00) (Docket No. USCG–2016–1020)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7966. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Delaware River; Marcus Hook, PA'' ((RIN1625–AA00) (Docket No. USCG–2016–1034)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7967. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Shipping; Technical, Organizational, and Conforming Amendments'' (Docket No. USCG–2016–0315) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7968. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Discharge Removal Equipment for Vessels Carrying Oil'' ((RIN1625–AA02) (Docket No. USCG–2011–0430)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7969. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Cargo Securing Manuals'' ((RIN1625–AA25) (Docket No. USCG–2000–7080)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7970. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment'' ((RIN1625–AB59) (Docket No. USCG–2012–0196)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7971. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Great Lakes Pilotage Rates - 2016 Annual Review and Changes to Methodology'' ((RIN1625–AC22) (Docket No. USCG–2015–0497)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7972. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Vessels with Registry Endorsements or Foreign-Flagged Vessels that Perform Certain Aquaculture Support Operations'' ((RIN1625–AC23) (Docket No. USCG–2015–0086)) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Commerce, Science, and Transportation.

EC–7973. A communication from the Senior Counsel for Regulatory Affairs, Financial Stability Oversight Council, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revision of Freedom of Information Act Regulations'' (12 CFR Part 1301) received in the Office of the President of the Senate on December 8, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–7974. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties Inflation Adjustments'' (RIN1076–AF32) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Indian Affairs.

EC–7975. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Leasing of Osage Reservation Lands for Oil and Gas Mining'' (RIN1076–AF17) received in the Office of the President of the Senate on December 7, 2016; to the Committee on Indian Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS RECEIVED AFTER MIDNIGHT ON DECEMBER 10, 2016

EC–7976. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation as an emergency requirement all funding so designated by the Congress in the Further Continuing and Security Assistance Appropriations Act, 2017, pursuant to section 251 (b) (2) (A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the enclosed list of accounts; to the Committee on the Budget.

EC–7977. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation for Overseas Contingency Operations/Global War on Terrorism all funding including contributions from foreign governments so designated by the Congress in the Further Continuing and Security Assistance Appropriations Act, 2017, pursuant to section 251 (b) (2) (A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the enclosed list of accounts; to the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on the Judiciary:

Report to accompany S. 2614, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism (Rept. No. 114–397).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1403, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Gulf of Mexico and South Atlantic fisheries and the communities that rely on them, and for other purposes (Rept. No. 114–398).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3038. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes (Rept. No. 114–399).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1685, a bill to direct the Federal Communications Commission to extend to private land use restrictions its rule relating to reasonable accommodation of amateur service communications (Rept. No. 114–400).

Report to accompany S. 2283, a bill to ensure that small business providers of broadband Internet access service can devote resources to broadband deployment rather than compliance with cumbersome regulatory requirements (Rept. No. 114–401).

Report to accompany S. 2829, a bill to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 114–402).

By Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry:

Report to accompany S. 2609, An original bill to amend the Agricultural Marketing Act of 1946 to require the Secretary of Agriculture to establish a national voluntary labeling standard for bioengineered foods, and for other purposes (Rept. No. 114–403).

By Mr. BARRASSO, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2920. A bill to amend the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act to provide for advancements in public safety services to Indian communities, and for other purposes (Rept. No. 114–404).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 236. A bill to amend the Pay-As-You-Go Act of 2010 to create an expedited procedure to enact recommendations of the Government Accountability Office for consolidation and elimination to reduce duplication.

By Mr. ISAKSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

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.

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1378. A bill to strengthen employee cost savings suggestions programs within the Federal Government.

S. 1607. A bill to affirm the authority of the President to require independent regulatory agencies to comply with regulatory analysis requirements applicable to executive agencies, and for other purposes.

S. 2834. A bill to improve the Government-wide management of unnecessarily duplicative Government programs and for other purposes.

S. 2972. A bill to amend title 31, United States Code, to provide transparency and require certain standards in the award of Federal grants, and for other purposes.

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2017'' (Rept. No. 114–405).

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. MENENDEZ:

S. 3537. A bill to authorize the Department of Housing and Urban Development to transform neighborhoods of extreme poverty into sustainable, mixed-income neighborhoods with access to economic opportunities, by revitalizing severely distressed housing, and investing and leveraging investments in well-functioning services, educational opportunities, public assets, public transportation, and improved access to jobs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself and Mr. GRASSLEY):

S. 3538. A bill to improve enforcement against trafficking in cultural property and prevent stolen or illicit cultural property from financing terrorist and criminal networks, and for other purposes; to the Committee on Finance.

By Mr. DAINES (for himself, Mr. PERDUE, and Mr. LEE):

S. 3539. A bill to amend the Congressional Budget Act of 1974 to provide that any estimate prepared by the Congressional Budget Office or the Joint Committee on Taxation shall include costs relating to servicing the public debt; to the Committee on the Budget.

By Mr. PERDUE (for himself and Mr. PETERS):

S. 3540. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans; to the Committee on Veterans' Affairs.

By Mr. HATCH:

S. 3541. A bill to require States and units of local government receiving funds under grant programs operated by the Department of Justice that use such funds for pretrial services programs to submit to the Attorney General a report relating to such programs, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. DURBIN, Ms. MURKOWSKI, Mrs. FEINSTEIN, Mr. FLAKE, and Mr. SCHUMER):

S. 3542. A bill to provide provisional protected presence to qualified individuals who came to the United States as children; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. COONS, Mr. DURBIN, and Mrs. SHAHEEN):

S. 3543. A bill to contain, reverse, and deter Russian aggression in Ukraine, to assist Ukraine's democratic transition, and for other purposes; to the Committee on Foreign Relations.

By Mr. DAINES:

S. 3544. A bill to amend title 5, United States Code, to ensure that certain firefighters retain retirement benefits while injured or disabled, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SULLIVAN:

S. 3545. A bill to protect Federal, State, and local public safety officers; to the Committee on the Judiciary.

By Mr. FLAKE:

S. 3546. A bill to provide provisional protected presence to qualified individuals who

came to the United States as children; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3547. A bill to amend title 5, United States Code, to provide for the publication, by the Office of Information and Regulatory Affairs, of information relating to rule makings, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mr. BLUNT, Ms. COLLINS, and Mrs. MCCASKILL):

S. 3548. A bill to continue the Medicaid emergency psychiatric demonstration project; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRANKEN (for himself, Mr. SANDERS, Mr. WHITEHOUSE, Ms. WARREN, Mr. MARKEY, Mr. MERKLEY, Ms. BALDWIN, Mr. SCHATZ, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. BROWN, and Mr. MURPHY):

S. Res. 633. A resolution expressing the sense of the Senate on the plan of the Department of Defense and the Department of Energy for modernizing the nuclear weapons of the United States; to the Committee on Armed Services.

By Mr. DAINES (for himself, Mr. SCHATZ, and Mr. COONS):

S. Res. 634. A resolution affirming the importance of the security and privacy of the people of the United States; to the Committee on the Judiciary.

By Mr. COATS (for himself and Mr. DONNELLY):

S. Res, 635. A resolution recognizing and commemorating the bicentennial of the State of Indiana; considered and agreed to.

By Mr. ALEXANDER (for himself and Mr. MERKLEY):

S. Res. 636. A resolution designating the week of December 4 through December 10, 2016, as ''National Nurse-Managed Health Clinic Week''; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 637. A resolution honoring the individuals who lost their lives in the tragic fire in Oakland, California, on December 2, 2016; considered and agreed to.

By Ms. HIRONO (for herself, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. BROWN, Ms. COLLINS, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. HATCH, Ms. HEITKAMP, Mr. KING, Mr. KIRK, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MERKLEY, Mr. MORAN, Mrs. MURRAY, Mr. NELSON, Mr. RUBIO, Mrs. SHAHEEN, Mr. SULLIVAN, Mr. TILLIS, Ms. WARREN, Mr. MENENDEZ, Mr. BENNET, Mr. PETERS, Mrs. FEINSTEIN, Mrs. CAPITO, Mr. KAINE, Mr. MURPHY, Mr. MARKEY, Mr. WARNER, Mr. GARDNER, and Mr. THUNE):

S. Res. 638. A resolution recognizing the 75th anniversary of the attack on Pearl Harbor and the lasting significance of National Pearl Harbor Remembrance Day; considered and agreed to.

By Ms. COLLINS (for herself and Mr. KING):

S. Res. 639. A resolution designating December 17, 2016, as ''Wreaths Across America Day''; considered and agreed to.

By Mr. BROWN (for himself, Mr, PORTMAN, Mr, MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr, COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs, SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 640. A resolution recognizing the death of John Glenn, former Senator for the State of Ohio and the first individual from the United States to orbit the Earth; considered and agreed to.

By Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. HATCH, Mrs. FEINSTEIN, Mr. CORNYN, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. COONS, Mr. BLUMENTHAL, and Mr. TILLIS):

Res. 641. A resolution celebrating the 200th anniversary of the Committee on the Judiciary of the Senate; considered and agreed to.

By Mr. MCCONNELL (for himself, Mr. REID, Mr. BLUNT, and Mr. SCHUMER):

S. Res. 642. A resolution authorizing taking pictures and filming in the Senate Chamber, the Senate Wing of the United States Capitol, and Senate Office Buildings for production of a film and a book on the history of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 461

At the request of Mr. CORNYN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 461, a bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 1959

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1959, a bill to provide greater controls and restrictions on revolving door lobbying.

S. 1980

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1980, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 2037

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2037, a bill to amend the Higher Education Act of 1965 to clarify the Federal Pell Grant duration limits of borrowers who attend an institution of higher education that closes or commits fraud or other misconduct, and for other purposes.

S. 2268

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2268, a bill to award a Congressional Gold Medal to the United States Army Dust Off crews of the Vietnam War, collectively, in recognition of their extraordinary heroism and life-saving actions in Vietnam.

S. 2584

At the request of Mr. KIRK, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2584, a bill to promote and protect from discrimination living organ donors.

S. 2702

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2702, a bill to amend the Internal Revenue Code of 1986 to allow individuals with disabilities to save additional amounts in their ABLE accounts above the current annual maximum contribution if they work and earn income.

S. 2703

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2703, a bill to amend the Internal Revenue Code of 1986 to allow rollovers between 529 programs and ABLE accounts.

S. 2704

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2704, a bill to amend the Internal Revenue Code of 1986 to increase the age requirement with respect to eligibility for qualified ABLE programs.

S. 2924

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2924, a bill to award a Congressional Gold Medal to former United States Senator Max Cleland.

S. 2989

At the request of Ms. MURKOWSKI, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. REED) and the Senator from North Carolina (Mr. BURR) were added as cosponsors 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. 3124

At the request of Mrs. ERNST, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3124, a bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

S. 3130

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3130, a bill to amend title XVIII of the Social Security Act to provide for a permanent Independence at Home medical practice program under the Medicare program.

S. 3132

At the request of Mrs. FISCHER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3132, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program to provide service dogs to certain veterans with severe post-traumatic stress disorder.

S. 3149

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 3149, a bill to posthumously award a Congressional Gold Medal to Lawrence Eugene ''Larry'' Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

S. 3237

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3237, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 3256

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3256, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the goal of all children in school and learning as an objective of the United States foreign assistance policy, and for other purposes.

S. 3276

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3276, a bill to make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.

S. 3328

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3328, a bill to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 3451

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3451, a bill to amend the Internal Revenue Code of 1986 to provide a refundable and advanceable tax credit for individuals with young children.

S. 3478

At the request of Mr. KAINE, the name of the Senator from Florida (Mr. NELSON) 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.

At the request of Mr. RUBIO, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3478, supra.

S. 3509

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 3509, a bill to impose sanctions with respect to the People's Republic of China in relation to activities in the South China Sea and the East China Sea, and for other purposes.

S. 3527

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3527, a bill to amend the Internal Revenue Code of 1986 to prevent high net worth individuals from receiving tax windfalls for entering government service.

S. CON. RES. 51

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) 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. RES. 524

At the request of Mr. MURPHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 524, a resolution expressing the sense of the Senate on the conflict in Yemen.

AMENDMENT NO. 5149

At the request of Ms. BALDWIN, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Oregon (Mr. MERKLEY), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Hawaii (Ms. HIRONO), the Senator from Delaware (Mr. COONS), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. MURPHY), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. BOXER), the Senator from Minnesota (Mr. FRANKEN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Indiana (Mr. DONNELLY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 5149 intended to be proposed to S. 612, a bill to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. PERDUE, and Mr. LEE):

S. 3539. A bill to amend the Congressional Budget Act of 1974 to provide that any estimate prepared by the Congressional Budget Office or the Joint Committee on Taxation shall include costs relating to servicing the public debt; to the Committee on the Budget.

Mr. DAINES. Mr. President, I am introducing a bill that will reveal to the public the true cost of legislative proposals by requiring that interest expense be included in all budgetary estimates.

This bill will finally allow the American people to understand the true cost of the irresponsible spending that is going on here by Congress, and it will force Congress to deal with the reality of our debt so that we can make the decisions that need to be made going forward, knowing the true impact they will have on our children and our grandchildren.

Let me give an example. The current interest the taxpayer pays today on the national debt is approximately $248 billion per year. Now, when interest rates go up, this number will significantly increase. In fact, the Congressional Budget Office projects that by

the year 2026, the amount of interest we will pay on our national debt will exceed $700 billion per year.

In 1974, the Congressional Budget Act established two organizations as official budgetary scorekeepers. They are the referees used to calculate cost estimates for a legislative proposal. When a Member of Congress puts forward a bill, they put forward an estimate on what it would cost. In this way, the system already recognizes that the public deserves to know not only how much the bill will cost but, additionally, how much interest will cost on additional debt as a result of the bill proposal. However, it probably surprises a lot of folks that the law does not currently require these scorekeepers, these umpires, these referees to account for the interest cost on those estimates. Can you imagine?

Imagine a family around the dinner table, thinking about purchasing a car or perhaps a new home but not considering the cost of the interest on that very loan used to buy that car or that new home. Run the amortization table sometime on a 30-year conventional loan for a new home. Depending on the rate and the terms of the loan, the interest the consumer will pay can actually exceed the cost of the home itself. Yet this is what the Federal Government does with its legislative budgetary estimates, and it is wrong. That is not the way ordinary folks do it, and that is not the way we should be doing it here.

At the end of the day, whether Congress properly accounts for its budgeted costs or not, the American people are going to have to pick up the dime. The way we are calculating budgetary costs now actually deflates the true cost. So it is painting a rosier picture for the public than what actually exists.

If I were to go back home, chat with a Montanan, and tell them that Congress allows gimmicks that really shield how much it spends, they would be furious—and they should be furious. Government spending is bloated and far exceeds any commonsense approach that a Montana family would use for their own household. It is time Congress had a true account of the debt burden it is leaving for our kids and our grandkids.

That is why I am introducing the Budgetary Accuracy in Scoring Costs Act—the acronym is the BASIC Act—which will require budget scorekeepers to include the cost of interest on a legislative proposal. This bill will allow the American public to better understand the true costs of irresponsible fiscal spending in Congress and will force this body to face the important decisions it has before it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3539

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 ''Budgetary Accuracy in Scoring Interest Costs Act of 2016''.

SEC. 2. CBO AND JCT ESTIMATES TO INCLUDE DEBT SERVICING COSTS.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 651 et seq.) is amended by inserting after section 402 the following:

''ESTIMATES TO INCLUDE DEBT SERVICING COSTS

''SEC. 403. Any estimate prepared by the Congressional Budget Office under section 402, and any estimate prepared by the Joint Committee on Taxation, shall include, to the extent practicable, the costs (if any) of servicing the debt subject to limit under section 3101 of title 31, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 402 the following:

''403. Estimates to include debt servicing costs.''.

By Mr. GRAHAM (for himself, Mr. DURBIN, Ms. MURKOWSKI, Mrs. FEINSTEIN, Mr. FLAKE, and Mr. SCHUMER):

S. 3542. A bill to provide provisional protected presence to qualified individuals who came to the United States as children; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, 6 years ago, I joined with Senator Dick Lugar in a bipartisan request of President Obama to do something to protect the DREAMers—those young kids brought to America as babies and infants and toddlers and teenagers who were undocumented, living in America, and had no place other than America to call home. We wanted these DREAMers to have a chance, not to be deported—a chance to go to school, a chance to work, a chance to prove themselves and to become part of the future of America.

President Obama created the DACA Program by Executive order, and despite the political controversy of that decision on the other side of the aisle, the fact is it was a lifeline for up to 800,000 who have now come forward. They paid their filing fee of several hundred dollars, they have gone through a criminal background check to make sure there is nothing in their background to disqualify them from staying in the United States, and they have been given a temporary approval to stay here without fear of deportation and to work. So they have gone on to colleges and medical schools and law schools. They have taken important jobs. They have volunteered to serve in our military. They are proving that they want to be part of America's future.

Now, if that Executive order, DACA, is eliminated, what happens to them? That has been a concern and a fear, not just on this side of the aisle but on the other side as well.

I am happy to report that Senator LINDSEY GRAHAM has stepped forward. We are working together on a measure we call the BRIDGE Act, which we are going to introduce today. This is an effort by Senator GRAHAM and myself to have a bipartisan answer to the question about what happens to these 800,000 and others like them while we debate the future of immigration. I think what we are taking is a reasonable step forward. As PAUL RYAN, the Speaker of the House said the other day, there is no need to disrupt their lives. President-Elect Donald Trump said recently in Time Magazine:

> We're going to work out something that's going to make people happy and proud.

Speaking of the DREAMers, President-Elect Trump said:

> They got brought here at a very young age, they've worked here, they've gone to school here. Some were good students. Some have wonderful jobs. And they're in never-never land because they don't know what's going to happen.

So Senator GRAHAM and I are proposing this legislation today, and we invite Members to join us in supporting it. It is simple. It would provide protection from deportation and legal authority to continue working and studying to the people who are eligible for DACA.

The BRIDGE Act has a new term—not DACA—but ''provisional protected presence.'' If you have DACA now, you would receive provisional protected status until your DACA expires, and you can apply for an extension. If you don't have DACA protection now but you are eligible, you can also apply for this provisional protected presence.

Applicants would be required to pay a reasonable fee, be subject to criminal background checks, and meet the same eligibility criteria that currently applied to DACA. This legal status would be good for 3 years. DACA is only good for 2 years but is renewable. The status we are creating would be good for 3 years after the BRIDGE Act becomes law.

I believe this legislation will attract broad support from both sides of the aisle. But let me be clear. The BRIDGE Act that we are introducing today is no substitute for broader legislation to fix our broken immigration system. This bill should not be tied to other unrelated measures. Let's take care of these young people who are in doubt about tomorrow before we debate the larger and equally important question about immigration reform, which has so many facets.

Senator GRAHAM and I were two Members of the bipartisan Gang of 8, Republicans and Democrats who authored comprehensive immigration reform legislation that passed the Senate. We both believe that Congress must consider legislation to deal with all aspects of the immigration law. In particular, I strongly believe personally—personally, I believe—that we need a path to citizenship not just for DREAMers but for their parents and other undocumented immigrants who are living in the shadows but, by every

measure, should be given a chance to prove themselves in America.

We need to pass the BRIDGE Act quickly to ensure that DREAMers who came forward to register for DACA do not lose critical work permits.

There are 28 medical students at the Loyola University Stritch School of Medicine in Chicago. They are DACA-eligible. They competed nationally. They weren't given any specific slots. They were accepted to medical school. If they lose their work permit, they have to drop out of medical soon, and they can't do their clinical work, which is important to medical education. So let's not lose them and others who can serve our country in the future.

Over the years, I have come to the floor to tell stories about these DREAMers, and I would like to tell one today about Javier Cuan-Martinez. He came at the age of 4 from Mexico with his parents. He was 4 years old. He went to elementary school in Texas. He moved to Temecula, CA. He was an excellent student involved in many activities. He was a member of the National Honor Society, and he was named Riverside County's Student of the Month. He received an award from the College Board's National Hispanic Recognition Program, given to only 5,000 of the 250,000 Hispanic students who took the test. He was a member of the Math Club and a drum major in the school's marching band. He volunteered in his town's soup kitchen for the homeless and received the President's Volunteer Service Award.

He didn't even know he was undocumented until he was applying for college and he learned that he was ineligible for any Federal financial assistance to go to school.

Thanks to his academic achievements, this young man was accepted at Harvard University. He is now a sophomore majoring in computer science, a member of the Harvard Computer Society and Harvard's marching band. Thanks to DACA, he is supporting himself by working as a web developer.

He sent me a letter, and here is what he said:

> DACA doesn't give me an advantage; rather, it gives me the opportunity to create my own future on the same grounds as any other student. I would like to be judged upon my qualities as a person rather than what papers I happen to have in my hand. I hope to be a computer programmer and begin earning my own living as a contributing member of America's society.

Consider this. Every year, the United States of America imports guest workers to do computer programming on H–1B visas. So does it make any sense to deport this young man who could fill one of those important jobs, who was educated and raised in the United States and wants to stay and be a part of our future?

Javier and other DREAMers have so much to give America. But if DACA is eliminated, he will lose his legal status and be deported back to Mexico—a country he barely knows and left when he was 4 years old. Will America be stronger if we deport him? I don't think so.

The answer is obvious. I hope President-Elect Trump will understand this and will continue the DACA Program or encourage the passage of the BRIDGE Program, as we move forward. If he decides to end DACA, the President-elect can then turn to Congress and ask us to do our part by passing the BRIDGE Act.

By Mr. DAINES:

S. 3544. A bill to amend title 5, United States Code, to ensure that certain firefighters retain retirement benefits while injured or disabled, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3544

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 ''Wildland Firefighter Retirement and Disability Compensation Benefits Act of 2016''.

SEC. 2. CIVIL SERVICE RETENTION RIGHTS.

Section 8151 of title 5, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) REGULATIONS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered employee' means an employee who—

''(i) held a position with the Forest Service or the Department of the Interior as a wildland firefighter; and

''(ii) sustained an injury while in the performance of duty, as determined by the Director of the Office of Personnel Management, that prevents the employee from performing the physical duties of a firefighter;

''(B) 'equivalent position' includes a position for a covered employee that allows the covered employee to—

''(i) receive the same retirement benefits under subchapter III of chapter 83 or chapter 84 that the covered employee would receive in the former position had the covered employee not been injured or disabled; and

''(ii) does not require the covered employee to complete any more years of service that the covered employee would be required to complete to receive the benefits described in clause (i) had the covered employee not been injured or disabled; and

''(C) the term 'firefighter' has the meaning given the term in section 8331.

''(2) REGULATIONS.—Under regulations issued by the Office of Personnel Management—

''(A) the department or agency which was the last employer shall immediately and unconditionally accord the employee, if the injury or disability has been overcome within 1 year after the date of commencement of compensation or from the time compensable disability recurs if the recurrence begins after the injured employee resumes regular full-time employment with the United States, the right to resume the former or an equivalent position of the employee, as well as all other attendant rights which the employee would have had, or acquired, in the former position of the employee had the employee not been injured or disabled, including the rights to tenure, promotion, and safeguards in reductions-in-force procedures;

''(B) the department or agency which was the last employer shall, if the injury or disability is overcome within a period of more than 1 year after the date of commencement of compensation, make all reasonable efforts to place, and accord priority to placing, the employee in the former or equivalent position of the employee within such department or agency, or within any other department or agency; and

''(C) a covered employee who was injured during the 20-year period ending on the date of enactment of the Wildland Firefighter Retirement and Disability Compensation Benefits Act of 2016 may not receive the same retirement benefits described in paragraph (1)(B)(ii) unless the covered employee first makes a payment to the Forest Service or the Department of the Interior, as applicable, equal to the amount that would have been deducted from pay under section 8334 or 8442, as applicable, had the covered employee not been injured or disabled.''.

SEC. 3. COMPUTATION OF PAY.

(a) IN GENERAL.—Section 8114 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) OVERTIME.—

''(1) DEFINITIONS.—In this subsection, the term 'covered overtime pay' means pay received by an employee who holds a position with the Forest Service or the Department of the Interior as a wildland firefighter while engaged in wildland fire suppression activity.

''(2) OVERTIME.—The value of subsistence and quarters, and of any other form of remuneration in kind for services if its value can be estimated in money, and covered overtime pay and premium pay under section 5545(c)(1) of this title are included as part of the pay, but account is not taken of—

''(A) overtime pay;

''(B) additional pay or allowance authorized outside the United States because of differential in cost of living or other special circumstances; or

''(C) bonus or premium pay for extraordinary service including bonus or pay for particularly hazardous service in time of war.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2016.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 633—EXPRESSING THE SENSE OF THE SENATE ON THE PLAN OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF ENERGY FOR MODERNIZING THE NUCLEAR WEAPONS OF THE UNITED STATES

Mr. FRANKEN (for himself, Mr. SANDERS, Mr. WHITEHOUSE, Ms. WARREN, Mr. MARKEY, Mr. MERKLEY, Ms. BALDWIN, Mr. SCHATZ, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. BROWN, and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 633

Whereas nuclear war poses the gravest risk to the national security of the United States;

Whereas, as of 2016, the United States maintains a force of approximately 7,000 nuclear weapons, either active, on reserve, or waiting for dismantlement;

Whereas the Department of Defense and the Department of Energy are planning an extensive and costly program to ''modernize'' the nuclear weapons of the United States;

Whereas there is substantial controversy over whether the nuclear modernization plan goes beyond assuring that the United States nuclear deterrent is safe, secure, and reliable to defend the United States and allies of the United States, and is instead a plan for the development of an even more powerful nuclear arsenal that lacks sufficient cost analysis or decisions on priorities;

Whereas the nuclear modernization plan was launched in a different budget era before the enactment of the Budget Control Act of 2011 (Public Law 112–25; 125 Stat. 240), which includes budget caps;

Whereas there is widespread agreement that the United States should retain a robust nuclear arsenal to deter a nuclear attack on the United States or allies of the United States;

Whereas, if the nuclear modernization plan is followed, the United States would face a ''modernization mountain'' of the heightened expenses associated with developing and procuring 12 SSBN(X) nuclear submarines, as many as 100 long-range strike bombers, a new nuclear-tipped cruise missile, and 642 intercontinental ballistic missiles and nuclear weapons all at the same time;

Whereas the total cost to develop, procure, and maintain such an enhanced nuclear arsenal over the next 3 decades has been estimated at up to $1,000,000,000,000;

Whereas, if all those nuclear weapons programs move forward at their estimated cost, other priorities may suffer, including the fight against international terrorism, the purchase of conventional weapons, and training and maintenance of troops;

Whereas a 2014 review by the National Defense Panel, led by former Secretary of Defense William Perry and retired United States Army General John Abizaid, concluded, ''Recapitalization of all three legs of the nuclear Triad with associated weapons could cost between $600 billion and $1 trillion over a thirty year period, the costs of which would likely come at the expense of needed improvements in conventional forces.'';

Whereas Brian McKeon, the Principal Deputy Under Secretary of Defense for Policy, noted, ''We're looking at that big bow wave and wondering how the heck we're going to pay for it, and probably thanking our lucky stars we won't be here to answer the question.'';

Whereas Under Secretary of Defense (Comptroller) Mike McCord expressed his concern over the costs of the nuclear refurbishment program, saying, ''I don't know of a good way for us to solve this issue.'', while noting that it will be a major challenge for the next President;

Whereas Todd Harrison of the Center for Strategic and International Studies pointed out that with a nuclear modernization bow wave facing the United States, the next President ''will need to make many difficult choices to rationalize long-term defense modernization plans with the resources available''; and

Whereas former Secretary of Defense Perry stated at a July 2016 hearing, ''I do not believe we should simply modernize all systems that we built during the Cold War.'': Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) take action to ensure the affordability and feasibility of the plan of the Department of Defense and the Department of Energy for modernizing the nuclear weapons of the United States by reevaluating, and modifying accordingly, proposals for programs to modernize United States nuclear weapons and delivery systems for such weapons with the goal of ensuring that such proposals focus on refurbishment to ensure security and safety as well as efficiency of existing weapons and delivery systems; and

(2) prioritize among any programs that are planned so that the United States retains a nuclear arsenal robust enough to meet deterrence needs and so that such programs do not jeopardize other economic investments and other security expenditures appropriate to the needs of the United States in the 21st century, including responses to conventional and non-conventional threats.

SENATE RESOLUTION 634—AFFIRMING THE IMPORTANCE OF THE SECURITY AND PRIVACY OF THE PEOPLE OF THE UNITED STATES

Mr. DAINES (for himself, Mr. SCHATZ, and Mr. COONS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 634

Whereas the highest priority of Congress should be ensuring the safety, security, and constitutional freedoms of the United States and the people of the United States;

Whereas technology has become a critical component of everyday life;

Whereas the people of the United States store the most sensitive personal information on digital devices and with cloud services;

Whereas criminals and terrorists have used digital communications to perpetrate unlawful conduct;

Whereas protecting the national security and safety of communities in the United States should not come at the cost of diminished protections under the Fourth Amendment to the Constitution of the United States;

Whereas the Fourth Amendment to the Constitution of the United States is a cornerstone of freedom for the people of the United States;

Whereas the Supreme Court of the United States and Federal laws recognize certain privacy rights and interests in the digital information and communications of the people of the United States; and

Whereas preserving privacy and security is essential for the continued growth of the digital economy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should recognize the need to protect the safety, security, and personal privacy of all people of the United States;

(2) legal and policy changes that impact the security of the United States and the civil liberties of the people of the United States should be made with the consideration of Congress, the executive branch, and the people of the United States; and

(3) in considering the changes described in paragraph (2), the United States should recognize the global and economic implications of the security and privacy policies of the United States.

Mr. DAINES. Mr. President, technology has become a critical part of our everyday lives. We use our computers and smart phones to communicate with our friends and family, conduct business, and to share information. The amount of sensitive personal information we store on our devices and in the cloud is astonishing, from financial records to passwords to personal conversations. It is more important now than ever before to secure and protect our personal information.

Criminals also use technology to commit crimes and to hide their identities. Law enforcement faces tremendous challenges in protecting our country from domestic and international threats. They need tools and resources that allow them to face 21st century threats.

While security should be a top priority for our nation, it must not come at the cost of diminished constitutional rights. The Constitution and Congress have recognized certain privacy rights and interests in digital communications.

U.S. security and privacy policies have global economic impacts, and preserving personal security and privacy is essential for the continued growth of the economy. We must carefully balance our privacy and security interests, and changes to policies that impact our civil liberties must be made with the consideration of Congress and the American people.

That is why today I submit a resolution to affirm the importance of the security and privacy of Americans. This resolution recognizes our national security needs, our civil liberties, and the need to carefully balance the two.

SENATE RESOLUTION 635—RECOGNIZING AND COMMEMORATING THE BICENTENNIAL OF THE STATE OF INDIANA

Mr. COATS (for himself and Mr. DONNELLY) submitted the following resolution; which was considered and agreed to:

S. RES. 635

Whereas December 11, 2016, marks the 200th year of the statehood of the State of Indiana, and in honor of the momentous occasion, Hoosiers across the State of Indiana will celebrate the historic past and the prosperous future of the State of Indiana;

Whereas, on December 11, 1816, President James Madison signed the Joint Resolution entitled ''Resolution for admitting the state of Indiana into the Union'', approved December 11, 1816 (3 Stat. 399), which admitted the State of Indiana as the 19th State of the United States and required that the leaders of the State of Indiana draft a State constitution;

Whereas Jonathan Jennings, who spearheaded the effort in Congress to secure Indiana statehood, together with 43 of his peers, drafted the first Indiana State Constitution beneath the shade of a giant elm tree in the city of Corydon, Indiana, during the summer of 1816;

Whereas in recognition of his role in Congress and as president of the constitutional convention of the State of Indiana, Jonathan Jennings was appointed the first Governor of the State of Indiana, the giant elm tree was later dubbed the Constitution Elm, and Corydon, Indiana, served as the first capital of the State of Indiana;

Whereas, in October 1824, a coalition of State officials commenced an 11-day trek to move the capital of the State of Indiana 130 miles north from Corydon to Indianapolis;

Whereas, in 1850, a second constitutional convention of the State of Indiana convened

with the purpose of establishing more frequent elections, imposing restrictions on State debt, and creating biannual legislative sessions for the Indiana General Assembly, and as of November 2016, the Indiana State Constitution of 1850, as amended, still governs the State of Indiana;

Whereas, in 1888, Benjamin Harrison was the first and only Hoosier to be elected President;

Whereas, since 1869, 5 Hoosiers have served the United States as Vice President, and in 2016, the sixth Hoosier to serve as Vice President was elected;

Whereas in celebration of the centennial of the State of Indiana, a design competition for the State flag was held, and the design by Paul Hadley was chosen for its stoic symbolism, including—

(1) the torch that stands for liberty and enlightenment;

(2) the rays that signify that knowledge and freedom are available for all Hoosiers;

(3) the 18 small stars that correspond to the States in the Union before the State of Indiana; and

(4) the 19th and largest star that represents the State of Indiana;

Whereas, the Indiana General Assembly adopted the flag designed by Paul Hadley as the flag of the State of Indiana in 1917;

Whereas, in 1937, by the direction of a resolution of the Indiana General Assembly, ''the Crossroads of America'' became the official motto of the State of Indiana because the city of Indianapolis serves as an intersection of several major interstate highways that link—

(1) Hoosiers throughout the State of Indiana; and

(2) individuals across the United States;

Whereas the seal of the State of Indiana—

(1) was approved by the Indiana General Assembly in 1963 and originated from a lineage of designs dating back to the period during which Indiana was a territory of the United States;

(2) illustrates a scene from the pioneer era of—

(A) a woodsman cutting into 1 of 2 sycamore trees;

(B) a buffalo in the foreground jumping over a log; and

(C) the sun beginning to set behind 3 hills in the background;

Whereas residents of the State of Indiana embrace the nickname for the State of Indiana, ''the Hoosier State'', pride for the term ''Hoosier'' is deeply rooted in the history of the State of Indiana, and Hoosiers bear the nickname proudly;

Whereas May 29, 2016, marked the 100th running of the Indianapolis 500, which is a great source of pride to all residents of the State of Indiana because of its influential role in shaping and defining the city of Indianapolis and the State of Indiana;

Whereas the Indiana Bicentennial Commission was established in December of 2011 with the objective of honoring the 200 years of history of the State of Indiana;

Whereas the Indiana Bicentennial Commission has 4 key pillars, which are—

(1) historical celebration;

(2) youth and education;

(3) nature conservation; and

(4) community involvement;

Whereas, to achieve its 4 main directives, the Indiana Bicentennial Commission has several major projects, including—

(1) a Bicentennial Nature Trust that allocates $30,000,000 in matching funds to acquire land statewide for the purposes of recreation and conservation;

(2) the construction of a Statehouse Education Center in the Indiana State Library;

(3) the building of a Bicentennial Plaza on the west side of the Statehouse that features art and improves public access to the surrounding governmental buildings; and

(4) the construction of a new facility to house the Indiana State Archives to provide increased access to the most important documents of the State of Indiana;

Whereas, on September 9, 2016, a torch relay began in Corydon, Indiana, and ended at the Statehouse on October 15, 2016, during which the torch traveled through all 92 counties of the State of Indiana in—

(1) an effort to fortify the communal connection of all Hoosiers; and

(2) a symbolic culmination of the series of celebratory and educational bicentennial events, concluding on Statehood Day on December 11, 2016; and

Whereas it is fitting that the bicentennial of the State of Indiana and the corresponding 200 years of rich history are celebrated: Now, therefore, be it

Resolved, That the Senate recognizes and commemorates the bicentennial of the State of Indiana.

SENATE RESOLUTION 636—DESIGNATING THE WEEK OF DECEMBER 4 THROUGH DECEMBER 10, 2016, AS ''NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK''

Mr. ALEXANDER (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 636

Whereas nurse-managed health clinics are nonprofit, community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas an advanced practice nurse leads each nurse-managed health clinic, and an interdisciplinary team of highly qualified health care professionals staffs each nurse-managed health clinic;

Whereas nurse-managed health clinics offer a broad scope of services, including treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas, as of September 2016, approximately 500 nurse-managed health clinics provided care across the United States and recorded more than 2,500,000 patient encounters annually;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients, compared to patients of other similar safety net providers, experience higher rates of generic medication fills and lower hospitalization rates;

Whereas the 2013 Health Affairs article ''Nurse-Managed Health Centers and Patient-Homes Could Mitigate Expected Primary Care Physician Shortage'' highlights the ability of nurse-managed health clinics to bring high quality care to individuals who may not otherwise receive needed services; and

Whereas nurse-managed health clinics offering both primary care and wellness services provide quality care in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of December 4 through December 10, 2016, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

SENATE RESOLUTION 637—HONORING THE INDIVIDUALS WHO LOST THEIR LIVES IN THE TRAGIC FIRE IN OAKLAND, CALIFORNIA, ON DECEMBER 2, 2016

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 637

Whereas, on Friday, December 2, 2016, a fire broke out at the Ghost Ship, an artist collective warehouse located in the Fruitvale community on 31st Avenue in Oakland, California;

Whereas Oakland, California, and its arts community suffered a horrific tragedy that evening and continue to mourn the loss of the individuals who died in the fire;

Whereas, according to city of Oakland officials, the Ghost Ship warehouse fire is the deadliest fire in the history of Oakland;

Whereas, according to Alameda County Sheriff's Office, as of December 5, 2016, 36 individuals perished in the fire;

Whereas it took more than 50 firefighters not less than 4 hours to extinguish the fire and an aggressive, coordinated effort to secure the scene by—

(1) the Oakland Fire Department;

(2) the Oakland Police Department;

(3) the Alameda County Sheriff's Office, including—

(A) the Coroner's Bureau; and

(B) the Alameda County Search and Rescue Unit;

(4) Oakland Public Works;

(5) the California Governor's Office of Emergency Services;

(6) the Bureau of Alcohol, Tobacco, Firearms and Explosives;

(7) the American Red Cross; and

(8) other agencies;

Whereas first responders, firefighters, and recovery personnel, including agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives, have worked around the clock to support the families of the victims and the community;

Whereas first responders and recovery personnel—

(1) are vital to the ongoing recovery efforts; and

(2) continue to investigate the cause of the deadly fire; and

Whereas the officials of the city of Oakland, California, have worked tirelessly to heal the community: Now, therefore, be it

Resolved, That the Senate—

(1) honors the individuals who lost their lives in the tragic fire in Oakland, California, on December 2, 2016;

(2) honors the sacrifice of the first responders, firefighters, agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and all individuals who put themselves in harm's way to help save lives and continue to respond to the fire;

(3) expresses continued solidarity with the people of the East Bay of the State of California as they work to heal their community;

(4) reaffirms its commitment to support long-term recovery efforts in partnership with local and State governments, citizens, and businesses;

(5) supports the city of Oakland's continued emergency response efforts and work to assist the families of the victims of the fire; and

(6) offers condolences and support to the families and loved ones of the victims of the fire.

SENATE RESOLUTION 638—RECOGNIZING THE 75TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR AND THE LASTING SIGNIFICANCE OF NATIONAL PEARL HARBOR REMEMBRANCE DAY

Ms. HIRONO (for herself, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. BROWN, Ms. COLLINS, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. HATCH, Ms. HEITKAMP, Mr. KING, Mr. KIRK, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MERKLEY, Mr. MORAN, Mrs. MURRAY, Mr. NELSON, Mr. RUBIO, Mrs. SHAHEEN, Mr. SULLIVAN, Mr. TILLIS, Ms. WARREN, Mr. MENENDEZ, Mr. BENNET, Mr. PETERS, Mrs. FEINSTEIN, Mrs. CAPITO, Mr. KAINE, Mr. MURPHY, Mr. MARKEY, Mr. WARNER, Mr. GARDNER, and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 638

Whereas, on December 7, 1941, without warning and minutes before 8:00 a.m., aircraft of the Imperial Japanese Navy attacked military installations of the United States at Pearl Harbor and elsewhere on the island of Oahu, Hawaii;

Whereas the attack at Pearl Harbor lasted for approximately 5 hours, during which 2,403 members of the Armed Forces of the United States were killed or mortally wounded, 1,247 members of the Armed Forces of the United States were wounded, and 57 civilians lost their lives;

Whereas Japanese aircraft mercilessly attacked facilities, naval vessels, and aircraft of the United States in 2 waves, destroying or severely damaging numerous vessels of the United States Pacific Fleet and 188 aircraft of the United States, while Japanese submarines torpedoed several vessels of the United States between San Francisco and Honolulu;

Whereas President Franklin Delano Roosevelt declared the day of the attack on Pearl Harbor ''a date which will live in infamy'', and the people of the United States became united in remembrance of their fallen countrymen and committed to defending the United States against all aggressors;

Whereas, on the day following the attack on Pearl Harbor, December 8, 1941, Congress declared war against Japan, and 3 days later against Germany, thus beginning the involvement of the United States in a global conflict that would define a generation;

Whereas more than 400,000 men and women of the United States sacrificed their lives to preserve the sacred freedoms of the United States and to cease forever the spread of Nazism through Europe and imperialism by Japan;

Whereas, after nearly 4 years of warfare, and following victory on the European front, World War II ended on September 2, 1945, when the Japanese surrendered aboard the USS Missouri;

Whereas, in 1950, Admiral Arthur Radford ordered that a flagpole be erected over the remains of the USS Arizona, one of the battleships of the United States sunk at Pearl Harbor;

Whereas the USS Arizona serves as the final resting place for many of the 1,177 crew members of that battleship who lost their lives on December 7, 1941;

Whereas the USS Arizona also serves as an educational site for people of the United States and international visitors alike, raising awareness about the attack on Pearl Harbor and the perils of war;

Whereas the terms of the Japanese surrender fostered significant democratic reform in Japan, including ensuring the individual liberty and rights of the people of Japan;

Whereas the United States has moved beyond the tragedy of Pearl Harbor and war against Japan and, in the years since the conclusion of World War II, has formed a strong and valuable alliance with Japan, including military cooperation and bilateral trade; and

Whereas, on August 23, 1994, Congress enacted Public Law 103–308 (later codified as section 129 of title 36, United States Code), which designates December 7th of each year as National Pearl Harbor Remembrance Day and requests that the President—

(1) issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities; and

(2) urge all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7th in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved, That the Senate, on the occasion of the 75th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii—

(1) pays tribute to the members of the Armed Forces of the United States and civilians who died in the attack;

(2) honors the thousands of men and women of the Armed Forces of the United States who paid the ultimate sacrifice and gave their lives in defense of freedom and liberty during World War II;

(3) acknowledges the continued peaceful and mutually beneficial relationship between the United States and Japan; and

(4) appreciates the efforts of Japan as one of the most reliable security partners of the United States.

SENATE RESOLUTION 639—DESIGNATING DECEMBER 17, 2016, AS ''WREATHS ACROSS AMERICA DAY''

Ms. COLLINS (for herself and Mr. KING) submitted the following resolution; which was considered and agreed to:

S. RES. 639

Whereas, 25 years before the date of adoption of this resolution, the Wreaths Across America project began with an annual tradition that occurs in December, of donating, transporting, and placing 5,000 Maine balsam fir remembrance wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas, in the 25 years preceding the date of adoption of this resolution, more than 3,317,000 wreaths have been sent to locations, including national cemeteries and veterans memorials, in every State and overseas;

Whereas the mission of the Wreaths Across America project, to ''Remember, Honor, Teach'', is carried out in part by coordinating wreath-laying ceremonies in all 50 States and overseas, including at—

(1) Arlington National Cemetery;

(2) veterans cemeteries; and

(3) other locations;

Whereas the Wreaths Across America project carries out a week-long veterans parade between Maine and Virginia, stopping along the way to spread a message about the importance of—

(1) remembering the fallen heroes of the United States;

(2) honoring those who serve; and

(3) reminding the people of the United States about the sacrifices made by veterans and their families to preserve freedoms in the United States;

Whereas, in 2015, approximately 901,000 remembrance wreaths were sent to more than 1,100 locations across the United States and overseas, an increase of more than 100 locations compared to the previous year;

Whereas, in December 2016, the tradition of escorting tractor-trailers filled with donated wreaths from Maine to Arlington National Cemetery will be continued by—

(1) the Patriot Guard Riders; and

(2) other patriotic escort units, including motorcycle units, law enforcement units, and first responder units;

Whereas hundreds of thousands of individuals volunteer each December to help lay remembrance wreaths;

Whereas the trucking industry in the United States continues to support the Wreaths Across America project by providing drivers, equipment, and related services to assist in the transportation of wreaths across the United States to over 1,200 locations;

Whereas the Senate designated December 12, 2015, as ''Wreaths Across America Day''; and

Whereas, on December 17, 2016, the Wreaths Across America project will continue the proud legacy of bringing remembrance wreaths to Arlington National Cemetery: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 17, 2016, as ''Wreaths Across America Day'';

(2) honors—

(A) the Wreaths Across America project;

(B) patriotic escort units, including motorcycle units, law enforcement units, and first responder units;

(C) the trucking industry in the United States; and

(D) the volunteers and donors involved in this worthy tradition; and

(3) recognizes—

(A) the service of veterans and members of the Armed Forces; and

(B) the sacrifices that veterans, members of the Armed Forces, and their families have made, and continue to make, for the United States, a great Nation.

SENATE RESOLUTION 640—RECOGNIZING THE DEATH OF JOHN GLENN, FORMER SENATOR FOR THE STATE OF OHIO AND THE FIRST INDIVIDUAL FROM THE UNITED STATES TO ORBIT THE EARTH

Mr. BROWN (for himself, Mr. PORTMAN, Mr. MCCONNELL, Mr. REID, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr.

CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 640

Whereas John Glenn was born in Cambridge, Ohio, in 1921 to John Herschel Glenn, Sr. and Clara Sproat Glenn;

Whereas, at 2 years of age, John Glenn moved to New Concord, Ohio, the town where he met his childhood sweetheart and future wife;

Whereas, in March 1942, shortly after the Japanese attack on Pearl Harbor, John Glenn, who was a student at Muskingum College in New Concord, Ohio, at the time of the attack, entered the Naval Aviation Cadet program;

Whereas John Glenn served in the Marine Corps from 1942 to 1965, during which time John Glenn—

(1) flew 59 combat missions in World War II and 63 combat missions in Korea; and

(2) for his service, earned 6 separate Distinguished Flying Cross awards and the Air Medal with 18 clusters;

Whereas, in 1959, John Glenn was selected by the National Aeronautics and Space Administration to serve as 1 of the original 7 astronauts of the space program of the United States;

Whereas, on February 20, 1962, John Glenn guided Mercury spacecraft Friendship 7 into space and circled the globe 3 times, traveling a distance of 3,600,000 miles and becoming the first individual from the United States to orbit the Earth;

Whereas, in 1974, John Glenn arrived in the Senate, where he represented his home State of Ohio for 25 years before retiring in 1999;

Whereas, during his time in the Senate, John Glenn served on the Committee on Governmental Affairs, the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Special Committee on Aging;

Whereas, as Chairman of the Committee on Governmental Affairs, John Glenn worked on a bipartisan basis to eliminate waste and make the Federal Government more efficient;

Whereas, in 1998, as a 77-year old sitting Senator, John Glenn boarded the space shuttle Discovery for 9 days, again setting history as the oldest individual to fly in space;

Whereas, in 2008, Ohio State University founded the John Glenn School of Public Affairs, which, in 2015, became the John Glenn College of Public Affairs, with the mission to ''inspire citizenship and develop leadership'' in the public sector;

Whereas John Glenn was awarded the Congressional Gold Medal on November 16, 2011;

Whereas John Glenn was awarded the Presidential Medal of Freedom on May 29, 2012;

Whereas 1 author described John Glenn as ''the last true national hero America has ever had'';

Whereas John Glenn is survived by his wife of 73 years, his 2 children, and his 2 grandsons; and

Whereas the United States is deeply indebted to John Glenn for his passion for exploration, commitment to public service, and desire to make the world a better place: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) extends its deepest condolences and gratitude to the family of John Glenn; and

(B) honors the legacy and life of John Glenn, his commitment to the United States, and his service to the Senate and the United States; and

(2) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of the late John Glenn.

SENATE RESOLUTION 641—CELEBRATING THE 200TH ANNIVERSARY OF THE COMMITTEE ON THE JUDICIARY OF THE SENATE

Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. HATCH, Mrs. FEINSTEIN, Mr. CORNYN, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. COONS, Mr. BLUMENTHAL, and Mr. TILLIS) submitted the following resolution; which was considered and agreed to:

S. RES. 641

Whereas the Committee on the Judiciary of the Senate—

(1) was established by a resolution adopted on December 10, 1816, as one of the original standing committees of the Senate; and

(2) as of December 2016, is one of the original standing committees that remain;

Whereas the Committee on the Judiciary of the Senate originally had 5 members;

Whereas, according to the Standing Rules of the Senate, the Committee on the Judiciary of the Senate has jurisdiction over—

(1) apportionment of Representatives;

(2) bankruptcy, mutiny, espionage, and counterfeiting;

(3) civil liberties;

(4) amendments to the Constitution of the United States;

(5) Federal courts and judges;

(6) Government information;

(7) holidays and celebrations;

(8) immigration and naturalization;

(9) interstate compacts, generally;

(10) judicial proceedings, civil and criminal, generally;

(11) local courts in territories and possessions;

(12) measures relating to claims against the United States;

(13) national penitentiaries;

(14) the Patent Office;

(15) patents, copyrights, and trademarks;

(16) protection of trade and commerce against unlawful restraints and monopolies;

(17) revision and codification of the laws of the United States; and

(18) State and territorial boundary lines;

Whereas the Committee on the Judiciary of the Senate has had 42 members who have served as chairmen, and a total of 349 men and women representing 49 States have served on the Committee;

Whereas the first chairman of the Committee on the Judiciary of the Senate was Senator Dudley Chase of Vermont;

Whereas the Committee on the Judiciary of the Senate is regularly the epicenter of the most significant and controversial issues in the United States, and is tasked with upholding fundamental rights and values for all people of the United States;

Whereas the Committee on the Judiciary of the Senate has shaped the physical boundaries of the United States;

Whereas, during the Civil War, the Committee on the Judiciary of the Senate helped ensure that President Abraham Lincoln had the emergency powers necessary to pursue the war effort;

Whereas, in February 1864, the Committee on the Judiciary of the Senate reported the 13th Amendment to the Constitution of the United States and took an important step in ending slavery in the United States by voting favorably on the language of the amendment, ''Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States.'';

Whereas the Committee on the Judiciary of the Senate played a vital role in the development and adoption of the 14th and 15th Amendments to the Constitution of the United States;

Whereas, in 1872, the Committee on the Judiciary of the Senate was on the forefront of the women's suffrage movement;

Whereas, in 1937, the Committee on the Judiciary of the Senate blocked the attempt by President Franklin D. Roosevelt to pack the Supreme Court of the United States;

Whereas, before enactment, the Civil Rights Act of 1957 (Public Law 85–315; 71 Stat. 634) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) were introduced and referred to the Committee on the Judiciary of the Senate;

Whereas the Committee on the Judiciary of the Senate considered and reported the Voting Rights Act of 1965 (52 U.S.C. 10301);

Whereas the Committee on the Judiciary of the Senate considers civil rights legislation, including—

(1) the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (52 U.S.C. 10301 note; Public Law 109–246); and

(2) the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (Public Law 111–84; 123 Stat. 2835);

Whereas the Committee on the Judiciary of the Senate has advanced laws to improve the criminal justice system, punish criminals, and protect victims of crime and the innocent, including—

(1) the Sentencing Reform Act of 1984 (Public Law 98–473; 98 Stat. 1987);

(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415; 88 Stat. 1109);

(3) the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.);

(4) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(5) the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260);

(6) the Fair Sentencing Act of 2010 (Public Law 111–220; 124 Stat. 2372); and

(7) the Preserving United States Attorney Independence Act of 2007 (Public Law 110–34; 121 Stat. 224);

Whereas, in 1990, the Committee on the Judiciary of the Senate reported S. 2754 of the 101st Congress, entitled the ''Violence Against Women Act of 1990'' and advanced S. 47 of the 113th Congress, which was enacted

as the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54);

Whereas the Committee on the Judiciary of the Senate—

(1) has promoted government transparency;

(2) reported the bill that was enacted as section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''); and

(3) has continued to improve that Act by passing legislation, including the FOIA Improvement Act of 2016 (Public Law 114–185; 130 Stat. 538);

Whereas the Committee on the Judiciary of the Senate is one of the busiest and most productive committees of the Senate, and approximately ⅕ of all measures that are referred to committees of the Senate are referred to the Committee on the Judiciary of the Senate;

Whereas the Committee on the Judiciary of the Senate handles nominations, including nominations for—

(1) the Supreme Court of the United States;

(2) the courts of appeals of the United States;

(3) the district courts of the United States;

(4) the Department of Justice;

(5) the Attorney General;

(6) the Director of the Federal Bureau of Investigation;

(7) United States Attorneys;

(8) the United States Marshals Service; and

(9) the United States Sentencing Commission;

Whereas the work of the Committee on the Judiciary of the Senate has contributed to a more diverse Federal judiciary;

Whereas members of the Committee on the Judiciary of the Senate have been elected President or Vice President or appointed to the Cabinet or the Supreme Court of the United States;

Whereas Senator Edward M. Kennedy of Massachusetts served on the Committee on the Judiciary of the Senate for 45 years from 1963 to 2009, the longest period served on the Committee on the Judiciary of the Senate by any Senator; and

Whereas Senator James O. Eastland of Mississippi served as chairman of the Committee on the Judiciary of the Senate for 22 years from 1956 to 1978, and was the longest-serving chairman of the Committee on the Judiciary of the Senate: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates and congratulates the Committee on the Judiciary of the Senate on the celebration of its 200th anniversary; and

(2) applauds the many accomplishments of the Committee on the Judiciary of the Senate.

SENATE RESOLUTION 642—AUTHORIZING TAKING PICTURES AND FILMING IN THE SENATE CHAMBER, THE SENATE WING OF THE UNITED STATES CAPITOL, AND SENATE OFFICE BUILDINGS FOR PRODUCTION OF A FILM AND A BOOK ON THE HISTORY OF THE SENATE

Mr. McCONNELL (for himself, Mr. REID, Mr. BLUNT, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 642

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF PICTURES AND FILMING IN SENATE CHAMBER, SENATE WING, AND SENATE OFFICE BUILDINGS.

(a) AUTHORIZATION.—During the period beginning on the date of adoption of this resolution and ending on May 1, 2017, with respect to an individual or entity entering into a memorandum of understanding described in subsection (d)—

(1) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the taking of pictures and filming while the Senate is in session or in recess; and

(2) taking of pictures and filming shall be permitted in the Senate Wing of the United States Capitol and in Senate Office Buildings.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken and film made under subsection (a) may only be used for production of a film documentary and a book on the history of the Senate.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures and filming conducted under this resolution does not disrupt any proceeding of the Senate.

(d) PRODUCTION AGREEMENT.—The Majority Leader of the Senate, the Minority Leader of the Senate, and the Chairman and Ranking Member of the Committee on Rules and Administration of the Senate shall jointly enter into a memorandum of understanding with an individual or entity seeking to take pictures and conduct filming for purposes of producing a film documentary and a book on the history of the Senate to formalize an agreement on locations and times for taking pictures and conducting filming and the use of the pictures taken and film made under this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5151. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 5152. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5153. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5154. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5155. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5156. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table.

SA 5157. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, supra; which was ordered to lie on the table.

SA 5158. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, supra; which was ordered to lie on the table.

SA 5159. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, supra; which was ordered to lie on the table.

SA 5160. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, supra; which was ordered to lie on the table.

SA 5161. Mrs. BOXER (for herself, Ms. CANTWELL, Mr. WYDEN, Mr. MERKLEY, Mrs. MURRAY, and Mr. HEINRICH) submitted an amendment intended to be proposed by her to the bill S. 612, supra; which was ordered to lie on the table.

SA 5162. Mr. WYDEN (for himself, Mr. HATCH, Mr. CRAPO, Mr. RISCH, Mr. MERKLEY, Ms. BALDWIN, Mr. BENNET, Mr. HEINRICH, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill S. 612, supra; which was ordered to lie on the table.

SA 5163. Mr. WYDEN (for himself, Mr. HATCH, Mr. CRAPO , Mr. RISCH, Mr. MERKLEY, Ms. BALDWIN, Mr. BENNET, Mr. HEINRICH, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table.

SA 5164. Mr. MANCHIN (for himself, Mr. SCHUMER, Mr. DONNELLY, Mrs. MCCASKILL, Mr. CASEY, Mr. BROWN, Mr. WARNER, Ms. HEITKAMP, Mr. LEAHY, Mr. KING, Ms. KLOBUCHAR, Mr. WYDEN, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. BOOKER, Mr. SANDERS, Mr. DURBIN, Ms. WARREN, Ms. HIRONO, Mr. NELSON, Mrs. BOXER, Mr. BENNET, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. CARPER, Ms. STABENOW, Mr. KAINE, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mr. HEINRICH, Mr. PETERS , Mrs. SHAHEEN, Mr. TESTER, Mr. UDALL, Mr. REED, Ms. CANTWELL, Mrs. MURRAY, Mr. CARDIN, Mr. SCHATZ, Mr. COONS, Ms. MIKULSKI, Mr. REID, Mr. PORTMAN, Mrs. CAPITO, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5165. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5166. Mr. PORTMAN (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5167. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5168. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, supra; which was ordered to lie on the table.

SA 5169. Mr. BOOZMAN (for Mr. TOOMEY) proposed an amendment to the bill S. 1831, to revise section 48 of title 18, United States Code, and for other purposes.

SA 5170. Mr. BOOZMAN (for Mr. PERDUE) proposed an amendment to the bill S. 2781, to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

SA 5171. Mr. BOOZMAN (for Mr. PERDUE) proposed an amendment to the bill H.R. 3842, to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes.

SA 5172. Mr. BOOZMAN (for Mr. SULLIVAN) proposed an amendment to the bill S. 3086, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris and for other purposes.

SA 5173. Mr. BOOZMAN (for Mr. MORAN) proposed an amendment to the bill S. 290, to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

SA 5174. Mr. PORTMAN (for Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 57, honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable, 70-year reign of King Bhumibol Adulyadej of Thailand.

SA 5175. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to the bill H.R. 1150, to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

SA 5176. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to amendment SA 5175 proposed by Mr. PORTMAN (for Mr. CORKER) to the bill H.R. 1150, supra.

SA 5177. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to the bill H.R. 4939, to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes.

SA 5178. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill H.R. 6302, to provide an increase in premium pay for United States Secret Service agents performing protective services during 2016, and for other purposes.

SA 5179. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill H.R. 6302, supra.

SA 5180. Mr. PORTMAN (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the bill S. 3346, to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

SA 5181. Mr. PORTMAN (for Mr. KIRK) proposed an amendment to the bill S. 1168, to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

SA 5182. Mr. PORTMAN (for Mr. INHOFE (for himself and Mr. BLUMENTHAL)) proposed an amendment to the bill S. 3021, to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.

SA 5183. Mr. PORTMAN (for Mr. THUNE) proposed an amendment to the bill H.R. 710, to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes.

SA 5184. Mr. PORTMAN (for Mr. BARRASSO) proposed an amendment to the bill S. 1776, to enhance tribal road safety, and for other purposes.

SA 5185. Mr. PORTMAN (for Mr. KING) proposed an amendment to the bill H.R. 4245, to exempt exportation of certain echinoderms and mollusks from licensing requirements under the Endangered Species Act of 1973.

SA 5186. Mr. PORTMAN (for Mr. GARDNER (for himself and Mr. PETERS)) proposed an amendment to the bill S. 3084, to invest in innovation through research and development, and to improve the competitiveness of the United States.

TEXT OF AMENDMENTS

SA 5151. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following.

''This Act shall take effect 2 days after the date of enactment.''

SA 5152. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''2'' and insert ''3''

SA 5153. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''3 days'' and insert ''4 days''

SA 5154. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following.

''This act shall be effective 6 days after enactment.''

SA 5155. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Strike ''6'' and insert ''7''

SA 5156. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table; as follows:

At the end add the following.

''This Act shall take effect 2 days after the date of enactment.''

SA 5157. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table; as follows:

Strike ''2'' and insert ''3''

SA 5158. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table; as follows:

Strike ''3 days'' and insert ''4 days''

SA 5159. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table; as follows:

At the end add the following.

''This act shall be effective 6 days after enactment.''

SA 5160. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table; as follows:

Strike ''6'' and insert ''7''

SA 5161. Mrs. BOXER (for herself, Ms. CANTWELL, Mr. WYDEN, Mr. MERKLEY, Mrs. MURRAY, and Mr. HEINRICH) submitted an amendment intended to be proposed by her to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table; as follows:

Strike subtitle J of title III (relating to California water).

SA 5162. Mr. WYDEN (for himself, Mr. HATCH, Mr. CRAPO, Mr. RISCH, Mr. MERKLEY, Ms. BALDWIN, Mr. BENNET, Mr. HEINRICH, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill S. 612, to designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse''; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking ''2015'' each place it appears and inserting ''2016''.

(b) PAYMENTS TO STATES AND COUNTIES.—Section 102 of the Secure Rural Schools and

Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

''(C) PAYMENTS FOR FISCAL YEAR 2014, 2015, OR 2016.—The election otherwise required by subparagraph (A) shall not apply for fiscal year 2014, 2015, or 2016.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''fiscal years 2014 and 2015'' and inserting ''fiscal years 2014, 2015, and 2016''; and

(ii) in subparagraph (B), by striking ''fiscal year 2015'' and inserting ''fiscal year 2016''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking subparagraph (E) and inserting the following:

''(E) PAYMENTS FOR FISCAL YEARS 2014, 2015, AND 2016.—The election made by an eligible county under subparagraph (B), (C), or (D) for fiscal year 2013, or deemed to be made by the county under paragraph (3)(B) for that fiscal year, shall be effective for fiscal years 2014, 2015, and 2016.''; and

(B) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) PAYMENTS FOR FISCAL YEARS 2014, 2015, AND 2016.—This paragraph does not apply for fiscal years 2014, 2015, and 2016.''.

(c) TRANSITION PAYMENTS TO STATES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2015'' and inserting ''2016''.

(d) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking ''2012'' each place it appears and inserting ''2016''.

(e) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(1) in subsection (a), by striking ''2017'' and inserting ''2018''; and

(2) in subsection (b), by striking ''2018'' and inserting ''2019''.

(f) COUNTY FUNDS TERMINATION OF AUTHORITY.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking ''2017'' and inserting ''2018''; and

(2) in subsection (b), by striking ''2018'' and inserting ''2019''.

(g) OFFSET.—It is the sense of the Senate the costs of carrying out this section and the amendments made by this section will be offset.

SA 5163. Mr. WYDEN (for himself, Mr. HATCH, Mr. CRAPO, Mr. RISCH, Mr. MERKLEY, Ms. BALDWIN, Mr. BENNET, Mr. HEINRICH, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking ''2015'' each place it appears and inserting ''2016''.

(b) PAYMENTS TO STATES AND COUNTIES.—Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

''(C) PAYMENTS FOR FISCAL YEAR 2014, 2015, OR 2016.—The election otherwise required by subparagraph (A) shall not apply for fiscal year 2014, 2015, or 2016.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''fiscal years 2014 and 2015'' and inserting ''fiscal years 2014, 2015, and 2016''; and

(ii) in subparagraph (B), by striking ''fiscal year 2015'' and inserting ''fiscal year 2016''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking subparagraph (E) and inserting the following:

''(E) PAYMENTS FOR FISCAL YEARS 2014, 2015, AND 2016.—The election made by an eligible county under subparagraph (B), (C), or (D) for fiscal year 2013, or deemed to be made by the county under paragraph (3)(B) for that fiscal year, shall be effective for fiscal years 2014, 2015, and 2016.''; and

(B) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) PAYMENTS FOR FISCAL YEARS 2014, 2015, AND 2016.—This paragraph does not apply for fiscal years 2014, 2015, and 2016.''.

(c) TRANSITION PAYMENTS TO STATES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2015'' and inserting ''2016''.

(d) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking ''2012'' each place it appears and inserting ''2016''.

(e) TERMINATION OF AUTHORITY.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(1) in subsection (a), by striking ''2017'' and inserting ''2018''; and

(2) in subsection (b), by striking ''2018'' and inserting ''2019''.

(f) COUNTY FUNDS TERMINATION OF AUTHORITY.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking ''2017'' and inserting ''2018''; and

(2) in subsection (b), by striking ''2018'' and inserting ''2019''.

(g) OFFSET.—It is the sense of the Senate the costs of carrying out this section and the amendments made by this section will be offset.

SA 5164. Mr. MANCHIN (for himself, Mr. SCHUMER, Mr. DONNELLY, Mrs. MCCASKILL, Mr. CASEY, Mr. BROWN, Mr. WARNER, Ms. HEITKAMP, Mr. LEAHY, Mr. KING, Ms. KLOBUCHAR, Mr. WYDEN, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. BOOKER, Mr. SANDERS, Mr. DURBIN, Ms. WARREN, Ms. HIRONO, Mr. NELSON, Mrs. BOXER, Mr. BENNET, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. CARPER, Ms. STABENOW, Mr. KAINE, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mr. HEINRICH, Mr. PETERS, Mrs. SHAHEEN, Mr. TESTER, Mr. UDALL, Mr. REED, Ms. CANTWELL, Mrs. MURRAY, Mr. CARDIN, Mr. SCHATZ, Mr. COONS, Ms. MIKULSKI, Mr. REID, Mr. PORTMAN, Mrs. CAPITO, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 12, strike line 1 and all that follows through page 16, line 18, and insert the following:

''(a) SHORT TITLE.—This section may be cited as the 'Miners Protection Act of 2016'.

''(b) INCLUSION OF CERTAIN RETIREES IN THE MULTIEMPLOYER HEALTH BENEFIT PLAN.—

''(1) IN GENERAL.—Section 402 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232) is amended—

''(A) in subsection (h)(2)(C)—

''(i) by striking 'A transfer' and inserting the following:

'' '(i) TRANSFER TO THE PLAN.—A transfer';

''(ii) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right; and

''(iii) by striking the matter following such subclause (II) (as so redesignated) and inserting the following:

'' '(ii) CALCULATION OF EXCESS.—The excess determined under clause (i) shall be calculated by taking into account only—

'' ' (I) those beneficiaries actually enrolled in the Plan as of the date of the enactment of the Miners Protection Act of 2016 who are eligible to receive health benefits under the Plan on the first day of the calendar year for which the transfer is made, other than those beneficiaries enrolled in the Plan under the terms of a participation agreement with the current or former employer of such beneficiaries; and

'' ' (II) those beneficiaries whose health benefits, defined as those benefits payable directly following death or retirement or upon a finding of disability by an employer in the bituminous coal industry under a coal wage agreement (as defined in section 9701(b)(1) of the Internal Revenue Code of 1986), would be denied or reduced as a result of a bankruptcy proceeding commenced in 2012 or 2015.

'' ' (iii) ELIGIBILITY OF CERTAIN RETIREES.—Individuals referred to in clause (ii)(II) shall be treated as eligible to receive health benefits under the Plan.

'' '(iv) REQUIREMENTS FOR TRANSFER.—The amount of the transfer otherwise determined under this subparagraph for a fiscal year shall be reduced by any amount transferred for the fiscal year to the Plan, to pay benefits required under the Plan, from a voluntary employees' beneficiary association established as a result of a bankruptcy proceeding described in clause (ii).

'' '(v) VEBA TRANSFER.—The administrator of such voluntary employees' beneficiary association shall transfer to the Plan any amounts received as a result of such bankruptcy proceeding, reduced by an amount for administrative costs of such association.'; and

''(B) in subsection (i)—

''(i) by redesignating paragraph (4) as paragraph (5); and

''(ii) by inserting after paragraph (3) the following:

'' '(4) ADDITIONAL AMOUNTS.—

'' '(A) CALCULATION.—If the dollar limitation specified in paragraph (3)(A) exceeds the aggregate amount required to be transferred under paragraphs (1) and (2) for a fiscal year, the Secretary of the Treasury shall transfer an additional amount equal to the difference between such dollar limitation and such aggregate amount to the trustees of the 1974 UMWA Pension Plan to pay benefits required under that plan.

'' '(B) CESSATION OF TRANSFERS.—The transfers described in subparagraph (A) shall

cease as of the first fiscal year beginning after the first plan year for which the funded percentage (as defined in section 432(i)(2) of the Internal Revenue Code of 1986) of the 1974 UMWA Pension Plan is at least 100 percent.

''(C) PROHIBITION ON BENEFIT INCREASES, ETC.—During a fiscal year in which the 1974 UMWA Pension Plan is receiving transfers under subparagraph (A), no amendment of such plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan may be adopted unless the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986.

''(D) TREATMENT OF TRANSFERS FOR PURPOSES OF WITHDRAWAL LIABILITY UNDER ERISA.—The amount of any transfer made under subparagraph (A) (and any earnings attributable thereto) shall be disregarded in determining the unfunded vested benefits of the 1974 UMWA Pension Plan and the allocation of such unfunded vested benefits to an employer for purposes of determining the employer's withdrawal liability under section 4201.

''(E) REQUIREMENT TO MAINTAIN CONTRIBUTION RATE.—A transfer under subparagraph (A) shall not be made for a fiscal year unless the persons that are obligated to contribute to the 1974 UMWA Pension Plan on the date of the transfer are obligated to make the contributions at rates that are no less than those in effect on the date which is 30 days before the date of enactment of the Miners Protection Act of 2016.

''(F) ENHANCED ANNUAL REPORTING.—

''(i) IN GENERAL.—Not later than the 90th day of each plan year beginning after the date of enactment of the Miners Protection Act of 2016, the trustees of the 1974 UMWA Pension Plan shall file with the Secretary of the Treasury or the Secretary's delegate and the Pension Benefit Guaranty Corporation a report (including appropriate documentation and actuarial certifications from the plan actuary, as required by the Secretary of the Treasury or the Secretary's delegate) that contains—

''(I) whether the plan is in endangered or critical status under section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 as of the first day of such plan year;

''(II) the funded percentage (as defined in section 432(i)(2) of such Code) as of the first day of such plan year, and the underlying actuarial value of assets and liabilities taken into account in determining such percentage;

''(III) the market value of the assets of the plan as of the last day of the plan year preceding such plan year;

''(IV) the total value of all contributions made during the plan year preceding such plan year;

''(V) the total value of all benefits paid during the plan year preceding such plan year;

''(VI) cash flow projections for such plan year and either the 6 or 10 succeeding plan years, at the election of the trustees, and the assumptions relied upon in making such projections;

''(VII) funding standard account projections for such plan year and the 9 succeeding plan years, and the assumptions relied upon in making such projections;

''(VIII) the total value of all investment gains or losses during the plan year preceding such plan year;

''(IX) any significant reduction in the number of active participants during the plan year preceding such plan year, and the reason for such reduction;

''(X) a list of employers that withdrew from the plan in the plan year preceding such plan year, and the resulting reduction in contributions;

''(XI) a list of employers that paid withdrawal liability to the plan during the plan year preceding such plan year and, for each employer, a total assessment of the withdrawal liability paid, the annual payment amount, and the number of years remaining in the payment schedule with respect to such withdrawal liability;

''(XII) any material changes to benefits, accrual rates, or contribution rates during the plan year preceding such plan year;

''(XIII) any scheduled benefit increase or decrease in the plan year preceding such plan year having a material effect on liabilities of the plan;

''(XIV) details regarding any funding improvement plan or rehabilitation plan and updates to such plan;

''(XV) the number of participants and beneficiaries during the plan year preceding such plan year who are active participants, the number of participants and beneficiaries in pay status, and the number of terminated vested participants and beneficiaries;

''(XVI) the information contained on the most recent annual funding notice submitted by the plan under section 101(f) of the Employee Retirement Income Security Act of 1974;

''(XVII) the information contained on the most recent Department of Labor Form 5500 of the plan; and

''(XVIII) copies of the plan document and amendments, other retirement benefit or ancillary benefit plans relating to the plan and contribution obligations under such plans, a breakdown of administrative expenses of the plan, participant census data and distribution of benefits, the most recent actuarial valuation report as of the plan year, copies of collective bargaining agreements, and financial reports, and such other information as the Secretary of the Treasury or the Secretary's delegate, in consultation with the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, may require.

''(ii) ELECTRONIC SUBMISSION.—The report required under clause (i) shall be submitted electronically.

''(iii) INFORMATION SHARING.—The Secretary of the Treasury or the Secretary's delegate shall share the information in the report under clause (i) with the Secretary of Labor.

''(iv) PENALTY.—Any failure to file the report required under clause (i) on or before the date described in such clause shall be treated as a failure to file a report required to be filed under section 6058(a) of the Internal Revenue Code of 1986, except that section 6652(e) of such Code shall be applied with respect to any such failure by substituting '$100' for '$25'. The preceding sentence shall not apply if the Secretary of the Treasury or the Secretary's delegate determines that reasonable diligence has been exercised by the trustees of such plan in attempting to timely file such report.

''(G) 1974 UMWA PENSION PLAN DEFINED.—For purposes of this paragraph, the term '1974 UMWA Pension Plan' has the meaning given the term in section 9701(a)(3) of the Internal Revenue Code of 1986, but without regard to the limitation on participation to individuals who retired in 1976 and thereafter.'.

''(2) EFFECTIVE DATES.—

''(A) IN GENERAL.—The amendments made by this subsection shall apply to fiscal years beginning after September 30, 2016.

''(B) REPORTING REQUIREMENTS.—Section 402(i)(4)(F) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(i)(4)(F)), as added by this subsection, shall apply to plan years beginning after the date of the enactment of this Act.

''(c) CLARIFICATION OF FINANCING OBLIGATIONS.—

''(1) IN GENERAL.—Subsection (a) of section 9704 of the Internal Revenue Code of 1986 is amended—

''(A) by striking paragraph (3),

''(B) by striking 'three premiums' and inserting 'two premiums', and

''(C) by striking ', plus' at the end of paragraph (2) and inserting a period.

''(2) CONFORMING AMENDMENTS.—

''(A) Section 9704 of the Internal Revenue Code of 1986 is amended—

''(i) by striking subsection (d), and

''(ii) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively.

''(B) Subsection (d) of section 9704 of such Code, as so redesignated, is amended—

''(i) by striking '3 separate accounts for each of the premiums described in subsections (b), (c), and (d)' in paragraph (1) and inserting '2 separate accounts for each of the premiums described in subsections (b) and (c)', and

''(ii) by striking 'or the unassigned beneficiaries premium account' in paragraph (3)(B).

''(C) Subclause (I) of section 9703(b)(2)(C)(ii) of such Code is amended by striking '9704(e)(3)(B)(i)' and inserting '9704(d)(3)(B)(i)'.

''(D) Paragraph (3) of section 9705(a) of such Code is amended—

''(i) by striking 'the unassigned beneficiary premium under section 9704(a)(3) and' in subparagraph (B), and

''(ii) by striking '9704(i)(1)(B)' and inserting '9704(h)(1)(B)'.

''(E) Paragraph (2) of section 9711(c) of such Code is amended—

''(i) by striking '9704(j)(2)' in subparagraph (A)(i) and inserting '9704(i)(2)',

''(ii) by striking '9704(j)(2)(B)' in subparagraph (B) and inserting '9704(i)(2)(B)', and

''(iii) by striking '9704(j)' and inserting '9704(i)'.

''(F) Paragraph (4) of section 9712(d) of such Code is amended by striking '9704(j)' and inserting '9704(i)'.

''(3) ELIMINATION OF ADDITIONAL BACKSTOP PREMIUM.—

''(A) IN GENERAL.—Paragraph (1) of section 9712(d) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C).

''(B) CONFORMING AMENDMENT.—Paragraph (2) of section 9712(d) of such Code is amended—

''(i) by striking subparagraph (B),

''(ii) by striking ', and' at the end of subparagraph (A) and inserting a period, and

''(iii) by striking 'shall provide for—' and all that follows through 'annual adjustments' and inserting 'shall provide for annual adjustments'.

''(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after September 30, 2016.

''(d) CUSTOMS USER FEES.—

''(1) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking 'September 30, 2025' and inserting 'May 6, 2026'.

''(2) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking 'September 30, 2025' and inserting 'May 6, 2026'.

SA 5165. Mr. WYDEN submitted an amendment intended to be proposed by

him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION __—CHILD AND FAMILY SERVICES AND SUPPORT

SECTION 1. SHORT TITLE.

This division may be cited as the ''Family First Prevention Services Act of 2016''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—INVESTING IN PREVENTION AND FAMILY SERVICES

Sec. 101. Purpose.

Subtitle A—Prevention Activities Under Title IV–E

Sec. 111. Foster care prevention services and programs.
Sec. 112. Foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.
Sec. 113. Title IV–E payments for evidence-based kinship navigator programs.

Subtitle B—Enhanced Support Under Title IV–B

Sec. 121. Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care.
Sec. 122. Reducing bureaucracy and unnecessary delays when placing children in homes across State lines.
Sec. 123. Enhancements to grants to improve well-being of families affected by substance abuse.

Subtitle C—Miscellaneous

Sec. 131. Reviewing and improving licensing standards for placement in a relative foster family home.
Sec. 132. Development of a statewide plan to prevent child abuse and neglect fatalities.
Sec. 133. Modernizing the title and purpose of title IV–E.
Sec. 134. Effective dates.

TITLE II—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

Sec. 201. Limitation on Federal financial participation for placements that are not in foster family homes.
Sec. 202. Assessment and documentation of the need for placement in a qualified residential treatment program.
Sec. 203. Protocols to prevent inappropriate diagnoses.
Sec. 204. Additional data and reports regarding children placed in a setting that is not a foster family home.
Sec. 205. Effective dates; application to waivers.

TITLE III—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

Sec. 301. Supporting and retaining foster families for children.
Sec. 302. Extension of child and family services programs.
Sec. 303. Improvements to the John H. Chafee Foster Care Independence Program and related provisions.

TITLE IV—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

Sec. 401. Reauthorizing adoption and legal guardianship incentive programs.

TITLE V—TECHNICAL CORRECTIONS

Sec. 501. Technical corrections to data exchange standards to improve program coordination.
Sec. 502. Technical corrections to State requirement to address the developmental needs of young children.

TITLE VI—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

Sec. 601. Delay of adoption assistance phase-in.
Sec. 602. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.

TITLE I—INVESTING IN PREVENTION AND FAMILY SERVICES

SEC. 101. PURPOSE.

The purpose of this title is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

Subtitle A—Prevention Activities Under Title IV–E

SEC. 111. FOSTER CARE PREVENTION SERVICES AND PROGRAMS.

(a) STATE OPTION.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in subsection (a)(1), by striking ''and'' and all that follows through the semicolon and inserting '', adoption assistance in accordance with section 473, and, at the option of the State, services or programs specified in subsection (e)(1) of this section for children who are candidates for foster care or who are pregnant or parenting foster youth and the parents or kin caregivers of the children, in accordance with the requirements of that subsection;''; and

(2) by adding at the end the following:

''(e) PREVENTION AND FAMILY SERVICES AND PROGRAMS.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary may make a payment to a State for providing the following services or programs for a child described in paragraph (2) and the parents or kin caregivers of the child when the need of the child, such a parent, or such a caregiver for the services or programs are directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care:

''(A) MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES.—Mental health and substance abuse prevention and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child.

''(B) IN-HOME PARENT SKILL-BASED PROGRAMS.—In-home parent skill-based programs for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child and that include parenting skills training, parent education, and individual and family counseling.

''(2) CHILD DESCRIBED.—For purposes of paragraph (1), a child described in this paragraph is the following:

''(A) A child who is a candidate for foster care (as defined in section 475(13)) but can remain safely at home or in a kinship placement with receipt of services or programs specified in paragraph (1).

''(B) A child in foster care who is a pregnant or parenting foster youth.

''(3) DATE DESCRIBED.—For purposes of paragraph (1), the dates described in this paragraph are the following:

''(A) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a child who is a candidate for foster care (as defined in section 475(13)).

''(B) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a pregnant or parenting foster youth in need of services or programs specified in paragraph (1).

''(4) REQUIREMENTS RELATED TO PROVIDING SERVICES AND PROGRAMS.—Services and programs specified in paragraph (1) may be provided under this subsection only if specified in advance in the child's prevention plan described in subparagraph (A) and the requirements in subparagraphs (B) through (E) are met:

''(A) PREVENTION PLAN.—The State maintains a written prevention plan for the child that meets the following requirements (as applicable):

''(i) CANDIDATES.—In the case of a child who is a candidate for foster care described in paragraph (2)(A), the prevention plan shall—

''(I) identify the foster care prevention strategy for the child so that the child may remain safely at home, live temporarily with a kin caregiver until reunification can be safely achieved, or live permanently with a kin caregiver;

''(II) list the services or programs to be provided to or on behalf of the child to ensure the success of that prevention strategy; and

''(III) comply with such other requirements as the Secretary shall establish.

''(ii) PREGNANT OR PARENTING FOSTER YOUTH.—In the case of a child who is a pregnant or parenting foster youth described in paragraph (2)(B), the prevention plan shall—

''(I) be included in the child's case plan required under section 475(1);

''(II) list the services or programs to be provided to or on behalf of the youth to ensure that the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent;

''(III) describe the foster care prevention strategy for any child born to the youth; and

''(IV) comply with such other requirements as the Secretary shall establish.

''(B) TRAUMA-INFORMED.—The services or programs to be provided to or on behalf of a child are provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma's consequences and facilitate healing.

''(C) ONLY SERVICES AND PROGRAMS PROVIDED IN ACCORDANCE WITH PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES PERMITTED.—

''(i) IN GENERAL.—Only State expenditures for services or programs specified in subparagraph (A) or (B) of paragraph (1) that are provided in accordance with practices that meet the requirements specified in clause (ii) of this subparagraph and that meet the requirements specified in clause (iii), (iv), or

(v), respectively, for being a promising, supported, or well-supported practice, shall be eligible for a Federal matching payment under section 474(a)(6)(A).

''(ii) GENERAL PRACTICE REQUIREMENTS.—The general practice requirements specified in this clause are the following:

''(I) The practice has a book, manual, or other available writings that specify the components of the practice protocol and describe how to administer the practice.

''(II) There is no empirical basis suggesting that, compared to its likely benefits, the practice constitutes a risk of harm to those receiving it.

''(III) If multiple outcome studies have been conducted, the overall weight of evidence supports the benefits of the practice.

''(IV) Outcome measures are reliable and valid, and are administrated consistently and accurately across all those receiving the practice.

''(V) There is no case data suggesting a risk of harm that was probably caused by the treatment and that was severe or frequent.

''(iii) PROMISING PRACTICE.—A practice shall be considered to be a 'promising practice' if the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

''(I) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

''(II) utilized some form of control (such as an untreated group, a placebo group, or a wait list study).

''(iv) SUPPORTED PRACTICE.—A practice shall be considered to be a 'supported practice' if—

''(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

''(aa) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

''(bb) was a rigorous random-controlled trial (or, if not available, a study using a rigorous quasi-experimental research design); and

''(cc) was carried out in a usual care or practice setting; and

''(II) the study described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 6 months beyond the end of the treatment.

''(v) WELL-SUPPORTED PRACTICE.—A practice shall be considered to be a 'well-supported practice' if—

''(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least two studies that—

''(aa) were rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

''(bb) were rigorous random-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

''(cc) were carried out in a usual care or practice setting; and

''(II) at least one of the studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

''(D) GUIDANCE ON PRACTICES CRITERIA AND PRE-APPROVED SERVICES AND PROGRAMS.—

''(i) IN GENERAL.—Not later than October 1, 2018, the Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidance shall include a pre-approved list of services and programs that satisfy the requirements.

''(ii) UPDATES.—The Secretary shall issue updates to the guidance required by clause (i) as often as the Secretary determines necessary.

''(E) OUTCOME ASSESSMENT AND REPORTING.—The State shall collect and report to the Secretary the following information with respect to each child for whom, or on whose behalf mental health and substance abuse prevention and treatment services or in-home parent skill-based programs are provided during a 12-month period beginning on the date the child is determined by the State to be a child described in paragraph (2):

''(i) The specific services or programs provided and the total expenditures for each of the services or programs.

''(ii) The duration of the services or programs provided.

''(iii) In the case of a child described in paragraph (2)(A), the child's placement status at the beginning, and at the end, of the 1-year period, respectively, and whether the child entered foster care within 2 years after being determined a candidate for foster care.

''(5) STATE PLAN COMPONENT.—

''(A) IN GENERAL.—A State electing to provide services or programs specified in paragraph (1) shall submit as part of the State plan required by subsection (a) a prevention services and programs plan component that meets the requirements of subparagraph (B).

''(B) PREVENTION SERVICES AND PROGRAMS PLAN COMPONENT.—In order to meet the requirements of this subparagraph, a prevention services and programs plan component, with respect to each 5-year period for which the plan component is in operation in the State, shall include the following:

''(i) How providing services and programs specified in paragraph (1) is expected to improve specific outcomes for children and families.

''(ii) How the State will monitor and oversee the safety of children who receive services and programs specified in paragraph (1), including through periodic risk assessments throughout the period in which the services and programs are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (4) for the provision of the services or programs if the State determines the risk of the child entering foster care remains high despite the provision of the services or programs.

''(iii) With respect to the services and programs specified in subparagraphs (A) and (B) of paragraph (1), information on the specific promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description of—

''(I) the services or programs and whether the practices used are promising, supported, or well-supported;

''(II) how the State plans to implement the services or programs, including how implementation of the services or programs will be continuously monitored to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices;

''(III) how the State selected the services or programs;

''(IV) the target population for the services or programs; and

''(V) how each service or program provided will be evaluated through a well-designed and rigorous process, which may consist of an ongoing, cross-site evaluation approved by the Secretary.

''(iv) A description of the consultation that the State agencies responsible for administering the State plans under this part and part B engage in with other State agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family services, including community-based organizations, in order to foster a continuum of care for children described in paragraph (2) and their parents or kin caregivers.

''(v) A description of how the State shall assess children and their parents or kin caregivers to determine eligibility for services or programs specified in paragraph (1).

''(vi) A description of how the services or programs specified in paragraph (1) that are provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the State plan under part B.

''(vii) Descriptions of steps the State is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including—

''(I) ensuring that staff is qualified to provide services or programs that are consistent with the promising, supported, or well-supported practice models selected; and

''(II) developing appropriate prevention plans, and conducting the risk assessments required under clause (iii).

''(viii) A description of how the State will provide training and support for caseworkers in assessing what children and their families need, connecting to the families served, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services.

''(ix) A description of how caseload size and type for prevention caseworkers will be determined, managed, and overseen.

''(x) An assurance that the State will report to the Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraph (1), including information and data necessary to determine the performance measures for the State under paragraph (6) and compliance with paragraph (7).

''(C) REIMBURSEMENT FOR SERVICES UNDER THE PREVENTION PLAN COMPONENT.—

''(i) LIMITATION.—Except as provided in subclause (ii), a State may not receive a Federal payment under this part for a given promising, supported, or well-supported practice unless (in accordance with subparagraph (B)(iii)(V)) the plan includes a well-designed and rigorous evaluation strategy for that practice.

''(ii) WAIVER OF LIMITATION.—The Secretary may waive the requirement for a well-designed and rigorous evaluation of any well-supported practice if the Secretary deems the evidence of the effectiveness of the practice to be compelling and the State meets the continuous quality improvement requirements included in subparagraph (B)(iii)(II) with regard to the practice.

''(6) PREVENTION SERVICES MEASURES.—

''(A) ESTABLISHMENT; ANNUAL UPDATES.—Beginning with fiscal year 2021, and annually thereafter, the Secretary shall establish the following prevention services measures based on information and data reported by States that elect to provide services and programs specified in paragraph (1):

''(i) PERCENTAGE OF CANDIDATES FOR FOSTER CARE WHO DO NOT ENTER FOSTER CARE.—The percentage of candidates for foster care for whom, or on whose behalf, the services or programs are provided who do not enter foster care, including those placed with a kin caregiver outside of foster care, during the 12-month period in which the services or programs are provided and through the end of the succeeding 12-month-period.

''(ii) PER-CHILD SPENDING.—The total amount of expenditures made for mental health and substance abuse prevention and treatment services or in-home parent skill-based programs, respectively, for, or on behalf of, each child described in paragraph (2).

''(B) DATA.—The Secretary shall establish and annually update the prevention services measures—

''(i) based on the median State values of the information reported under each clause of subparagraph (A) for the 3 then most recent years; and

''(ii) taking into account State differences in the price levels of consumption goods and services using the most recent regional price parities published by the Bureau of Economic Analysis of the Department of Commerce or such other data as the Secretary determines appropriate.

''(C) PUBLICATION OF STATE PREVENTION SERVICES MEASURES.—The Secretary shall annually make available to the public the prevention services measures of each State.

''(7) MAINTENANCE OF EFFORT FOR STATE FOSTER CARE PREVENTION EXPENDITURES.—

''(A) IN GENERAL.—If a State elects to provide services and programs specified in paragraph (1) for a fiscal year, the State foster care prevention expenditures for the fiscal year shall not be less than the amount of the expenditures for fiscal year 2014 (or, at the option of a State described in subparagraph (E), fiscal year 2015 or fiscal year 2016 (whichever the State elects)).

''(B) STATE FOSTER CARE PREVENTION EXPENDITURES.—The term 'State foster care prevention expenditures' means the following:

''(i) TANF; IV–B; SSBG.—State expenditures for foster care prevention services and activities under the State program funded under part A (including from amounts made available by the Federal Government), under the State plan developed under part B (including any such amounts), or under the Social Services Block Grant Programs under subtitle A of title XX (including any such amounts).

''(ii) OTHER STATE PROGRAMS.—State expenditures for foster care prevention services and activities under any State program that is not described in clause (i) (other than any State expenditures for foster care prevention services and activities under the State program under this part (including under a waiver of the program)).

''(C) STATE EXPENDITURES.—The term 'State expenditures' means all State or local funds that are expended by the State or a local agency including State or local funds that are matched or reimbursed by the Federal Government and State or local funds that are not matched or reimbursed by the Federal Government.

''(D) DETERMINATION OF PREVENTION SERVICES AND ACTIVITIES.—The Secretary shall require each State that elects to provide services and programs specified in paragraph (1) to report the expenditures specified in subparagraph (B) for fiscal year 2014 and for such fiscal years thereafter as are necessary to determine whether the State is complying with the maintenance of effort requirement in subparagraph (A). The Secretary shall specify the specific services and activities under each program referred to in subparagraph (B) that are 'prevention services and activities' for purposes of the reports.

''(E) STATE DESCRIBED.—For purposes of subparagraph (A), a State is described in this subparagraph if the population of children in the State in 2014 was less than 200,000 (as determined by the Bureau of the Census).

''(8) PROHIBITION AGAINST USE OF STATE FOSTER CARE PREVENTION EXPENDITURES AND FEDERAL IV–E PREVENTION FUNDS FOR MATCHING OR EXPENDITURE REQUIREMENT.—A State that elects to provide services and programs specified in paragraph (1) shall not use any State foster care prevention expenditures for a fiscal year for the State share of expenditures under section 474(a)(6) for a fiscal year.

''(9) ADMINISTRATIVE COSTS.—Expenditures described in section 474(a)(6)(B)—

''(A) shall not be eligible for payment under subparagraph (A), (B), or (E) of section 474(a)(3); and

''(B) shall be eligible for payment under section 474(a)(6)(B) without regard to whether the expenditures are incurred on behalf of a child who is, or is potentially, eligible for foster care maintenance payments under this part.

''(10) APPLICATION.—

''(A) IN GENERAL.—The provision of services or programs under this subsection to or on behalf of a child described in paragraph (2) shall not be considered to be receipt of aid or assistance under the State plan under this part for purposes of eligibility for any other program established under this Act.

''(B) CANDIDATES IN KINSHIP CARE.—A child described in paragraph (2) for whom such services or programs under this subsection are provided for more than 6 months while in the home of a kin caregiver, and who would satisfy the AFDC eligibility requirement of section 472(a)(3)(A)(ii)(II) but for residing in the home of the caregiver for more than 6 months, is deemed to satisfy that requirement for purposes of determining whether the child is eligible for foster care maintenance payments under section 472.''.

(b) DEFINITION.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

''(13) The term 'child who is a candidate for foster care' means, a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child's home or in a kinship placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.''.

(c) PAYMENTS UNDER TITLE IV–E.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(1) in paragraph (5), by striking the period at the end and inserting ''; plus''; and

(2) by adding at the end the following:

''(6) subject to section 471(e)—

''(A) for each quarter—

''(i) subject to clause (ii)—

''(I) beginning after September 30, 2019, and before October 1, 2025, an amount equal to 50 percent of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C); and

''(II) beginning after September 30, 2025, an amount equal to the Federal medical assistance percentage (which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C) (or, with respect to the payments made during the quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the 'tribal FMAP') if the Indian tribe, tribal organization, or tribal consortium made the payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State); except that

''(ii) not less than 50 percent of the total amount payable to a State under clause (i) for a fiscal year shall be for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices; plus

''(B) for each quarter specified in subparagraph (A), an amount equal to the sum of the following proportions of the total amount expended during the quarter:

''(i) 50 percent of so much of the expenditures as are found necessary by the Secretary for the proper and efficient administration of the State plan for the provision of services or programs specified in section 471(e)(1), including expenditures for activities approved by the Secretary that promote the development of necessary processes and procedures to establish and implement the provision of the services and programs for individuals who are eligible for the services and programs and expenditures attributable to data collection and reporting; and

''(ii) 50 percent of so much of the expenditures with respect to the provision of services and programs specified in section 471(e)(1) as are for training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision and of the members of the staff of State-licensed or State-approved child welfare agencies providing services to children described in section 471(e)(2) and their parents or kin caregivers, including on how to determine who are individuals eligible for the services or programs, how to identify and provide appropriate services and programs, and how to oversee and evaluate the ongoing appropriateness of the services and programs.''.

(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, AND DATA COLLECTION

AND EVALUATIONS.—Section 476 of such Act (42 U.S.C. 676) is amended by adding at the end the following:

''(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, DATA COLLECTION, AND EVALUATIONS RELATING TO PREVENTION SERVICES AND PROGRAMS.—

''(1) TECHNICAL ASSISTANCE AND BEST PRACTICES.—The Secretary shall provide to States and, as applicable, to Indian tribes, tribal organizations, and tribal consortia, technical assistance regarding the provision of services and programs described in section 471(e)(1) and shall disseminate best practices with respect to the provision of the services and programs, including how to plan and implement a well-designed and rigorous evaluation of a promising, supported, or well-supported practice.

''(2) CLEARINGHOUSE OF PROMISING, SUPPORTED, AND WELL-SUPPORTED PRACTICES.—The Secretary shall, directly or through grants, contracts, or interagency agreements, evaluate research on the practices specified in clauses (iii), (iv), and (v), respectively, of section 471(e)(4)(C), and programs that meet the requirements described in section 427(a)(1), including culturally specific, or location- or population-based adaptations of the practices, to identify and establish a public clearinghouse of the practices that satisfy each category described by such clauses. In addition, the clearinghouse shall include information on the specific outcomes associated with each practice, including whether the practice has been shown to prevent child abuse and neglect and reduce the likelihood of foster care placement by supporting birth families and kinship families and improving targeted supports for pregnant and parenting youth and their children.

''(3) DATA COLLECTION AND EVALUATIONS.—The Secretary, directly or through grants, contracts, or interagency agreements, may collect data and conduct evaluations with respect to the provision of services and programs described in section 471(e)(1) for purposes of assessing the extent to which the provision of the services and programs—

''(A) reduces the likelihood of foster care placement;

''(B) increases use of kinship care arrangements; or

''(C) improves child well-being.

''(4) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives periodic reports based on the provision of services and programs described in section 471(e)(1) and the activities carried out under this subsection.

''(B) PUBLIC AVAILABILITY.—The Secretary shall make the reports to Congress submitted under this paragraph publicly available.

''(5) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to the Secretary $1,000,000 for fiscal year 2017 and each fiscal year thereafter to carry out this subsection.''.

(e) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Section 479B of such Act (42 U.S.C. 679c) is amended—

(A) in subsection (c)(1)—

(i) in subparagraph (C)(i)—

(I) in subclause (II), by striking ''and'' after the semicolon;

(II) in subclause (III), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(IV) at the option of the tribe, organization, or consortium, services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers, in accordance with section 471(e) and subparagraph (E).''; and

(ii) by adding at the end the following:

''(E) PREVENTION SERVICES AND PROGRAMS FOR CHILDREN AND THEIR PARENTS AND KIN CAREGIVERS.—

''(i) IN GENERAL.—In the case of a tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers under the plan, the Secretary shall specify the requirements applicable to the provision of the services and programs. The requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under section 471(e) and shall permit the provision of the services and programs in the form of services and programs that are adapted to the culture and context of the tribal communities served.

''(ii) PERFORMANCE MEASURES.—The Secretary shall establish specific performance measures for each tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1). The performance measures shall, to the greatest extent practicable, be consistent with the prevention services measures required for States under section 471(e)(6) but shall allow for consideration of factors unique to the provision of the services by tribes, organizations, or consortia.''; and

(B) in subsection (d)(1), by striking ''and (5)'' and inserting ''(5), and (6)(A)''.

(2) CONFORMING AMENDMENT.—The heading for subsection (d) of section 479B of such Act (42 U.S.C. 679c) is amended by striking ''FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS''.

(f) APPLICATION TO PROGRAMS OPERATED BY TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking ''or 413(f)'' and inserting ''413(f), or 474(a)(6)''.

SEC. 112. FOSTER CARE MAINTENANCE PAYMENTS FOR CHILDREN WITH PARENTS IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.

(a) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672) is amended—

(1) in subsection (a)(2)(C), by striking ''or'' and inserting '', with a parent residing in a licensed residential family-based treatment facility, but only to the extent permitted under subsection (j), or in a''; and

(2) by adding at the end the following:

''(j) CHILDREN PLACED WITH A PARENT RESIDING IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.—

''(1) IN GENERAL.—Notwithstanding the preceding provisions of this section, a child who is eligible for foster care maintenance payments under this section, or who would be eligible for the payments if the eligibility were determined without regard to paragraphs (1)(B) and (3) of subsection (a), shall be eligible for the payments for a period of not more than 12 months during which the child is placed with a parent who is in a licensed residential family-based treatment facility for substance abuse, but only if—

''(A) the recommendation for the placement is specified in the child's case plan before the placement;

''(B) the treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; and

''(C) the substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

''(2) APPLICATION.—With respect to children for whom foster care maintenance payments are made under paragraph (1), only the children who satisfy the requirements of paragraphs (1)(B) and (3) of subsection (a) shall be considered to be children with respect to whom foster care maintenance payments are made under this section for purposes of subsection (h) or section 473(b)(3)(B).''.

(b) CONFORMING AMENDMENT.—Section 474(a)(1) of such Act (42 U.S.C. 674(a)(1)) is amended by inserting ''subject to section 472(j),'' before ''an amount equal to the Federal'' the first place it appears.

SEC. 113. TITLE IV–E PAYMENTS FOR EVIDENCE-BASED KINSHIP NAVIGATOR PROGRAMS.

Section 474(a) of the Social Security Act (42 U.S.C. 674(a)), as amended by section 111(c), is amended—

(1) in paragraph (6), by striking the period at the end and inserting ''; plus''; and

(2) by adding at the end the following:

''(7) an amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for kinship navigator programs that meet the requirements described in section 427(a)(1) and that the Secretary determines are operated in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C), without regard to whether the expenditures are incurred on behalf of children who are, or are potentially, eligible for foster care maintenance payments under this part.''.

Subtitle B—Enhanced Support Under Title IV–B

SEC. 121. ELIMINATION OF TIME LIMIT FOR FAMILY REUNIFICATION SERVICES WHILE IN FOSTER CARE AND PERMITTING TIME-LIMITED FAMILY REUNIFICATION SERVICES WHEN A CHILD RETURNS HOME FROM FOSTER CARE.

(a) IN GENERAL.—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629a(a)(7)) is amended—

(1) in the paragraph heading, by striking ''TIME-LIMITED FAMILY'' and inserting ''FAMILY''; and

(2) in subparagraph (A)—

(A) by striking ''time-limited family'' and inserting ''family'';

(B) by inserting ''or a child who has been returned home'' after ''child care institution''; and

(C) by striking '', but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care'' and inserting ''and to ensure the strength and stability of the reunification. In the case of a child who has been returned home, the services and activities shall only be provided during the 15-month period that begins on the date that the child returns home''.

(b) CONFORMING AMENDMENTS.—

(1) Section 430 of such Act (42 U.S.C. 629) is amended in the matter preceding paragraph (1), by striking ''time-limited''.

(2) Subsections (a)(4), (a)(5)(A), and (b)(1) of section 432 of such Act (42 U.S.C. 629b) are amended by striking ''time-limited'' each place it appears.

SEC. 122. REDUCING BUREAUCRACY AND UNNECESSARY DELAYS WHEN PLACING CHILDREN IN HOMES ACROSS STATE LINES.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25)) is amended—

(1) by striking ''provide'' and insert ''provides''; and

(2) by inserting '', which, not later than October 1, 2026, shall include the use of an electronic interstate case-processing system'' before the first semicolon.

(b) GRANTS FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

''(g) GRANTS FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—

''(1) PURPOSE.—The purpose of this subsection is to facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across State lines.

''(2) APPLICATION REQUIREMENTS.—A State that desires a grant under this subsection shall submit to the Secretary an application containing the following:

''(A) A description of the goals and outcomes to be achieved during the period for which grant funds are sought, which goals and outcomes must result in—

''(i) reducing the time it takes for a child to be provided with a safe and appropriate permanent living arrangement across State lines;

''(ii) improving administrative processes and reducing costs in the foster care system; and

''(iii) the secure exchange of relevant case files and other necessary materials in real time, and timely communications and placement decisions regarding interstate placements of children.

''(B) A description of the activities to be funded in whole or in part with the grant funds, including the sequencing of the activities.

''(C) A description of the strategies for integrating programs and services for children who are placed across State lines.

''(D) Such other information as the Secretary may require.

''(3) GRANT AUTHORITY.—The Secretary may make a grant to a State that complies with paragraph (2).

''(4) USE OF FUNDS.—A State to which a grant is made under this subsection shall use the grant to support the State in connecting with the electronic interstate case-processing system described in paragraph (1).

''(5) EVALUATIONS.—Not later than 1 year after the final year in which grants are awarded under this subsection, the Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

''(A) How using the electronic interstate case-processing system developed pursuant to paragraph (4) has changed the time it takes for children to be placed across State lines.

''(B) The number of cases subject to the Interstate Compact on the Placement of Children that were processed through the electronic interstate case-processing system, and the number of interstate child placement cases that were processed outside the electronic interstate case-processing system, by each State in each year.

''(C) The progress made by States in implementing the electronic interstate case-processing system.

''(D) How using the electronic interstate case-processing system has affected various metrics related to child safety and well-being, including the time it takes for children to be placed across State lines.

''(E) How using the electronic interstate case-processing system has affected administrative costs and caseworker time spent on placing children across State lines.

''(6) DATA INTEGRATION.—The Secretary, in consultation with the Secretariat for the Interstate Compact on the Placement of Children and the States, shall assess how the electronic interstate case-processing system developed pursuant to paragraph (4) could be used to better serve and protect children that come to the attention of the child welfare system, by—

''(A) connecting the system with other data systems (such as systems operated by State law enforcement and judicial agencies, systems operated by the Federal Bureau of Investigation for the purposes of the Innocence Lost National Initiative, and other systems);

''(B) simplifying and improving reporting related to paragraphs (34) and (35) of section 471(a) regarding children or youth who have been identified as being a sex trafficking victim or children missing from foster care; and

''(C) improving the ability of States to quickly comply with background check requirements of section 471(a)(20), including checks of child abuse and neglect registries as required by section 471(a)(20)(B).''.

(c) RESERVATION OF FUNDS TO IMPROVE THE INTERSTATE PLACEMENT OF CHILDREN.—Section 437(b) of such Act (42 U.S.C. 629g(b)) is amended by adding at the end the following:

''(4) IMPROVING THE INTERSTATE PLACEMENT OF CHILDREN.—The Secretary shall reserve $5,000,000 of the amount made available for fiscal year 2017 for grants under subsection (g), and the amount so reserved shall remain available through fiscal year 2021.''.

SEC. 123. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-BEING OF FAMILIES AFFECTED BY SUBSTANCE ABUSE.

Section 437(f) of the Social Security Act (42 U.S.C. 629g(f)) is amended—

(1) in the subsection heading, by striking ''INCREASE THE WELL-BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY'' and inserting ''IMPLEMENT IV–E PREVENTION SERVICES, AND IMPROVE THE WELL-BEING OF, AND IMPROVE PERMANENCY OUTCOMES FOR, CHILDREN AND FAMILIES AFFECTED BY HEROIN, OPIOIDS, AND OTHER'';

(2) by striking paragraph (2) and inserting the following:

''(2) REGIONAL PARTNERSHIP DEFINED.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate, State, or intrastate basis) entered into by the following:

''(A) MANDATORY PARTNERS FOR ALL PARTNERSHIP GRANTS.—

''(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

''(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

''(B) MANDATORY PARTNERS FOR PARTNERSHIP GRANTS PROPOSING TO SERVE CHILDREN IN OUT-OF-HOME PLACEMENTS.—If the partnership proposes to serve children in out-of-home placements, the Juvenile Court or Administrative Office of the Court that is most appropriate to oversee the administration of court programs in the region to address the population of families who come to the attention of the court due to child abuse or neglect.

''(C) OPTIONAL PARTNERS.—At the option of the partnership, any of the following:

''(i) An Indian tribe or tribal consortium.

''(ii) Nonprofit child welfare service providers.

''(iii) For-profit child welfare service providers.

''(iv) Community health service providers, including substance abuse treatment providers.

''(v) Community mental health providers.

''(vi) Local law enforcement agencies.

''(vii) School personnel.

''(viii) Tribal child welfare agencies (or a consortia of the agencies).

''(ix) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under a State plan approved under this subpart.

''(D) EXCEPTION FOR REGIONAL PARTNERSHIPS WHERE THE LEAD APPLICANT IS AN INDIAN TRIBE OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

''(i) may (but is not required to) include the State child welfare agency as a partner in the collaborative agreement;

''(ii) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of the agencies); and

''(iii) if the condition described in paragraph (2)(B) applies, may include tribal court organizations in lieu of other judicial partners.'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''2012 through 2016'' and inserting ''2017 through 2021''; and

(ii) by striking ''$500,000 and not more than $1,000,000'' and inserting ''$250,000 and not more than $1,000,000'';

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''; PLANNING'' after ''APPROVAL'';

(ii) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(iii) by adding at the end the following:

''(iii) SUFFICIENT PLANNING.—A grant awarded under this subsection shall be disbursed in two phases: a planning phase (not to exceed 2 years); and an implementation phase. The total disbursement to a grantee for the planning phase may not exceed $250,000, and may not exceed the total anticipated funding for the implementation phase.''; and

(C) by adding at the end the following:

''(D) LIMITATION ON PAYMENT FOR A FISCAL YEAR.—No payment shall be made under subparagraph (A) or (C) for a fiscal year until the Secretary determines that the eligible partnership has made sufficient progress in meeting the goals of the grant and that the members of the eligible partnership are coordinating to a reasonable degree with the other members of the eligible partnership.'';

(4) in paragraph (4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting '', parents, and families'' after ''children'';

(ii) in clause (ii), by striking ''safety and permanence for such children; and'' and inserting ''safe, permanent caregiving relationships for the children;'';

(iii) in clause (iii), by striking ''or'' and inserting ''increase reunification rates for children who have been placed in out of home care, or decrease''; and

(iv) by redesignating clause (iii) as clause (v) and inserting after clause (ii) the following:

''(iii) improve the substance abuse treatment outcomes for parents including retention in treatment and successful completion of treatment;

''(iv) facilitate the implementation, delivery, and effectiveness of prevention services and programs under section 471(e); and'';

(B) in subparagraph (D), by striking ''where appropriate,''; and

(C) by striking subparagraphs (E) and (F) and inserting the following:

''(E) A description of a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period, including through the use of prevention services and programs under section 471(e) and other funds provided to the State for child welfare and substance abuse prevention and treatment services.

''(F) Additional information needed by the Secretary to determine that the proposed activities and implementation will be consistent with research or evaluations showing which practices and approaches are most effective.'';

(5) in paragraph (5)(A), by striking ''abuse treatment'' and inserting ''use disorder treatment including medication assisted treatment and in-home substance abuse disorder treatment and recovery'';

(6) in paragraph (7)—

(A) by striking ''and'' at the end of subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health agencies; and'';

(7) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking ''establish indicators that will be'' and inserting ''review indicators that are''; and

(ii) by striking ''in using funds made available under such grants to achieve the purpose of this subsection'' and inserting ''and establish a set of core indicators related to child safety, parental recovery, parenting capacity, and family well-being. In developing the core indicators, to the extent possible, indicators shall be made consistent with the outcome measures described in section 471(e)(6)''; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ''base the performance measures on lessons learned from prior rounds of regional partnership grants under this subsection, and'' before ''consult''; and

(ii) by striking clauses (iii) and (iv) and inserting the following:

''(iii) Other stakeholders or constituencies as determined by the Secretary.'';

(8) in paragraph (9)(A), by striking clause (i) and inserting the following:

''(i) SEMIANNUAL REPORTS.—Not later than September 30 of each fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and every 6 months thereafter, the grant recipient shall submit to the Secretary a report on the services provided and activities carried out during the reporting period, progress made in achieving the goals of the program, the number of children, adults, and families receiving services, and such additional information as the Secretary determines is necessary. The report due not later than September 30 of the last such fiscal year shall include, at a minimum, data on each of the performance indicators included in the evaluation of the regional partnership.''; and

(9) in paragraph (10), by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

Subtitle C—Miscellaneous

SEC. 131. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2017, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes (as defined in section 472(c)(1) of the Social Security Act).

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (34)(B), by striking ''and'' after the semicolon;

(2) in paragraph (35)(B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(36) provides that, not later than April 1, 2018, the State shall submit to the Secretary information addressing—

''(A) whether the State licensing standards are in accord with model standards identified by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the State;

''(B) whether the State has elected to waive standards established in 471(a)(10)(A) for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

''(C) if the State has elected to waive standards specified in subparagraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in waiving nonsafety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

''(D) a description of the steps the State is taking to improve caseworker training or the process, if any; and''.

SEC. 132. DEVELOPMENT OF A STATEWIDE PLAN TO PREVENT CHILD ABUSE AND NEGLECT FATALITIES.

Section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)) is amended to read as follows:

''(19) document steps taken to track and prevent child maltreatment deaths by including—

''(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be reported by the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners or coroners; and

''(B) a description of the steps the state is taking to develop and implement of a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.''.

SEC. 133. MODERNIZING THE TITLE AND PURPOSE OF TITLE IV–E.

(a) PART HEADING.—The heading for part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

''PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMANENCY''.

(b) PURPOSE.—The first sentence of section 470 of such Act (42 U.S.C. 670) is amended—

(1) by striking ''1995) and'' and inserting ''1995),'';

(2) by inserting ''kinship guardianship assistance, and prevention services or programs specified in section 471(e)(1),'' after ''needs,''; and

(3) by striking ''(commencing with the fiscal year which begins October 1, 1980)''.

SEC. 134. EFFECTIVE DATES.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), subject to subsection (b), the amendments made by this title shall take effect on January 1, 2017.

(2) EXCEPTIONS.—The amendments made by sections 131 and 133 shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this title, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by this title (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements.

TITLE II—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

SEC. 201. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672), as amended by section 112, is amended—

(A) in subsection (a)(2)(C), by inserting '', but only to the extent permitted under subsection (k)'' after ''institution''; and

(B) by adding at the end the following:

''(k) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

''(1) IN GENERAL.—Beginning with the third week for which foster care maintenance payments are made under this section on behalf of a child placed in a child-care institution, no Federal payment shall be made to the

State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child unless—

''(A) the child is placed in a child-care institution that is a setting specified in paragraph (2) (or is placed in a licensed residential family-based treatment facility consistent with subsection (j)); and

''(B) in the case of a child placed in a qualified residential treatment program (as defined in paragraph (4)), the requirements specified in paragraph (3) and section 475A(c) are met.

''(2) SPECIFIED SETTINGS FOR PLACEMENT.—The settings for placement specified in this paragraph are the following:

''(A) A qualified residential treatment program (as defined in paragraph (4)).

''(B) A setting specializing in providing prenatal, post-partum, or parenting supports for youth.

''(C) In the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently.

''(D) A setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims, in accordance with section 471(a)(9)(C).

''(3) ASSESSMENT TO DETERMINE APPROPRIATENESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—

''(A) DEADLINE FOR ASSESSMENT.—In the case of a child who is placed in a qualified residential treatment program, if the assessment required under section 475A(c)(1) is not completed within 30 days after the placement is made, no Federal payment shall be made to the State under section 474(a)(1) for any amounts expended for foster care maintenance payments on behalf of the child during the placement.

''(B) DEADLINE FOR TRANSITION OUT OF PLACEMENT.—If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court disapproves such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home, Federal payments shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child while the child remains in the qualified residential treatment program only during the period necessary for the child to transition home or to such a placement. In no event shall a State receive Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the end of the 30-day period that begins on the date a determination is made that the placement is no longer the recommended or approved placement for the child.

''(4) QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—For purposes of this part, the term 'qualified residential treatment program' means a program that—

''(A) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under section 475A(c);

''(B) subject to paragraphs (5) and (6), has registered or licensed nursing staff and other licensed clinical staff who—

''(i) provide care within the scope of their practice as defined by State law;

''(ii) are on-site during business hours; and

''(iii) are available 24 hours a day and 7 days a week;

''(C) to extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

''(D) facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child;

''(E) documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

''(F) provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

''(G) is licensed in accordance with section 471(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

''(i) The Commission on Accreditation of Rehabilitation Facilities (CARF).

''(ii) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

''(iii) The Council on Accreditation (COA).

''(iv) Any other independent, not-for-profit accrediting organization approved by the Secretary.

''(5) FLEXIBILITY IN STAFFING REQUIREMENTS FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAMS.—

''(A) IN GENERAL.—In the case of any State that the Secretary determines is described in subparagraph (B) and satisfies the requirements of subparagraphs (C) and (D), respectively, the State may elect to satisfy the requirement of paragraph (4)(B) that a qualified residential treatment program have registered or licensed nursing staff and other licensed clinical staff with clinical staff which include staff licensed to monitor medications and physical and behavioral health and that have demonstrated training in child development and trauma, in lieu of with registered or licensed nursing staff and other licensed clinical staff.

''(B) STATE DESCRIBED.—Subject to subparagraph (E), a State is described in this subparagraph if for the most recent fiscal year for which data are available—

''(i) the percentage of children on whose behalf foster care maintenance payments are being made under this part who have been placed in congregate care settings—

''(I) is at or below 7.5 percent for the fiscal year; or

''(II) has been reduced by at least 20 percent from the preceding fiscal year; and

''(ii) the average length of stay for children in foster care under the responsibility of the State in congregate care settings is at or below 12 months.

''(C) DEMONSTRATION OF CAPACITY AND NEED.—A State described in subparagraph (B) shall be eligible to use the alternative staffing model permitted under subparagraph (A) if the State can demonstrate to the satisfaction of the Secretary that the qualified residential treatment programs utilizing the alternative staffing models permitted under subparagraph (A) have the capacity to serve children and youth whose treatment plans—

''(i) indicate a need for increased supervision based on behavioral history, history of juvenile delinquency, or history of sexual offenses; and

''(ii) require a placement that conforms to the alternative staffing model permitted under subparagraph (A).

''(D) ANNUAL DETERMINATION OF STATE ELIGIBILITY BASED ON AFCARS AND OTHER DATA.—The Secretary annually shall make the determinations required under subparagraph (B) with respect to a State and a fiscal year, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State and approved by the Secretary, and, to the extent the Secretary determines necessary, on the basis of such other information reported to the Secretary as the Secretary may require to determine that a State is, or continues to be, a State described in subparagraph (B).

''(E) CONGREGATE CARE SETTINGS.—In this paragraph, the term 'congregate care settings' includes any settings described as 'group homes' or 'institutions' for purposes of data reported in accordance with the requirements of the system established pursuant to section 479 or any similar placement settings reported in accordance with such requirements.

''(6) AUTHORITY FOR FRONTIER STATES TO WAIVE OR MODIFY CERTAIN STAFFING REQUIREMENTS FOR QUALIFIED RESIDENTIAL TREATMENT PROGRAMS.—

''(A) IN GENERAL.—A frontier State may waive or modify the requirements of clause (ii) or (iii) of paragraph (4)(B) (or both) with respect to any qualified residential treatment program located in the frontier State.

''(B) FRONTIER STATE DEFINED.—In this paragraph:

''(i) FRONTIER STATE.—The term 'frontier State' means a State in which at least 50 percent of the counties in the State are frontier counties.

''(ii) FRONTIER COUNTY.—The term 'frontier county' means a county in which the population per square mile is 6 or less.

''(7) ADMINISTRATIVE COSTS.—The prohibition in paragraph (1) on Federal payments under section 474(a)(1) shall not be construed as prohibiting Federal payments for administrative expenditures incurred on behalf of a child placed in a child-care institution and for which payment is available under section 474(a)(3).

''(8) RULE OF CONSTRUCTION.—The requirements in paragraph (4)(B) shall not be construed as requiring a qualified residential treatment program to acquire nursing and behavioral health staff solely through means of a direct employer to employee relationship.''.

(2) CONFORMING AMENDMENT.—Section 474(a)(1) of the Social Security Act (42 U.S.C. 674(a)(1)), as amended by section 112(b), is amended by striking ''section 472(j)'' and inserting ''subsections (j) and (k) of section 472''.

(b) DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.—Section 472(c) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

''(c) DEFINITIONS.—For purposes of this part:

''(1) FOSTER FAMILY HOME.—

''(A) IN GENERAL.—The term 'foster family home' means the home of an individual or family—

''(i) that is licensed or approved by the State in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

''(ii) in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State to be a foster parent—

''(I) that the State deems capable of adhering to the reasonable and prudent parent standard;

''(II) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

''(III) that provides the care for not more than six children in foster care.

''(B) STATE FLEXIBILITY.—The number of foster children that may be cared for in a home under subparagraph (A) may exceed the numerical limitation in subparagraph

(A)(ii)(III), at the option of the State, for any of the following reasons:

''(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.

''(ii) To allow siblings to remain together.

''(iii) To allow a child with an established meaningful relationship with the family to remain with the family.

''(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.

''(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as prohibiting a foster parent from renting the home in which the parent cares for a foster child placed in the parent's care.

''(2) CHILD-CARE INSTITUTION.—

''(A) IN GENERAL.—The term 'child-care institution' means a private child-care institution, or a public child-care institution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved by the agency of the State responsible for licensing or approval of institutions of this type as meeting the standards established for the licensing.

''(B) SUPERVISED SETTINGS.—In the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations.

''(C) EXCLUSIONS.—The term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.''.

(c) TRAINING FOR STATE JUDGES, ATTORNEYS, AND OTHER LEGAL PERSONNEL IN CHILD WELFARE CASES.—Section 438(b)(1) of such Act (42 U.S.C. 629h(b)(1)) is amended in the matter preceding subparagraph (A) by inserting ''shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home,'' after ''with respect to the child,''.

(d) ASSURANCE OF NONIMPACT ON JUVENILE JUSTICE SYSTEM.—

(1) STATE PLAN REQUIREMENT.—Section 471(a) of such Act (42 U.S.C. 671(a)), as amended by section 131, is further amended by adding at the end the following:

''(37) includes a certification that, in response to the limitation imposed under section 472(k) with respect to foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the State will not enact or advance policies or practices that would result in a significant increase in the population of youth in the State's juvenile justice system.''.

(2) GAO STUDY AND REPORT.—The Comptroller General of the United States shall evaluate the impact, if any, on State juvenile justice systems of the limitation imposed under section 472(k) of the Social Security Act (as added by section 201(a)(1)) on foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, in accordance with the amendments made by subsections (a) and (b) of this section. In particular, the Comptroller General shall evaluate the extent to which children in foster care who also are subject to the juvenile justice system of the State are placed in a facility under the jurisdiction of the juvenile justice system and whether the lack of available congregate care placements under the jurisdiction of the child welfare systems is a contributing factor to that result. Not later than December 31, 2023, the Comptroller General shall submit to Congress a report on the results of the evaluation.

SEC. 202. ASSESSMENT AND DOCUMENTATION OF THE NEED FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

Section 475A of the Social Security Act (42 U.S.C. 675a) is amended by adding at the end the following:

''(c) ASSESSMENT, DOCUMENTATION, AND JUDICIAL DETERMINATION REQUIREMENTS FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

''(1)(A) Within 30 days of the start of each placement in such a setting, a qualified individual (as defined in subparagraph (D)) shall—

''(i) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;

''(ii) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

''(iii) develop a list of child-specific short- and long-term mental and behavioral health goals.

''(B)(i) The State shall assemble a family and permanency team for the child in accordance with the requirements of clauses (ii) and (iii). The qualified individual conducting the assessment required under subparagraph (A) shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment.

''(ii) The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the child in accordance with section 475(5)(C)(iv).

''(iii) The State shall document in the child's case plan—

''(I) the reasonable and good faith effort of the State to identify and include all such individuals on the family of, and permanency team for, the child;

''(II) all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;

''(III) evidence that meetings of the family and permanency team, including meetings relating to the assessment required under subparagraph (A), are held at a time and place convenient for family;

''(IV) if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;

''(V) evidence that the assessment required under subparagraph (A) is determined in conjunction with the family and permanency team;

''(VI) the placement preferences of the family and permanency team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and

''(VII) if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment under subparagraph (A), the reasons why the preferences of the team and of the child were not recommended.

''(C) In the case of a child who the qualified individual conducting the assessment under subparagraph (A) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that a needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

''(D)(i) Subject to clause (ii), in this subsection, the term 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

''(ii) The Secretary may approve a request of a State to waive any requirement in clause (i) upon a submission by the State, in accordance with criteria established by the Secretary, that certifies that the trained professionals or licensed clinicians with responsibility for performing the assessments described in subparagraph (A) shall maintain objectivity with respect to determining the most effective and appropriate placement for a child.

''(2) Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall—

''(A) consider the assessment, determination, and documentation made by the qualified individual conducting the assessment under paragraph (1);

''(B) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

''(C) approve or disapprove the placement.

''(3) The written documentation made under paragraph (1)(C) and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body under paragraph (2) shall be included in and made part of the case plan for the child.

''(4) As long as a child remains placed in a qualified residential treatment program, the State agency shall submit evidence at each status review and each permanency hearing held with respect to the child—

''(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

''(B) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

''(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

''(5) In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State agency shall submit to the Secretary—

''(A) the most recent versions of the evidence and documentation specified in paragraph (4); and

''(B) the signed approval of the head of the State agency for the continued placement of the child in that setting.''.

SEC. 203. PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES.

(a) STATE PLAN REQUIREMENT.—Section 422(b)(15)(A) of the Social Security Act (42 U.S.C. 622(b)(15)(A)) is amended—

(1) in clause (vi), by striking ''and'' after the semicolon;

(2) by redesignating clause (vii) as clause (viii); and

(3) by inserting after clause (vi) the following:

''(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and''.

(b) EVALUATION.—Section 476 of such Act (42 U.S.C. 676), as amended by section 111(d), is further amended by adding at the end the following:

''(e) EVALUATION OF STATE PROCEDURES AND PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES OF MENTAL ILLNESS OR OTHER CONDITIONS.—The Secretary shall conduct an evaluation of the procedures and protocols established by States in accordance with the requirements of section 422(b)(15)(A)(vii). The evaluation shall analyze the extent to which States comply with and enforce the procedures and protocols and the effectiveness of various State procedures and protocols and shall identify best practices. Not later than January 1, 2019, the Secretary shall submit a report on the results of the evaluation to Congress.''.

SA 5166. Mr. PORTMAN (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 14, strike line 18 and all that follows through page 15, line 9, and insert the following:

''(iv) GENERAL FUND TRANSFER.—If the transfer under this subparagraph for fiscal year 2017 (after any adjustment under paragraph (5)) is insufficient to pay health benefits under the plan for such year, including benefits of the individuals referred to in clause (ii)(II)(bb) for the period described in clause (ii)(II), the Secretary of the Treasury shall transfer to the Plan out of the general fund of the Treasury an amount sufficient to pay such benefits.'.

''(c) CONFORMING AMENDMENT.—Subparagraph (B) of section 402(h)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(1)) is amended by inserting '(except as provided in paragraph (2)(C)(iv))' after 'not to exceed'.

SA 5167. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding sections 101 and 102, within amounts appropriated for the Department of Defense for ''Defense Health Program'', $1,832,000,000 shall be available only for the Congressionally Directed Medical Research Program for research, development, test, and evaluation.

SA 5168. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2028, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding sections 101 and 102, within amounts appropriated for the Department of Defense for ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', an aggregate of $600,735,000 shall be available for Israeli Cooperative Programs: *Provided*, That the availability of such amount for such Programs shall be subject to the same authority and conditions as are provided in the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113) with respect to the availability of amounts in that Act for such Programs.

SA 5169. Mr. BOOZMAN (for Mr. TOOMEY) proposed an amendment to the bill S. 1831, to revise section 48 of title 18, United States Code, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. REVISION OF SECTION 48.

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

''§ 48. Animal crushing

''(a) OFFENSES.—

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

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

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

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

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

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

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

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

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

''(d) EXCEPTIONS.—

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

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

''(B) the slaughter of animals for food;

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

''(D) medical or scientific research;

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

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

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

''(A) a law enforcement agency; or

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

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

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

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

''(f) DEFINITIONS.—In this section—

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

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

''(A) depicts animal crushing; and

''(B) is obscene; and

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

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

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

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

''48. Animal crushing.''.

SA 5170. Mr. BOOZMAN (for Mr. PERDUE) proposed an amendment to the bill S. 2781, to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes; as follows:

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

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

''(B) maximizes opportunities for small business participation;

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

SA 5171. Mr. BOOZMAN (for Mr. PERDUE) proposed an amendment to the bill H.R. 3842, to improve homeland security, including domestic preparedness and response to terrorism, by reforming Federal Law Enforcement Training Centers to provide training to first responders, and for other purposes; as follows:

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

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

''(B) maximizes opportunities for small business participation;

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

SA 5172. Mr. BOOZMAN (for Mr. SULLIVAN) proposed an amendment to the bill S. 3086, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 3. ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended by adding at the end the following new subsection:

''(d) ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.—

''(1) IN GENERAL.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.

''(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

''(A) to assist in the cleanup and response required by the severe marine debris event; or

''(B) such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

''(3) FEDERAL SHARE.—The Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.''.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to learn about, and find solutions to, the contributions of such countries to marine debris in the world's oceans;

(2) carry out studies to determine—

(A) the primary means by which solid waste enters the oceans;

(B) the manner in which waste management infrastructure can be most effective in preventing debris from reaching the oceans;

(C) the long-term economic impacts of marine debris on the national economies of each country set out in paragraph (1) and on the global economy; and

(D) the economic benefits of decreasing the amount of marine debris in the oceans;

(3) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to conclude one or more new international agreements—

(A) to mitigate the risk of land-based marine debris contributed by such countries reaching an ocean; and

(B) to increase technical assistance and investment in waste management infrastructure, if the President determines appropriate; and

(4) consider the benefits and appropriateness of having a senior official of the Department of State serve as a permanent member of the Interagency Marine Debris Coordinating Committee established under section 5 of the Marine Debris Act (33 U.S.C. 1954).

SA 5173. Mr. BOOZMAN (for Mr. MORAN) proposed an amendment to the bill S. 290, to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2016''.

''(e) DEFINITIONS.—In this section:

''(1) The term 'covered position' is—

''(A) a senior executive position; or

''(B) a position listed in section 7401(1) of this title that is not a senior executive position.

''(2) The term 'covered service' means, with respect to an individual subject to a removal or transfer from a covered position at the Department for performance or misconduct, the period of service beginning on the date that the Secretary determines that such individual engaged in activity that gave rise to such action and ending on the date that such individual is removed from the civil service or leaves employment at the Department prior to the issuance of a final decision with respect to such action, as the case may be.

''(3) The term 'lump-sum credit' has the meaning given such term in section 8331 or 8401 of title 5, as the case may be.

''(4) The term 'senior executive position' has the meaning given such term in section 713(g) of this title.

''(5) The term 'service' has the meaning given such term in section 8331 or 8401 of title 5, as the case may be.''.

(b) APPLICATION.—Section 715 of such title, as added by subsection (a), shall apply to any action of removal or transfer from a covered position (as defined in subsection (e) of such section) at the Department of Veterans Affairs commencing on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''715. Senior executives and section 7401(1) employees: reduction of benefits of individuals convicted of a felony.''.

SEC. 3. LIMITATION ON ADMINISTRATIVE LEAVE FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by adding at the end the following new section:

''§ 717. Administrative leave limitation and report

''(a) LIMITATION APPLICABLE TO EMPLOYEES WITHIN THE DEPARTMENT.—(1) The Secretary may not place any covered individual on administrative leave for more than a total of 14 business days during any 365-day period.

''(2)(A) The Secretary may waive the limitation under paragraph (1) and extend the period of administrative leave of a covered individual if the Secretary submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed explanation of the reasons the covered individual was placed on administrative leave and the reasons for the extension of such leave.

''(B) Such explanation shall include the position of the covered individual and the location where the covered individual is employed.

''(3) In this subsection, the term 'covered individual' means an employee of the Department, including an employee in a senior executive position (as defined in section 713(g) of this title)—

''(A) who is subject to an investigation for purposes of determining whether such individual should be subject to any disciplinary action under this title or title 5; or

''(B) against whom any disciplinary action is proposed or initiated under this title or title 5.

''(b) REPORT ON ADMINISTRATIVE LEAVE.—(1) Not later than 30 days after the end of each fiscal year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report listing the position of each employee of the Department (if any) who has been placed on administrative leave for a period longer than 14 business days during such fiscal year.

''(2) Each report submitted under paragraph (1) shall include, with respect to each employee listed in such report, the following:

''(A) The position occupied by the employee.

''(B) The number of business days of such leave.

''(C) The reason that such employee was placed on such leave.

''(3) In submitting each report under paragraph (1), the Secretary shall take such measures to protect the privacy of the employees listed in the report as the Secretary considers appropriate.

''(c) ADMINISTRATIVE LEAVE DEFINED.—In this section, the term 'administrative leave'—

''(1) means an administratively authorized absence from duty without loss of pay or charge to leave for which the employee is placed due to an investigation on or for whom any disciplinary action is proposed or initiated; and

''(2) includes any type of paid non-duty status without a charge to leave.''.

(b) APPLICATION.—

(1) ADMINISTRATIVE LEAVE LIMITATION.—Subsection (a) of section 717 of title 38, United States Code (as added by subsection (a)), shall apply to any period of administrative leave (as defined in such section) commencing on or after the date of the enactment of this Act.

(2) REPORT.—The report under section 717(b) of such title (as added by subsection (a)) shall apply beginning in the first quarter that ends after the date that is 180 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by adding at the end the following new item:

''717. Administrative leave limitation and report.''.

SEC. 4. ACCOUNTABILITY OF LEADERS FOR MANAGING THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by inserting after section 709 the following new section:

''§ 710. Annual performance plan for political appointees

''(a) IN GENERAL.—The Secretary shall conduct an annual performance plan for each political appointee of the Department that is similar to the annual performance plan conducted for an employee of the Department who is appointed as a career appointee (as that term is defined in section 3132(a)(4) of title 5) within the Senior Executive Service at the Department.

''(b) ELEMENTS OF PLAN.—Each annual performance plan conducted under subsection (a) with respect to a political appointee of the Department shall include, to the extent applicable, an assessment of whether the appointee is meeting the following goals:

''(1) Recruiting, selecting, and retaining well-qualified individuals for employment at the Department.

''(2) Engaging and motivating employees.

''(3) Training and developing employees and preparing those employees for future leadership roles within the Department.

''(4) Holding each employee of the Department that is a manager accountable for addressing issues relating to performance, in particular issues relating to the performance of employees that report to the manager.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by inserting after the item relating to section 709 the following new item:

''710. Annual performance plan for political appointees.''.

SEC. 5. ACCOUNTABILITY OF SUPERVISORS AT DEPARTMENT OF VETERANS AFFAIRS FOR HIRING WELL-QUALIFIED PEOPLE.

(a) ASSESSMENT DURING PROBATIONARY PERIOD.—

(1) DETERMINATION REQUIRED.—With respect to any employee of the Department of Veterans Affairs who is required to serve a probationary period in a position in the Department, the Secretary of Veterans Affairs shall require the supervisor of such employee to determine, during the 30-day period ending on the date on which the probationary period ends, whether the employee—

(A) has demonstrated successful performance; and

(B) should continue past the probationary period.

(2) LIMITATION ON EMPLOYMENT AFTER PROBATIONARY PERIOD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no employee of the Department serving a probationary period as described in paragraph (1) may complete that probationary period unless and until the supervisor of the employee, or another supervisor capable of making the requisite determination, has made an affirmative determination under such paragraph.

(B) PROBATIONARY PERIOD DEEMED COMPLETED.—

(i) NO DETERMINATION.—If no determination under paragraph (1) is made with respect to an employee before the end of the 60-day period following the end of the 30-day period specified in such paragraph, the employee shall be deemed to have completed the probationary period of the employee effective as of the end of that 60-day period.

(ii) RETROACTIVE EFFECT OF DETERMINATION.—If an affirmative determination under paragraph (1) is made with respect to an employee after the end of the 30-day period specified in such paragraph, the employee shall be deemed to have completed the probationary period of the employee effective as of the end of that 30-day period.

(3) NOTIFICATION TO CONGRESS REGARDING DETERMINATIONS.—Not less frequently than monthly, the Secretary shall notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives regarding—

(A) each instance during such month in which a supervisor did not make a determination required under paragraph (1) during the period required in such paragraph; and

(B) each such instance included in a previous notification under this paragraph for which the supervisor still has not made such a determination.

(b) SUPERVISORS.—With respect to any employee of the Department who is serving a probationary period in a supervisory position at the Department, successful performance under subsection (a) shall include demonstrating management competencies in addition to the technical skills required for such position.

(c) PERFORMANCE PLAN.—Each annual performance plan conducted for a supervisor of an employee serving a probationary period shall hold the supervisor accountable for—

(1) providing regular feedback to such employee during such period before making a determination under subsection (a) regarding the probationary status of such employee; and

(2) making a timely determination under subsection (a) regarding the probationary status of such employee.

(d) SUPERVISOR DEFINED.—In this section, the term ''supervisor'' has the meaning given such term in section 7103(a) of title 5, United States Code.

SEC. 6. ACCOUNTABILITY OF MANAGERS FOR ADDRESSING PERFORMANCE OF EMPLOYEES.

The Secretary of Veterans Affairs shall ensure that, as a part of the annual performance plan of an employee of the Department of Veterans Affairs who is a manager, the manager is evaluated on the following:

(1) Taking action to address poor performance and misconduct among the employees that report to the manager.

(2) Taking steps to improve or sustain high levels of employee engagement.

SEC. 7. EXPANSION OF DEFINITION OF PERSONNEL ACTION TO INCLUDE PERFORMANCE EVALUATIONS OF EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 2302(a)(2)(A)(viii) of title 5, United States Code, is amended by inserting ''or under title 38'' after ''chapter 43 of this title''.

SEC. 8. WRITTEN OPINION ON CERTAIN EMPLOYMENT RESTRICTIONS AFTER TERMINATING EMPLOYMENT WITH THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is further amended by adding at the end the following new section:

''§ 719. Written opinion on certain employment restrictions after terminating employment with the Department

''(a) IN GENERAL.—Before terminating employment with the Department, any official of the Department who has participated personally and substantially during the one-year period ending on the date of the termination in an acquisition by the Department that exceeds $10,000,000 shall obtain a written opinion from an appropriate ethics counselor at the Department regarding any restrictions on activities that the official may undertake on behalf of a covered contractor during the two-year period beginning on the date on which the official terminates such employment.

''(b) COVERED CONTRACTOR DEFINED.—In this section, the term 'covered contractor' means a contractor carrying out a contract entered into with the Department, including pursuant to a subcontract.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is further amended by inserting after the item relating to section 717 the following new item:

''719. Written opinion on certain employment restrictions after leaving the Department.''.

SEC. 9. REQUIREMENT FOR CONTRACTORS OF THE DEPARTMENT EMPLOYING CERTAIN RECENTLY SEPARATED DEPARTMENT EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 8129. Requirement for contractors employing certain recently separated Department employees

''(a) IN GENERAL.—A covered contractor may not knowingly provide compensation to an individual described in subsection (b) during the two-year period beginning on the date on which the individual terminates employment with the Department unless the covered contractor determines that the individual—

''(1) has obtained the written opinion required under section 719(a) of this title; or

''(2) has requested such written opinion not later than 30 days before receiving compensation from the covered contractor.

''(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is any official of the Department who participated personally and substantially during the one-year period ending on the date of the termination individual's employment with the Department in an acquisition by the Department that exceeds $10,000,000.

''(c) COVERED CONTRACTOR DEFINED.—In this section, the term 'covered contractor' means a contractor carrying out a contract entered into with the Department, including pursuant to a subcontract.''.

(b) APPLICATION.—The requirement under section 8129(a) of title 38, United States Code, as added by subsection (a), shall apply with respect to any entity that enters into a contract with the Department on or after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8128 the following new item:

''8129. Requirement for contractors employing certain recently separated Department employees.''.

SA 5174. Mr. PORTMAN (for Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 57, honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable, 70-year reign of King Bhumibol Adulyadej of Thailand; as follows:

In the 8th whereas clause, strike ''2006'' and insert ''2009''.

SA 5175. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to the bill H.R. 1150, to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes; 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 ''Frank R. Wolf International Religious Freedom Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; policy; sense of Congress.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
Sec. 102. Annual Report on International Religious Freedom.
Sec. 103. Training for Foreign Service officers.
Sec. 104. Prisoner lists and issue briefs on religious freedom concerns.

TITLE II—NATIONAL SECURITY COUNCIL

Sec. 201. Special Adviser for International Religious Freedom.

TITLE III—PRESIDENTIAL ACTIONS

Sec. 301. Non-state actor designations.
Sec. 302. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 303. Report to Congress.
Sec. 304. Presidential waiver.
Sec. 305. Publication in the Federal Register.

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

Sec. 401. Assistance for promoting religious freedom.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

Sec. 501. Designated Persons List for Particularly Severe Violations of Religious Freedom.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Miscellaneous provisions.
Sec. 602. Clerical amendments.

SEC. 2. FINDINGS; POLICY; SENSE OF CONGRESS.

(a) FINDINGS.—Section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) is amended—

(1) in paragraph (3), by inserting ''The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs and the right not to profess or practice any religion.'' before ''Governments'';

(2) in paragraph (4), by adding at the end the following: ''A policy or practice of routinely denying applications for visas for religious workers in a country can be indicative of a poor state of religious freedom in that country.''; and

(3) in paragraph (6)—

(A) by inserting ''and the specific targeting of non-theists, humanists, and atheists because of their beliefs'' after ''religious persecution''; and

(B) by inserting ''and in regions where non-state actors exercise significant political power and territorial control'' before the period at the end.

(b) POLICY.—Section 2(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E);

(2) by striking the matter preceding subparagraph (A), as redesignated, and inserting the following:

''(1) IN GENERAL.—The following shall be the policy of the United States:''; and

(3) by adding at the end the following:

''(2) EVOLVING POLICIES AND COORDINATED DIPLOMATIC RESPONSES.—Because the promotion of international religious freedom protects human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies and diplomatic responses that—

''(A) are drawn from the expertise of the national security agencies, the diplomatic services, and other governmental agencies and nongovernmental organizations; and

''(B) are coordinated across and carried out by the entire range of Federal agencies.''.

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

(1) a policy or practice by the government of any foreign country of routinely denying visa applications for religious workers can be indicative of a poor state of religious freedom in that country; and

(2) the United States Government should seek to reverse any such policy by reviewing the entirety of the bilateral relationship between such country and the United States.

SEC. 3. DEFINITIONS.

Section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402) is amended—

(1) by redesignating paragraph (13) as paragraph (16);

(2) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

(3) by inserting after paragraph (9) the following:

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(11) NON-STATE ACTOR.—The term 'non-state actor' means a nonsovereign entity that—

''(A) exercises significant political power and territorial control;

''(B) is outside the control of a sovereign government; and

''(C) often employs violence in pursuit of its objectives.'';

(4) by inserting after paragraph (14), as redesignated, the following:

''(15) SPECIAL WATCH LIST.—The term 'Special Watch List' means the Special Watch List described in section 402(b)(1)(A)(iii).''; and

(5) in paragraph (16), as redesignated—

(A) in subparagraph (A)—

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by inserting after clause (iii) the following:

''(iv) not professing a particular religion, or any religion;''; and

(B) in subparagraph (B)—

(i) by inserting ''conscience, non-theistic views, or'' before ''religious belief or practice''; and

(ii) by inserting ''forcibly compelling non-believers or non-theists to recant their beliefs or to convert,'' after ''forced religious conversion,''.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 101 of the International Religious Freedom Act of 1998 (22 U.S.C. 6411) is amended—

(1) in subsection (b), by inserting '', and shall report directly to the Secretary of State'' before the period at the end;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''responsibility'' and inserting ''responsibilities'';

(ii) by striking ''shall be to advance'' and inserting the following: ''shall be to—

''(A) advance'';

(iii) in subparagraph (A), as redesignated, by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) integrate United States international religious freedom policies and strategies into the foreign policy efforts of the United States.'';

(B) in paragraph (2), by inserting ''the principal adviser to'' before ''the Secretary of State'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) contacts with nongovernmental organizations that have an impact on the state of religious freedom in their respective societies or regions, or internationally.'';

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following:

''(4) COORDINATION RESPONSIBILITIES.—In order to promote religious freedom as an interest of United States foreign policy, the Ambassador at Large—

''(A) shall coordinate international religious freedom policies across all programs, projects, and activities of the United States; and

''(B) should participate in any interagency processes on issues in which the promotion of international religious freedom policy can advance United States national security interests, including in democracy promotion, stability, security, and development globally.''; and

(3) in subsection (d), by striking ''staff for the Office'' and all that follows and inserting ''appropriate staff for the Office, including full-time equivalent positions and other temporary staff positions needed to compile, edit, and manage the Annual Report under the direct supervision of the Ambassador at Large, and for the conduct of investigations by the Office and for necessary travel to carry out this Act. The Secretary of State should provide the Ambassador at Large with sufficient funding to carry out the duties described in this section, including, as

necessary, representation funds. On the date on which the President's annual budget request is submitted to Congress, the Secretary shall submit an annual report to the appropriate congressional committees that includes a report on staffing levels for the International Religious Freedom Office.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that maintaining an adequate staffing level at the Office, such as was in place during fiscal year 2016, is necessary for the Office to carry out its important work.

SEC. 102. ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''September 1'' and inserting ''May 1'';

(2) in subparagraph (A)—

(A) in clause (iii), by striking ''; and'' and inserting ''as well as the routine denial of visa applications for religious workers;'';

(B) by redesignating clause (iv) as clause (vii); and

(C) by inserting after clause (iii) the following:

''(iv) particularly severe violations of religious freedom in that country if such country does not have a functioning government or the government of such country does not control its territory;

''(v) the identification of prisoners, to the extent possible, in that country pursuant to section 108(d);

''(vi) any action taken by the government of that country to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, and the means used; and'';

(3) in subparagraph (B), in the matter preceding clause (i)—

(A) by inserting ''persecution of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision,'' after ''entire religions,''; and

(B) by inserting ''policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country,'' after ''such groups,'';

(4) in subparagraph (C), by striking ''A description of United States actions and'' and inserting ''A detailed description of United States actions, diplomatic and political coordination efforts, and other''; and

(5) in subparagraph (F)(i)—

(A) by striking ''section 402(b)(1)'' and inserting ''section 402(b)(1)(A)(ii)''; and

(B) by adding at the end the following: ''Any country in which a non-state actor designated as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act is located shall be included in this section of the report.''.

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

(1) the original intent of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) was to require annual reports from both the Department of State and the Commission on International Religious Freedom to be delivered each year, during the same calendar year, and with at least 5 months separating these reports, in order to provide updated information for policymakers, Members of Congress, and nongovernmental organizations; and

(2) given that the annual Country Reports on Human Rights Practices no longer contain updated information on religious freedom conditions globally, it is important that the Department of State coordinate with the Commission to fulfill the original intent of the International Religious Freedom Act of 1998.

SEC. 103. TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended—

(1) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively;

(2) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking ''(a) The Secretary of State'' and inserting the following:

''(a) HUMAN RIGHTS, RELIGIOUS FREEDOM, AND HUMAN TRAFFICKING TRAINING.—

''(1) IN GENERAL.—The Secretary of State''; and

(C) by adding at the end the following:

''(2) ADDITIONAL TRAINING.—Not later than the one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, the Director of the George P. Shultz National Foreign Affairs Training Center shall, consistent with this section, conduct training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall be included in each of—

''(A) the A–100 course attended by all Foreign Service officers;

''(B) the courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, and United States strategies for advancing religious freedom, in each receiving country; and

''(C) the courses required of all outgoing deputy chiefs of mission and ambassadors.''; and

(3) by inserting after subsection (a) the following:

''(b) DEVELOPMENT OF CURRICULUM.—The Ambassador at Large for International Religious Freedom, in coordination with the Director of the George P. Shultz National Foreign Affairs Training Center and other Federal officials, as appropriate, and in consultation with the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998, shall make recommendations to the Secretary of State regarding the curriculum required under subsection (a)(2) for training United States Foreign Service officers on the scope and strategic value of international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts. The Secretary of State should ensure the availability of sufficient resources to develop and implement such curriculum.

''(c) INFORMATION SHARING.—The curriculum and training materials developed pursuant to subsections (a)(2) and (b) shall be shared with the United States Armed Forces and other Federal departments and agencies with personnel who are stationed overseas, as appropriate, to provide training on—

''(1) United States religious freedom policies;

''(2) religious traditions;

''(3) religious engagement strategies;

''(4) religious and cultural issues; and

''(5) efforts to counter violent religious extremism.'';

(4) in subsection (e), as redesignated, by striking ''The Secretary of State'' and inserting ''REFUGEES.—The Secretary of State''; and

(5) in subsection (f), as redesignated, by striking ''The Secretary of State'' and inserting ''CHILD SOLDIERS.—The Secretary of State''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the assistance of the Ambassador at Large for International Religious Freedom, and the Director of the Foreign Service Institute, located at the George P. Shultz National Foreign Affairs Training Center, shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that contains a plan for undertaking training for Foreign Service officers under section 708 of the Foreign Services Act of 1980, as amended by subsection (a).

SEC. 104. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

Section 108 of the International Religious Freedom Act of 1998 (22 U.S.C. 6417) is amended—

(1) in subsection (b), by striking ''faith,'' and inserting ''activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the freedom of religion,'';

(2) in subsection (c), by striking '', as appropriate, provide'' and insert ''make available''; and

(3) by adding at the end the following:

''(d) VICTIMS LIST MAINTAINED BY THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.—

''(1) IN GENERAL.—The Commission shall make publicly available, to the extent practicable, online and in official publications, lists of persons it determines are imprisoned or detained, have disappeared, been placed under house arrest, been tortured, or subjected to forced renunciations of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the Commission recommends for designation as a country of particular concern for religious freedom under section 402(b)(1)(A)(ii) or by a non-state actor that the Commission recommends for designation as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and include as much publicly available information as practicable on the conditions and circumstances of such persons.

''(2) DISCRETION.—In compiling lists under paragraph (1), the Commission shall exercise all appropriate discretion, including consideration of the safety and security of, and benefit to, the persons who may be included on the lists and the families of such persons.''.

TITLE II—NATIONAL SECURITY COUNCIL

SEC. 201. SPECIAL ADVISER FOR INTERNATIONAL RELIGIOUS FREEDOM.

The position described in section 101(k) of the National Security Act of 1947 (50 U.S.C. 3021(k)) should assist the Ambassador at Large for International Religious Freedom to coordinate international religious freedom policies and strategies throughout the executive branch and within any interagency policy committee of which the Ambassador at Large is a member.

TITLE III—PRESIDENTIAL ACTIONS

SEC. 301. NON-STATE ACTOR DESIGNATIONS.

(a) IN GENERAL.—The President, concurrent with the annual foreign country review required under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)), shall—

(1) review and identify any non-state actors operating in any such reviewed country or surrounding region that have engaged in particularly severe violations of religious freedom; and

(2) designate, in a manner consistent with such Act, each such non-state actor as an entity of particular concern for religious freedom.

(b) REPORT.—Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President, as soon as practicable after the designation is made, shall submit a report to the appropriate congressional committees that describes the reasons for such designation.

(c) ACTIONS.—The President should take specific actions, when practicable, to address severe violations of religious freedom of non-state actors that are designated under subsection (a)(2).

(d) DEPARTMENT OF STATE ANNUAL REPORT.—The Secretary of State should include information detailing the reasons the President designated a non-state actor as an entity of particular concern for religious freedom under subsection (a) in the Annual Report required under section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)).

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

(1) the Secretary of State should work with Congress and the U.S. Commission on International Religious Freedom—

(A) to create new political, financial, and diplomatic tools to address severe violations of religious freedom by non-state actors; and

(B) to update the actions the President can take under section 405 of the International Religious Freedom Act of 1998 (22 U.S.C. 6445);

(2) governments must ultimately be held accountable for the abuses that occur in their territories; and

(3) any actions the President takes after designating a non-state actor as an entity of particular concern should also involve high-level diplomacy with the government of the country in which the non-state actor is operating.

(f) DETERMINATIONS OF RESPONSIBLE PARTIES.—In order to appropriately target Presidential actions under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), the President, with respect to each non-state actor designated as an entity of particular concern for religious freedom under subsection (a), shall seek to determine, to the extent practicable, the specific officials or members that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by such non-state actor.

(g) DEFINITIONS.—In this section, the terms ''appropriate congressional committees'', ''non-state actor'', and ''particularly severe violations of religious freedom'' have the meanings given such terms in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), as amended by section 3 of this Act.

SEC. 302. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 402 of the International Religious Freedom Act of 1998 (22 U.S.C. 6442) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Not later than 90 days after the date on which each Annual Report is submitted under section 102(b), the President shall—

''(i) review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer;

''(ii) designate each country the government of which has engaged in or tolerated violations described in clause (i) as a country of particular concern for religious freedom; and

''(iii) designate each country that engaged in or tolerated severe violations of religious freedom during the previous year, but does not meet, in the opinion of the President at the time of publication of the Annual Report, all of the criteria described in section 3(15) for designation under clause (ii) as being placed on a 'Special Watch List'.''; and

(ii) in subparagraph (C), by striking ''prior to September 1 of the respective year'' and inserting ''before the date on which each Annual Report is submitted under section 102(b)'';

(B) by amending paragraph (3) to read as follows:

''(3) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A)(ii), the President, not later than 90 days after such designation, shall submit to the appropriate congressional committees—

''(i) the designation of the country, signed by the President;

''(ii) the identification, if any, of responsible parties determined under paragraph (2); and

''(iii) a description of the actions taken under subsection (c), the purposes of the actions taken, and the effectiveness of the actions taken.

''(B) REMOVAL OF DESIGNATION.—A country that is designated as a country of particular concern for religious freedom under paragraph (1)(A)(ii) shall retain such designation until the President determines and reports to the appropriate congressional committees that the country should no longer be so designated.''; and

(C) by adding at the end the following:

''(4) EFFECT ON DESIGNATION AS COUNTRY OF PARTICULAR CONCERN.—The presence or absence of a country from the Special Watch List in any given year shall not preclude the designation of such country as a country of particular concern for religious freedom under paragraph (1)(A)(ii) in any such year.''; and

(2) in subsection (c)(5), by striking ''the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection.'' and inserting ''the President shall designate the specific sanction or sanctions that the President determines satisfy the requirements under this subsection and include a description of the impact of such sanction or sanctions on each country.''.

SEC. 303. REPORT TO CONGRESS.

Section 404(a)(4)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6444(a)(4)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iv) the impact on the advancement of United States interests in democracy, human rights, and security, and a description of policy tools being applied in the country, including programs that target democratic stability, economic growth, and counterterrorism.''.

SEC. 304. PRESIDENTIAL WAIVER.

Section 407 of the International Religious Freedom Act of 1998 (22 U.S.C. 6447) is amended—

(1) in subsection (a)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by inserting '', for a single, 180-day period,'' after ''may waive'';

(C) by striking paragraph (1); and

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) ADDITIONAL AUTHORITY.—Subject to subsection (c), the President may waive, for any additional specified period of time after the 180-day period described in subsection (a), the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or a commensurate substitute action) with respect to a country, if the President determines and reports to the appropriate congressional committees that—

''(1) the respective foreign government has ceased the violations giving rise to the Presidential action; or

''(2) the important national interest of the United States requires the exercise of such waiver authority.'';

(4) in subsection (c), as redesignated, by inserting ''or (b)'' after ''subsection (a)''; and

(5) by adding at the end the following:

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

''(1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate substitute action) with respect to a country do not fulfill the purposes of this Act; and

''(2) because the promotion of religious freedom is an important interest of United States foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions described in section 405 or other commensurate substitute action.''.

SEC. 305. PUBLICATION IN THE FEDERAL REGISTER.

Section 408(a)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6448(a)(1)) is amended by adding at the end the following: ''Any designation of a non-state actor as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.''.

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

SEC. 401. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

(a) AVAILABILITY OF ASSISTANCE.—It is the sense of Congress that for each fiscal year that begins on or after the date of the enactment of this Act, the President should request sufficient appropriations from Congress to support—

(1) the vigorous promotion of international religious freedom and for projects to advance United States interests in the protection and advancement of international religious freedom, in particular, through grants to groups that—

(A) are capable of developing legal protections or promoting cultural and societal understanding of international norms of religious freedom;

(B) seek to address and mitigate religiously motivated and sectarian violence and combat violent extremism; or

(C) seek to strengthen investigations, reporting, and monitoring of religious freedom violations, including genocide perpetrated against religious minorities; and

(2) the establishment of an effective Religious Freedom Defense Fund, to be administered by the Ambassador at Large for International Religious Freedom, to provide grants for—

(A) victims of religious freedom abuses and their families to cover legal and other expenses that may arise from detention, imprisonment, torture, fines, and other restrictions; and

(B) projects to help create and support training of a new generation of defenders of religious freedom, including legal and political advocates, and civil society projects which seek to create advocacy networks, strengthen legal representation, train and educate new religious freedom defenders, and build the capacity of religious communities and rights defenders to protect against religious freedom violations, mitigate societal or sectarian violence, or minimize legal or other restrictions of the right to freedom of religion.

(b) PREFERENCE.—It is the sense of Congress that, in providing grants under subsection (a), the Ambassador at Large for International Religious Freedom should, as appropriate, give preference to projects targeting religious freedom violations in countries—

(1) designated as countries of particular concern for religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)); or

(2) included on the Special Watch List described in section 402(b)(1)(A)(iii) of the International Religious Freedom Act of 1998, as added by section 302(1)(A)(i) of this Act.

(c) ADMINISTRATION AND CONSULTATIONS.—

(1) ADMINISTRATION.—Amounts made available under subsection (a) shall be administered by the Ambassador at Large for International Religious Freedom.

(2) CONSULTATIONS.—In developing priorities and policies for providing grants authorized under subsection (a), including programming and policy, the Ambassador at Large for International Religious Freedom should consult with other Federal agencies, including the United States Commission on International Religious Freedom and, as appropriate, nongovernmental organizations.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

SEC. 501. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Title VI of the International Religious Freedom Act of 1998 (22 U.S.C. 6471 et seq.) is amended—

(1) by redesignating section 605 as section 606; and

(2) by inserting after section 604 the following:

"SEC. 605. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

''(a) LIST.—

''(1) IN GENERAL.—The Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and nongovernment experts, shall establish and maintain a list of foreign individuals to whom a consular post has denied a visa on the grounds of particularly severe violations of religious freedom under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)), or who are subject to financial sanctions or other measures for particularly severe violations of freedom religion.

''(2) REFERENCE.—The list required under paragraph (1) shall be known as the 'Designated Persons List for Particularly Severe Violations of Religious Freedom'.

''(b) REPORT.—

''(1) IN GENERAL.—The Secretary of State shall submit a report to the appropriate congressional committees that contains the list required under subsection (a), including, with respect to each foreign individual on the list—

''(A) the name of the individual and a description of the particularly severe violation of religious freedom committed by the individual;

''(B) the name of the country or other location in which such violation took place; and

''(C) a description of the actions taken pursuant to this Act or any other Act or Executive order in response to such violation.

''(2) SUBMISSION AND UPDATES.—The Secretary of State shall submit to the appropriate congressional committees—

''(A) the initial report required under paragraph (1) not later than 180 days after the date of the enactment of the Frank R. Wolf International Religious Freedom Act; and

''(B) updates to the report every 180 days thereafter and as new information becomes available.

''(3) FORM.—The report required under paragraph (1) should be submitted in unclassified form but may contain a classified annex.

''(4) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Relations of the Senate;

''(B) the Committee on Appropriations of the Senate;

''(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

''(D) the Committee on Foreign Affairs of the House of Representatives;

''(E) the Committee on Appropriations of the House of Representatives; and

''(F) the Committee on Financial Services of the House of Representatives.''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. MISCELLANEOUS PROVISIONS.

Title VII of the International Religious Freedom Act of 1998 (22 U.S.C. 6481 et seq.) is amended by adding at the end the following:

"SEC. 702. VOLUNTARY CODES OF CONDUCT FOR UNITED STATES INSTITUTIONS OF HIGHER EDUCATION OUTSIDE THE UNITED STATES.

''(a) FINDING.—Congress recognizes the enduring importance of United States institutions of higher education worldwide—

''(1) for their potential for shaping positive leadership and new educational models in host countries; and

''(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that United States institutions of higher education operating campuses outside the United States or establishing any educational entities with foreign governments, particularly with or in countries the governments of which engage in or tolerate severe violations of religious freedom as identified in the Annual Report, should seek to adopt a voluntary code of conduct for operating in such countries that should—

''(1) uphold the right of freedom of religion of their employees and students, including the right to manifest that religion peacefully as protected in international law;

''(2) ensure that the religious views and peaceful practice of religion in no way affect, or be allowed to affect, the status of a worker's or faculty member's employment or a student's enrollment; and

''(3) make every effort in all negotiations, contracts, or memoranda of understanding engaged in or constructed with a foreign government to protect academic freedom and the rights enshrined in the United Nations Declaration of Human Rights.

"SEC. 703. SENSE OF CONGRESS REGARDING NATIONAL SECURITY STRATEGY TO PROMOTE RELIGIOUS FREEDOM THROUGH UNITED STATES FOREIGN POLICY.

''It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043)—

''(1) should promote international religious freedom as a foreign policy and national security priority; and

''(2) should articulate that promotion of the right to freedom of religion is a strategy that—

''(A) protects other, related human rights, and advances democracy outside the United States; and

''(B) makes clear its importance to United States foreign policy goals of stability, security, development, and diplomacy;

''(3) should be a guide for the strategies and activities of relevant Federal agencies; and

''(4) should inform the Department of Defense quadrennial defense review under section 118 of title 10, United States Code, and the Department of State Quadrennial Diplomacy and Development Review.''.

SEC. 602. CLERICAL AMENDMENTS.

The table of contents of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 note) is amended—

(1) by striking the item relating to section 605 and inserting the following:

''Sec. 606. Studies on the effect of expedited removal provisions on asylum claims.'';

(2) by inserting after the item relating to section 604 the following:

''Sec. 605. Designated Persons List for Particularly Severe Violations of Religious Freedom.'';

and

(3) by adding at the end the following:

''Sec. 702. Voluntary codes of conduct for United States institutions of higher education operating outside the United States.

''Sec. 703. Sense of Congress regarding national security strategy to promote religious freedom through United States foreign policy.''.

SA 5176. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to amendment SA 5175 proposed by Mr. PORTMAN (for Mr. CORKER) to the bill H.R. 1150, to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes; as follows:

Beginning on page 13, strike line 12 and all that follows through page 16, line 20, and insert the following:

(a) AMENDMENTS TO FOREIGN SERVICE ACT OF 1980.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking ''(a) The Secretary of State'' and inserting the following:

''(a) HUMAN RIGHTS, RELIGIOUS FREEDOM, AND HUMAN TRAFFICKING TRAINING.—

''(1) IN GENERAL.—The Secretary of State''; and

(C) by adding at the end the following:

''(2) RELIGIOUS FREEDOM TRAINING.—

''(A) IN GENERAL.—In carrying out the training required under paragraph (1)(B), the Director of the George P. Shultz National Foreign Affairs Training Center shall, not later than the one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, conduct training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall be included in—

''(i) the A–100 course attended by all Foreign Service officers;

''(ii) the courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, and United States strategies for advancing religious freedom, in each receiving country; and

''(iii) the courses required of all outgoing deputy chiefs of mission and ambassadors.

''(B) DEVELOPMENT OF CURRICULUM.—In carrying out the training required under paragraph (1)(B), the Ambassador at Large for International Religious Freedom, in coordination with the Director of the George P. Shultz National Foreign Affairs Training Center and other Federal officials, as appropriate, and in consultation with the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)), shall make recommendations to the Secretary of State regarding a curriculum for the training of United States Foreign Service officers under paragraph (1)(B) on the scope and strategic value of international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts. The Secretary of State should ensure the availability of sufficient resources to develop and implement such curriculum.

''(C) INFORMATION SHARING.—The curriculum and training materials developed under this paragraph shall be shared with the United States Armed Forces and other Federal departments and agencies with personnel who are stationed overseas, as appropriate, to provide training on—

''(i) United States religious freedom policies;

''(ii) religious traditions;

''(iii) religious engagement strategies;

''(iv) religious and cultural issues; and

''(v) efforts to counter violent religious extremism.'';

(2) in subsection (b), by striking ''The Secretary of State'' and inserting ''REFUGEES.—The Secretary of State''; and

(3) in subsection (c), by striking ''The Secretary of State'' and inserting ''CHILD SOLDIERS.—The Secretary of State''.

SA 5177. Mr. PORTMAN (for Mr. CORKER) proposed an amendment to the bill H.R. 4939, to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes; as follows:

On page 11, beginning on line 3, strike ''with respect to'' and all that follows through line 5 and insert ''with respect to human rights and democracy''.

SA 5178. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill H.R. 6302, to provide an increase in premium pay for protective services during 2016, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Overtime Pay for Protective Services Act of 2016''.

SEC. 2. PREMIUM PAY EXCEPTION IN 2016 FOR PROTECTIVE SERVICES.

(a) DEFINITION.—In this section, the term ''covered employee'' means any officer, employee, or agent employed by the United States Secret Service who performs protective services for an individual or event protected by the United States Secret Service during 2016.

(b) EXCEPTION TO THE LIMITATION ON PREMIUM PAY FOR PROTECTIVE SERVICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during 2016, section 5547(a) of title 5, United States Code, shall not apply to any covered employee to the extent that its application would prevent a covered employee from receiving premium pay, as provided under the amendment made by paragraph (2).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 118 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by section 1(3) of Public Law 106–554; 114 Stat. 2763A–134) is amended, in the first sentence, by inserting ''or, if the employee qualifies for an exception to such limitation under section 2(b)(1) of the Overtime Pay for Protective Services Act of 2016, to the extent that such aggregate amount would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code'' after ''of that limitation''.

(c) TREATMENT OF ADDITIONAL PAY.—If subsection (b) results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

(d) AGGREGATE LIMIT.—With respect to the application of section 5307 of title 5, United States Code, the payment of any additional premium pay to a covered employee as a result of subsection (b) shall not be counted as part of the aggregate compensation of the covered employee.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as if enacted on December 31, 2015.

SA 5179. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill H.R. 6302, to provide an increase in premium pay for protective services during 2016, and for other purposes; as follows:

Amend the title to read as follows: ''A bill to provide an increase in premium pay for protective services during 2016, and for other purposes.''.

SA 5180. Mr. PORTMAN (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the bill S. 3346, to authorize the programs of the National Aeronautics and Space Administration, 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 ''National Aeronautics and Space Administration Transition Authorization Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Fiscal year 2017.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

Sec. 201. Sense of Congress on sustaining national space commitments.
Sec. 202. Findings.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

Sec. 301. Operation of the ISS.
Sec. 302. Transportation to ISS.
Sec. 303. ISS transition plan.
Sec. 304. Space communications.
Sec. 305. Indemnification; NASA launch services and reentry services.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Objectives

Sec. 411. Human space flight and exploration long-term goals.
Sec. 412. Key objectives.
Sec. 413. Vision for space exploration.
Sec. 414. Stepping stone approach to exploration.
Sec. 415. Update of exploration plan and programs.
Sec. 416. Repeals.
Sec. 417. Assured access to space.

Subtitle B—Assuring Core Capabilities for Exploration

Sec. 421. Space Launch System, Orion, and Exploration Ground Systems.

Subtitle C—Journey to Mars

Sec. 431. Findings on human space exploration.
Sec. 432. Human exploration roadmap.
Sec. 433. Advanced space suit capability.
Sec. 434. Asteroid robotic redirect mission.
Sec. 435. Mars 2033 report.

Subtitle D—TREAT Astronauts Act

Sec. 441. Short title.
Sec. 442. Findings; sense of Congress.
Sec. 443. Medical monitoring and research relating to human space flight.

TITLE V—ADVANCING SPACE SCIENCE

Sec. 501. Maintaining a balanced space science portfolio.
Sec. 502. Planetary science.
Sec. 503. James Webb Space Telescope.
Sec. 504. Wide-Field Infrared Survey Telescope.

Sec. 505. Mars 2020 rover.
Sec. 506. Europa.
Sec. 507. Congressional declaration of policy and purpose.
Sec. 508. Extrasolar planet exploration strategy.
Sec. 509. Astrobiology strategy.
Sec. 510. Astrobiology public-private partnerships.
Sec. 511. Near-earth objects.
Sec. 512. Near-Earth objects public-private partnerships.
Sec. 513. Assessment of science mission extensions.
Sec. 514. Stratospheric observatory for infrared astronomy.
Sec. 515. Radioisotope power systems.
Sec. 516. Assessment of Mars architecture.
Sec. 517. Collaboration.

TITLE VI—AERONAUTICS

Sec. 601. Sense of Congress on aeronautics.
Sec. 602. Transformative aeronautics research.
Sec. 603. Hypersonic research.
Sec. 604. Supersonic research.
Sec. 605. Rotorcraft research.

TITLE VII—SPACE TECHNOLOGY

Sec. 701. Space technology infusion.
Sec. 702. Space technology program.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

Sec. 811. Information technology governance.
Sec. 812. Information technology strategic plan.
Sec. 813. Cybersecurity.
Sec. 814. Security management of foreign national access.
Sec. 815. Cybersecurity of web applications.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

Sec. 821. Collaboration among mission directorates.
Sec. 822. NASA launch capabilities collaboration.
Sec. 823. Detection and avoidance of counterfeit parts.
Sec. 824. Education and outreach.
Sec. 825. Leveraging commercial satellite servicing capabilities across mission directorates.
Sec. 826. Flight opportunities.
Sec. 827. Sense of Congress on small class launch missions.
Sec. 828. Baseline and cost controls.
Sec. 829. Commercial technology transfer program.
Sec. 830. Avoiding organizational conflicts of interest in major administration acquisition programs.
Sec. 831. Protection of Apollo landing sites.
Sec. 832. NASA lease of non-excess property.
Sec. 833. Termination liability.
Sec. 834. Independent reviews.
Sec. 835. NASA Advisory Council.
Sec. 836. Cost estimation.
Sec. 837. Facilities and infrastructure.
Sec. 838. Human space flight accident investigations.
Sec. 839. Orbital debris.
Sec. 840. Review of orbital debris removal concepts.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CIS-LUNAR SPACE.—The term ''cis-lunar space'' means the region of space from the Earth out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term ''deep space'' means the region of space beyond low-Earth orbit, to include cis-lunar space.

(6) GOVERNMENT ASTRONAUT.—The term ''government astronaut'' has the meaning given the term in section 50902 of title 51, United States Code.

(7) ISS.—The term ''ISS'' means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term ''ISS management entity'' means the organization with which the Administrator has a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(10) ORION.—The term ''Orion'' means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) SPACE LAUNCH SYSTEM.—The term ''Space Launch System'' has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).

(12) UNITED STATES GOVERNMENT ASTRONAUT.—The term ''United States government astronaut'' has the meaning given the term ''government astronaut'' in section 50902 of title 51, United States Code, except it does not include an individual who is an international partner astronaut.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. FISCAL YEAR 2017.

There are authorized to be appropriated to NASA for fiscal year 2017, $19,508,000,000, as follows:

(1) For Exploration, $4,330,000,000.

(2) For Space Operations, $5,023,000,000.

(3) For Science, $5,500,000,000.

(4) For Aeronautics, $640,000,000.

(5) For Space Technology, $686,000,000.

(6) For Education, $115,000,000.

(7) For Safety, Security, and Mission Services, $2,788,600,000.

(8) For Construction and Environmental Compliance and Restoration, $388,000,000.

(9) For Inspector General, $37,400,000.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

SEC. 201. SENSE OF CONGRESS ON SUSTAINING NATIONAL SPACE COMMITMENTS.

It is the sense of Congress that—

(1) honoring current national space commitments and building upon investments in space across successive Administrations demonstrates clear continuity of purpose by the United States, in collaboration with its international, academic, and industry partners, to extend humanity's reach into deep space, including cis-lunar space, the Moon, the surface and moons of Mars, and beyond;

(2) NASA leaders can best leverage investments in the United States space program by continuing to develop a balanced portfolio for space exploration and space science, including continued development of the Space Launch System, Orion, Commercial Crew Program, space and planetary science missions such as the James Webb Space Telescope, Wide-Field Infrared Survey Telescope, and Europa mission, and ongoing operations of the ISS and Commercial Resupply Services Program;

(3) a national, government-led space program that builds on current science and exploration programs, advances human knowledge and capabilities, and opens the frontier beyond Earth for ourselves, commercial enterprise, and science, and with our international partners, is of critical importance to our national destiny and to a future guided by United States values and freedoms;

(4) continuity of purpose and effective execution of core NASA programs are essential for efficient use of resources in pursuit of timely and tangible accomplishments;

(5) NASA could improve its efficiency and effectiveness by working with industry to streamline existing programs and requirements, procurement practices, institutional footprint, and bureaucracy while preserving effective program oversight, accountability, and safety;

(6) it is imperative that the United States maintain and enhance its leadership in space exploration and space science, and continue to expand freedom and economic opportunities in space for all Americans that are consistent with the Constitution of the United States; and

(7) NASA should be a multi-mission space agency, and should have a balanced and robust set of core missions in space science, space technology, aeronautics, human space flight and exploration, and education.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Returns on the Nation's investments in science, technology, and exploration accrue over decades-long timeframes, and a disruption of such investments could prevent returns from being fully realized.

(2) Past challenges to the continuity of such investments, particularly threats regarding the cancellation of authorized programs with bipartisan and bicameral support, have disrupted completion of major space systems thereby—

(A) impeding planning and pursuit of national objectives in space science and human space exploration;

(B) placing such investments in space science and space exploration at risk; and

(C) degrading the aerospace industrial base.

(3) The National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.) reflect a broad, bipartisan agreement on the path forward for NASA's core missions in science, space technology, aeronautics, human space flight and exploration, and education, that serves as the foundation for the policy updates by this Act.

(4) Sufficient investment and maximum utilization of the ISS and ISS National Laboratory with our international and industry partners is—

(A) consistent with the goals and objectives of the United States space program; and

(B) imperative to continuing United States global leadership in human space exploration, science, research, technology development, and education opportunities that contribute to development of the next generation of American scientists, engineers, and leaders, and to creating the opportunity for economic development of low-Earth orbit.

(5) NASA has made measurable progress in the development and testing of the Space Launch System and Orion exploration systems with the near-term objectives of the initial integrated test flight and launch in

2018, a human mission in 2021, and continued missions with an annual cadence in cis-lunar space and eventually to the surface of Mars.

(6) The Commercial Crew Program has made measurable progress toward reestablishing the capability to launch United States government astronauts from United States soil into low-Earth orbit by the end of 2018.

(7) The Aerospace Safety Advisory Panel, in its 2015 Annual Report, urged continuity of purpose noting concerns over the potential for cost overruns and schedule slips that could accompany significant changes to core NASA programs.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

SEC. 301. OPERATION OF THE ISS.

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

(1) after 15 years of continuous human presence in low-Earth orbit, the ISS continues to overcome challenges and operate safely;

(2) the ISS is a unique testbed for future space exploration systems development, including long-duration space travel;

(3) the expansion of partnerships, scientific research, and commercial applications of the ISS is essential to ensuring the greatest return on investments made by the United States and its international space partners in the development, assembly, and operations of that unique facility;

(4) utilization of the ISS will sustain United States leadership and progress in human space exploration by—

(A) facilitating the commercialization and economic development of low-Earth orbit;

(B) serving as a testbed for technologies and a platform for scientific research and development; and

(C) serving as an orbital facility enabling research upon—

(i) the health, well-being, and performance of humans in space; and

(ii) the development of in-space systems enabling human space exploration beyond low-Earth orbit; and

(5) the ISS provides a platform for fundamental, microgravity, discovery-based space life and physical sciences research that is critical for enabling space exploration, protecting humans in space, increasing pathways for commercial space development that depend on advances in basic research, and contributes to advancing science, technology, engineering, and mathematics research.

(b) OBJECTIVES.—The primary objectives of the ISS program shall be—

(1) to achieve the long term goal and objectives under section 202 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312); and

(2) to pursue a research program that advances knowledge and provides other benefits to the Nation.

(c) CONTINUATION OF THE ISS.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) is amended to read as follows:

"SEC. 501. CONTINUATION OF THE INTERNATIONAL SPACE STATION.

''(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States, in consultation with its international partners in the ISS program, to support full and complete utilization of the ISS through at least 2024.

''(b) NASA ACTION.—In furtherance of the policy set forth in subsection (a), NASA shall—

''(1) pursue international, commercial, and intragovernmental means to maximize ISS logistics supply, maintenance, and operational capabilities, reduce risks to ISS systems sustainability, and offset and minimize United States operations costs relating to the ISS;

''(2) utilize, to the extent practicable, the ISS for the development of capabilities and technologies needed for the future of human space exploration beyond low-Earth orbit; and

''(3) utilize, if practical and cost effective, the ISS for Science Mission Directorate missions in low-Earth orbit.''.

SEC. 302. TRANSPORTATION TO ISS.

(a) FINDINGS.—Congress finds that reliance on foreign carriers for United States crew transfer is unacceptable, and the Nation's human space flight program must acquire the capability to launch United States government astronauts on vehicles using United States rockets from United States soil as soon as is safe, reliable, and affordable to do so.

(b) SENSE OF CONGRESS ON COMMERCIAL CREW PROGRAM AND COMMERCIAL RESUPPLY SERVICES PROGRAM.—It is the sense of Congress that—

(1) once developed and certified to meet the Administration's safety and reliability requirements, United States commercially provided crew transportation systems offer the potential of serving as the primary means of transporting United States government astronauts and international partner astronauts to and from the ISS and serving as ISS crew rescue vehicles;

(2) the budgetary assumptions used by the Administration in its planning for the Commercial Crew Program have consistently assumed significantly higher funding levels than have been authorized and appropriated by Congress;

(3) credibility in the Administration's budgetary estimates for the Commercial Crew Program can be enhanced by an independently developed cost estimate;

(4) such credibility in budgetary estimates is an important factor in understanding program risk;

(5) United States access to low-Earth orbit is paramount to the continued success of the ISS and ISS National Laboratory;

(6) a stable and successful Commercial Resupply Services Program and Commercial Crew Program are critical to ensuring timely provisioning of the ISS and to reestablishing the capability to launch United States government astronauts from United States soil into orbit, ending reliance upon Russian transport of United States government astronauts to the ISS which has not been possible since the retirement of the Space Shuttle program in 2011;

(7) NASA should build upon the success of the Commercial Orbital Transportation Services Program and Commercial Resupply Services Program that have allowed private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012;

(8) the 21st Century Launch Complex Program has enabled significant modernization and infrastructure improvements at launch sites across the United States to support NASA's Commercial Resupply Services Program and other civil and commercial space flight missions; and

(9) the 21st Century Launch Complex Program should be continued in a manner that leverages State and private investments to achieve the goals of that program.

(c) REAFFIRMATION.—Congress reaffirms—

(1) its commitment to the use of a commercially developed, private sector launch and delivery system to the ISS for crew missions as expressed in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779), and the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(2) the requirement under section 50111(b)(1)(A) of title 51, United States Code, that the Administration shall make use of United States commercially provided ISS crew transfer and crew rescue services to the maximum extent practicable.

(d) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION CAPABILITIES.—Section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)) is amended to read as follows:

''(a) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION SERVICES.—

''(1) IN GENERAL.—The Federal Government may not acquire human space flight transportation services from a foreign entity unless—

''(A) no United States Government-operated human space flight capability is available;

''(B) no United States commercial provider is available; and

''(C) it is a qualified foreign entity.

''(2) DEFINITIONS.—In this subsection:

''(A) COMMERCIAL PROVIDER.—The term 'commercial provider' means any person providing human space flight transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

''(B) QUALIFIED FOREIGN ENTITY.—The term 'qualified foreign entity' means a foreign entity that is in compliance with all applicable safety standards and is not prohibited from providing space transportation services under other law.

''(C) UNITED STATES COMMERCIAL PROVIDER.—The term 'United States commercial provider' means a commercial provider, organized under the laws of the United States or of a State, that is more than 50 percent owned by United States nationals.

''(3) ARRANGEMENTS WITH FOREIGN ENTITIES.—Nothing in this subsection shall prevent the Administrator from negotiating or entering into human space flight transportation arrangements with foreign entities to ensure safety of flight and continued ISS operations.''.

(e) COMMERCIAL CREW PROGRAM.—

(1) SAFETY.—

(A) IN GENERAL.—The Administrator shall protect the safety of government astronauts by ensuring that each commercially provided transportation system under this subsection meets all applicable human rating requirements in accordance with section 403(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18342(b)(1)).

(B) LESSONS LEARNED.—Consistent with the findings and recommendations of the Columbia Accident Investigation Board, the Administration shall ensure that safety and the minimization of the probability of loss of crew are the critical priorities of the Commercial Crew Program.

(2) COST MINIMIZATION.—The Administrator shall strive through the competitive selection process to minimize the life cycle cost to the Administration through the planned period of commercially provided crew transportation services.

(f) COMMERCIAL CARGO PROGRAM.—Section 401 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18341) is amended by striking ''Commercial Orbital Transportation Services'' and inserting ''Commercial Resupply Services''.

(g) COMPETITION.—It is the policy of the United States that, to foster the competitive development, operation, improvement, and commercial availability of space transportation services, and to minimize the life cycle cost to the Administration, the Administrator shall procure services for Federal Government access to and return from the ISS, whenever practicable, via fair and open competition for well-defined, milestone-based, Federal Acquisition Regulation-based contracts under section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)).

(h) TRANSPARENCY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that cost transparency and schedule transparency aid in effective program management and risk assessment.

(2) IN GENERAL.—The Administrator shall, to the greatest extent practicable and in a manner that does not add costs or schedule delays to the program, ensure all Commercial Crew Program and Commercial Resupply Services Program providers provide evidence-based support for their costs and schedules.

(i) ISS CARGO RESUPPLY SERVICES LESSONS LEARNED.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) identifies the lessons learned to date from previous and existing Commercial Resupply Services contracts;

(2) indicates whether changes are needed to the manner in which the Administration procures and manages similar services prior to the issuance of future Commercial Resupply Services procurement opportunities; and

(3) identifies any lessons learned from the Commercial Resupply Services contracts that should be applied to the procurement and management of commercially provided crew transfer services to and from the ISS or to other future procurements.

SEC. 303. ISS TRANSITION PLAN.

(a) FINDINGS.—Congress finds that—

(1) NASA has been both the primary supplier and consumer of human space flight capabilities and services of the ISS and in low-Earth orbit; and

(2) according to the National Research Council report ''Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration'' extending ISS beyond 2020 to 2024 or 2028 will have significant negative impacts on the schedule of crewed missions to Mars, without significant increases in funding.

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

(1) an orderly transition for United States human space flight activities in low-Earth orbit from the current regime, that relies heavily on NASA sponsorship, to a regime where NASA is one of many customers of a low-Earth orbit commercial human space flight enterprise may be necessary; and

(2) decisions about the long-term future of the ISS impact the ability to conduct future deep space exploration activities, and that such decisions regarding the ISS should be considered in the context of the Human Exploration Roadmap under section 432 of this Act.

(c) REPORTS.—Section 50111 of title 51, United States Code, is amended by adding at the end the following:

''(c) ISS TRANSITION PLAN.—

''(1) IN GENERAL.—The Administrator, in coordination with the ISS management entity (as defined in section 2 of the National Aeronautics and Space Administration Transition Authorization Act of 2016), ISS partners, the scientific user community, and the commercial space sector, shall develop a plan to transition in a step-wise approach from the current regime that relies heavily on NASA sponsorship to a regime where NASA could be one of many customers of a low-Earth orbit non-governmental human space flight enterprise.

''(2) REPORTS.—Not later than December 1, 2017, and biennially thereafter until 2023, 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 that includes—

''(A) a description of the progress in achieving the Administration's deep space human exploration objectives on ISS and prospects for accomplishing future mission requirements, space exploration objectives, and other research objectives on future commercially supplied low-Earth orbit platforms or migration of those objectives to cis-lunar space;

''(B) steps NASA is taking and will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

''(C) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

''(D) the criteria for defining the ISS as a research success;

''(E) the criteria used to determine whether the ISS is meeting the objective under section 301(b)(2) of the National Aeronautics and Space Administration Transition Authorization Act of 2016;

''(F) an assessment of whether the criteria under subparagraphs (D) and (E) are consistent with the research areas defined in, and recommendations and schedules under, the current National Academies of Sciences, Engineering, and Medicine Decadal Survey on Biological and Physical Sciences in Space;

''(G) any necessary contributions that ISS extension would make to enabling execution of the Human Exploration Roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2016;

''(H) the cost estimates for operating the ISS to achieve the criteria required under subparagraphs (D) and (E) and the contributions identified under subparagraph (G);

''(I) the cost estimates for extending operations of the ISS to 2024, 2028, and 2030;

''(J) an evaluation of the feasible and preferred service life of the ISS beyond the period described in section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353), through at least 2028, as a unique scientific, commercial, and space exploration-related facility, including—

''(i) a general discussion of international partner capabilities and prospects for extending the partnership;

''(ii) the cost associated with extending the service life;

''(iii) an assessment on the technical limiting factors of the service life of the ISS, including a list of critical components and their expected service life and availability; and

''(iv) such other information as may be necessary to fully describe the justification for and feasibility of extending the service life of the ISS, including the potential scientific or technological benefits to the Federal Government, public, or to academic or commercial entities;

''(K) an identification of the necessary actions and an estimate of the costs to deorbit the ISS once it has reached the end of its service life;

''(L) the impact on deep space exploration capabilities, including a crewed mission to Mars in the 2030s, if the preferred service life of the ISS is extended beyond 2024 and NASA maintains a flat budget profile; and

''(M) an evaluation of the functions, roles, and responsibilities for management and operation of the ISS and a determination of—

''(i) those functions, roles, and responsibilities the Federal Government should retain during the lifecycle of the ISS;

''(ii) those functions, roles, and responsibilities that could be transferred to the commercial space sector;

''(iii) the metrics that would indicate the commercial space sector's readiness and ability to assume the functions, roles, and responsibilities described in clause (ii); and

''(iv) any necessary changes to any agreements or other documents and the law to enable the activities described in subparagraphs (A) and (B).

''(3) DEMONSTRATIONS.—If additional Government crew, power, and transportation resources are available after meeting the Administration's requirements for ISS activities defined in the Human Exploration Roadmap and related research, demonstrations identified under paragraph (2) may—

''(A) test the capabilities needed to meet future mission requirements, space exploration objectives, and other research objectives described in paragraph (2)(A); and

''(B) demonstrate or test capabilities, including commercial modules or deep space habitats, Environmental Control and Life Support Systems, orbital satellite assembly, exploration space suits, a node that enables a wide variety of activity, including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, other commercial activities, or services obtained through alternate acquisition approaches.''.

SEC. 304. SPACE COMMUNICATIONS.

(a) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, to meet the Administration's projected space communication and navigation needs for low-Earth orbit and deep space operations in the 20-year period following the date of enactment of this Act.

(b) CONTENTS.—The plan shall include—

(1) the lifecycle cost estimates and a 5-year funding profile;

(2) the performance capabilities required to meet the Administration's projected space communication and navigation needs;

(3) the measures the Administration will take to sustain the existing space communications and navigation architecture;

(4) an identification of the projected space communications and navigation network and infrastructure needs;

(5) a description of the necessary upgrades to meet the needs identified in paragraph (4), including—

(A) an estimate of the cost of the upgrades;

(B) a schedule for implementing the upgrades; and

(C) an assessment of whether and how any related missions will be impacted if resources are not secured at the level needed;

(6) the cost estimates for the maintenance of existing space communications network capabilities necessary to meet the needs identified in paragraph (4);

(7) the criteria for prioritizing resources for the upgrades described in paragraph (5) and the maintenance described in paragraph (6);

(8) an estimate of any reimbursement amounts the Administration may receive from other Federal agencies;

(9) an identification of the projected Tracking and Data Relay Satellite System needs in the 20-year period following the date of enactment of this Act, including in support of relevant Federal agencies, and cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet the projected needs;

(10) the measures the Administration is taking to meet space communications needs after all Tracking and Data Relay Satellite System third-generation communications satellites are operational; and

(11) the measures the Administration is taking to mitigate threats to electromagnetic spectrum use.

(c) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit the plan to the appropriate committees of Congress.

SEC. 305. INDEMNIFICATION; NASA LAUNCH SERVICES AND REENTRY SERVICES.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

"§ 20148. Indemnification; NASA launch services and reentry services

''(a) IN GENERAL.—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost, and terms of liability insurance, any contract between the Administration and a provider may provide that the United States will indemnify the provider against successful claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from launch services and reentry services carried out under the contract that the contract defines as unusually hazardous or nuclear in nature, but only to the extent the total amount of successful claims related to the activities under the contract—

''(1) is more than the amount of insurance or demonstration of financial responsibility described in subsection (c)(3); and

''(2) is not more than the amount specified in section 50915(a)(1)(B).

''(b) TERMS OF INDEMNIFICATION.—A contract made under subsection (a) that provides indemnification shall provide for—

''(1) notice to the United States of any claim or suit against the provider for death, bodily injury, or loss of or damage to property; and

''(2) control of or assistance in the defense by the United States, at its election, of that claim or suit and approval of any settlement.

''(c) LIABILITY INSURANCE OF THE PROVIDER.—

''(1) IN GENERAL.—The provider under subsection (a) shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

''(A) a third party for death, bodily injury, or property damage or loss resulting from a launch service or reentry service carried out under the contract; and

''(B) the United States Government for damage or loss to Government property resulting from a launch service or reentry service carried out under the contract.

''(2) MAXIMUM PROBABLE LOSSES.—

''(A) IN GENERAL.—The Administrator shall determine the maximum probable losses under subparagraphs (A) and (B) of paragraph (1) not later than 90 days after the date that the provider requests such a determination and submits all information the Administrator requires.

''(B) REVISIONS.—The Administrator may revise a determination under subparagraph (A) of this paragraph if the Administrator determines the revision is warranted based on new information.

''(3) AMOUNT OF INSURANCE.—For the total claims related to one launch or reentry, a provider shall not be required to obtain insurance or demonstrate financial responsibility of more than—

''(A)(i) $500,000,000 under paragraph (1)(A); or

''(ii) $100,000,000 under paragraph (1)(B); or

''(B) the maximum liability insurance available on the world market at reasonable cost.

''(4) COVERAGE.—An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services:

''(A) The Government.

''(B) Personnel of the Government.

''(C) Related entities of the Government.

''(D) Related entities of the provider.

''(E) Government astronauts.

''(d) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a provider under this section unless there is a cross-waiver between the Administration and the provider as described in subsection (e).

''(e) CROSS-WAIVERS.—

''(1) IN GENERAL.—The Administrator, on behalf of the United States and its departments, agencies, and instrumentalities, shall reciprocally waive claims with a provider under which each party to the waiver agrees to be responsible, and agrees to ensure that its related entities are responsible, for damage or loss to its property, or for losses resulting from any injury or death sustained by its employees or agents, as a result of activities arising out of the performance of the contract.

''(2) LIMITATION.—The waiver made by the Government under paragraph (1) shall apply only to the extent that the claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (c)(1)(B).

''(f) WILLFUL MISCONDUCT.—Indemnification under subsection (a) may exclude claims resulting from the willful misconduct of the provider or its related entities.

''(g) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment may be made under subsection (a) unless the Administrator or the Administrator's designee certifies that the amount is just and reasonable.

''(h) PAYMENTS.—

''(1) IN GENERAL.—Upon the approval by the Administrator, payments under subsection (a) may be made from funds appropriated for such payments.

''(2) LIMITATION.—The Administrator shall not approve payments under paragraph (1), except to the extent provided in an appropriation law or to the extent additional legislative authority is enacted providing for such payments.

''(3) ADDITIONAL APPROPRIATIONS.—If the Administrator requests additional appropriations to make payments under this subsection, then the request for those appropriations shall be made in accordance with the procedures established under section 50915.

''(i) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The authority to indemnify under this section shall not create any rights in third persons that would not otherwise exist by law.

''(2) OTHER AUTHORITY.—Nothing in this section may be construed as prohibiting the Administrator from indemnifying a provider or any other NASA contractor under other law, including under Public Law 85–804 (50 U.S.C. 1431 et seq.).

''(3) ANTI-DEFICIENCY ACT.—Notwithstanding any other provision of this section—

''(A) all obligations under this section are subject to the availability of funds; and

''(B) nothing in this section may be construed to require obligation or payment of funds in violation of sections 1341, 1342, 1349 through 1351, and 1511 through 1519 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').

''(j) RELATIONSHIP TO OTHER LAWS.—The Administrator may not provide indemnification under this section for an activity that requires a license or permit under chapter 509.

''(k) DEFINITIONS.—In this section:

''(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

''(2) LAUNCH SERVICES.—The term 'launch services' has the meaning given the term in section 50902.

''(3) PROVIDER.—The term 'provider' means a person that provides domestic launch services or domestic reentry services to the Government.

''(4) REENTRY SERVICES.—The term 'reentry services' has the meaning given the term in section 50902.

''(5) RELATED ENTITY.—The term 'related entity' means a contractor or subcontractor.

''(6) THIRD PARTY.—The term 'third party' means a person except—

''(A) the United States Government;

''(B) related entities of the Government involved in launch services or reentry services;

''(C) a provider;

''(D) related entities of the provider involved in launch services or reentry services; or

''(E) a government astronaut.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter III of chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20147 the following:

''20148. Indemnification; NASA launch services and reentry services.''.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Objectives

SEC. 411. HUMAN SPACE FLIGHT AND EXPLORATION LONG-TERM GOALS.

Section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)) is amended to read as follows:

''(a) LONG-TERM GOALS.—The long-term goals of the human space flight and exploration efforts of NASA shall be—

''(1) to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international, academic, and industry partners;

''(2) crewed missions and progress toward achieving the goal in paragraph (1) to enable the potential for subsequent human exploration and the extension of human presence throughout the solar system; and

''(3) to enable a capability to extend human presence, including potential human habitation on another celestial body and a thriving space economy in the 21st Century.''.

SEC. 412. KEY OBJECTIVES.

Section 202(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)) is amended—

(1) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) to achieve human exploration of Mars and beyond through the prioritization of

those technologies and capabilities best suited for such a mission in accordance with the stepping stone approach to exploration under section 70504 of title 51, United States Code.''.

SEC. 413. VISION FOR SPACE EXPLORATION.

Section 20302 of title 51, United States Code, is amended—

(1) in subsection (a), by inserting ''in cis-lunar space or'' after ''sustained human presence'';

(2) by amending subsection (b) to read as follows:

''(b) FUTURE EXPLORATION OF MARS.—The Administrator shall manage human space flight programs, including the Space Launch System and Orion, to enable humans to explore Mars and other destinations by defining a series of sustainable steps and conducting mission planning, research, and technology development on a timetable that is technically and fiscally possible, consistent with section 70504.''; and

(3) by adding at the end the following:

''(c) DEFINITIONS.—In this section:

''(1) ORION.—The term 'Orion' means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

''(2) SPACE LAUNCH SYSTEM.—The term 'Space Launch System' means has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).''.

SEC. 414. STEPPING STONE APPROACH TO EXPLORATION.

Section 70504 of title 51, United States Code, is amended to read as follows:

''§ 70504. Stepping stone approach to exploration

''(a) IN GENERAL.—The Administration may conduct missions to intermediate destinations, including the surface of the Moon, cis-lunar space, near-Earth asteroids, Lagrangian points, and Martian moons, in a series of sustainable steps in accordance with section 20302(b) of title 51, United States Code, in order to achieve the objective of human exploration of Mars specified in section 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)).

''(b) COST-EFFECTIVENESS.—In order to maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international, academic, and industry partners, to ensure that activities in the Administration's human space exploration program balance how those activities might also help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

''(c) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

''(d) INTERNATIONAL PARTICIPATION.—In order to achieve the goal of successfully conducting a crewed mission to the surface of Mars, the President may invite the United States partners in the ISS program and other nations, as appropriate, to participate in an international initiative under the leadership of the United States.''.

SEC. 415. UPDATE OF EXPLORATION PLAN AND PROGRAMS.

Section 70502(2) of title 51, United States Code, is amended to read as follows:

''(2) implement an exploration research and technology development program to enable human and robotic operations consistent with section 20302(b) of this title;''.

SEC. 416. REPEALS.

(a) SPACE SHUTTLE CAPABILITY ASSURANCE.—Section 203 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18313) is amended—

(1) by striking subsection (b);

(2) in subsection (d), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) SHUTTLE PRICING POLICY FOR COMMERCIAL AND FOREIGN USERS.—Chapter 703 of title 51, United States Code, and the item relating to that chapter in the table of chapters for that title, are repealed.

(c) SHUTTLE PRIVATIZATION.—Section 50133 of title 51, United States Code, and the item relating to that section in the table of sections for chapter 501 of that title, are repealed.

SEC. 417. ASSURED ACCESS TO SPACE.

Section 70501 of title 51, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) POLICY STATEMENT.—In order to ensure continuous United States participation and leadership in the exploration and utilization of space and as an essential instrument of national security, it is the policy of the United States to maintain an uninterrupted capability for human space flight and operations—

''(1) in low-Earth orbit; and

''(2) beyond low-Earth orbit once the capabilities described in section 421(e) of the National Aeronautics and Space Administration Transition Authorization Act of 2016 become available.''; and

(2) in subsection (b), by striking ''Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle'' and inserting ''Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives describing the progress being made toward developing the Space Launch System and Orion''.

Subtitle B—Assuring Core Capabilities for Exploration

SEC. 421. SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.

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

(1) NASA has made steady progress in developing and testing the Space Launch System and Orion exploration systems with the successful Exploration Flight Test of Orion in December of 2014, the final qualification test firing of the 5-segment Space Launch System boosters in June 2016, and a full thrust, full duration test firing of the RS–25 Space Launch System core stage engine in August 2016.

(2) Through the 21st Century Launch Complex program and Exploration Ground Systems programs, NASA has made significant progress in transforming exploration ground systems infrastructure to meet NASA's mission requirements for the Space Launch System and Orion and to modernize NASA's launch complexes to the benefit of the civil, defense, and commercial space sectors.

(b) SPACE LAUNCH SYSTEM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the Space Launch System is the most practical approach to reaching the Moon, Mars, and beyond.

(2) REAFFIRMATION.—Congress reaffirms the policy and minimum capability requirements for the Space Launch System under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322).

(c) SENSE OF CONGRESS ON SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.—It is the sense of Congress that—

(1) as the United States works to send humans on a series of missions to Mars in the 2030s, the United States national space program should continue to make progress on its commitment by fully developing the Space Launch System, Orion, and related Exploration Ground Systems;

(2) using the Space Launch System and Orion for a wide range of contemplated missions will facilitate the national defense, science, and exploration objectives of the United States;

(3) the United States should have continuity of purpose for the Space Launch System and Orion in deep space exploration missions, using them beginning with the uncrewed mission, EM–1, planned for 2018, followed by the crewed mission, EM–2, in cis-lunar space planned for 2021, and for subsequent missions beginning with EM–3 extending into cis-lunar space and eventually to Mars;

(4) the President's annual budget requests for the Space Launch System and Orion development, test, and operational phases should strive to accurately reflect the resource requirements of each of those phases;

(5) the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, will safely enable human space exploration of the Moon, Mars, and beyond; and

(6) the Administrator should budget for and undertake a robust ground test and uncrewed and crewed flight test and demonstration program for the Space Launch System and Orion in order to promote safety and reduce programmatic risk.

(d) IN GENERAL.—The Administrator shall continue development of the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, in order to safely enable human space exploration of the Moon, Mars, and beyond over the course of the next century as required in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)).

(e) EXPLORATION MISSIONS.—The Administrator shall continue development of—

(1) an uncrewed exploration mission to demonstrate the capability of both the Space Launch System and Orion as an integrated system by 2018;

(2) subject to applicable human rating processes and requirements, a crewed exploration mission to demonstrate the Space Launch System, including the Core Stage and Exploration Upper Stages, by 2021;

(3) subsequent missions beginning with EM–3 at operational flight rate sufficient to maintain safety and operational readiness using the Space Launch System and Orion to extend into cis-lunar space and eventually to Mars; and

(4) a deep space habitat as a key element in a deep space exploration architecture along with the Space Launch System and Orion.

(f) OTHER USES.—The Administrator shall assess the utility of the Space Launch System for use by the science community and for other Federal Government launch needs, including consideration of overall cost and schedule savings from reduced transit times and increased science returns enabled by the unique capabilities of the Space Launch System.

(g) UTILIZATION REPORT.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Defense

and the Director of National Intelligence, shall prepare a report that addresses the effort and budget required to enable and utilize a cargo variant of the 130-ton Space Launch System configuration described in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)).

(2) CONTENTS.—In preparing the report, the Administrator shall—

(A) consider the technical requirements of the scientific and national security communities related to a cargo variant of the Space Launch System; and

(B) directly assess the utility and estimated cost savings obtained by using a cargo variant of the Space Launch System for national security and space science missions.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the report to the appropriate committees of Congress.

Subtitle C—Journey to Mars

SEC. 431. FINDINGS ON HUMAN SPACE EXPLORATION.

Congress makes the following findings:

(1) In accordance with section 204 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2813), the National Academies of Sciences, Engineering, and Medicine, through its Committee on Human Spaceflight, conducted a review of the goals, core capabilities, and direction of human space flight, and published the findings and recommendations in a 2014 report entitled, ''Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration''.

(2) The Committee on Human Spaceflight included leaders from the aerospace, scientific, security, and policy communities.

(3) With input from the public, the Committee on Human Spaceflight concluded that many practical and aspirational rationales for human space flight together constitute a compelling case for continued national investment and pursuit of human space exploration toward the horizon goal of Mars.

(4) According to the Committee on Human Spaceflight, the rationales include economic benefits, national security, national prestige, inspiring students and other citizens, scientific discovery, human survival, and a sense of shared destiny.

(5) The Committee on Human Spaceflight affirmed that Mars is the appropriate long-term goal for the human space flight program.

(6) The Committee on Human Spaceflight recommended that NASA define a series of sustainable steps and conduct mission planning and technology development as needed to achieve the long-term goal of placing humans on the surface of Mars.

(7) Expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars requires early planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives.

(8) In addition to the 2014 report described in paragraph (1), there are several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including NASA's ''The Global Exploration Roadmap'' of 2013, ''NASA's Journey to Mars–Pioneering Next Steps in Space Exploration'' of 2015, NASA Jet Propulsion Laboratory's ''Minimal Architecture for Human Journeys to Mars'' of 2015, and Explore Mars' ''The Humans to Mars Report 2016''.

SEC. 432. HUMAN EXPLORATION ROADMAP.

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

(1) expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars in the 2030s requires early strategic planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives;

(2) for strong and sustained United States leadership, a need exists to advance a human exploration roadmap, addressing exploration objectives in collaboration with international, academic, and industry partners;

(3) an approach that incrementally advances toward a long-term goal is one in which nearer-term developments and implementation would influence future development and implementation; and

(4) a human exploration roadmap should begin with low-Earth orbit, then address in greater detail progress beyond low-Earth orbit to cis-lunar space, and then address future missions aimed at human arrival and activities near and then on the surface of Mars.

(b) HUMAN EXPLORATION ROADMAP.—

(1) IN GENERAL.—The Administrator shall develop a human exploration roadmap, including a critical decision plan, to expand human presence beyond low-Earth orbit to the surface of Mars and beyond, considering potential interim destinations such as cis-lunar space and the moons of Mars.

(2) SCOPE.—The human exploration roadmap shall include—

(A) an integrated set of exploration, science, and other goals and objectives of a United States human space exploration program to achieve the long-term goal of human missions near or on the surface of Mars in the 2030s;

(B) opportunities for international, academic, and industry partnerships for exploration-related systems, services, research, and technology if those opportunities provide cost-savings, accelerate program schedules, or otherwise benefit the goals and objectives developed under subparagraph (A);

(C) sets and sequences of precursor missions in cis-lunar space and other missions or activities necessary—

(i) to demonstrate the proficiency of the capabilities and technologies identified under subparagraph (D); and

(ii) to meet the goals and objectives developed under subparagraph (A), including anticipated timelines and missions for the Space Launch System and Orion;

(D) an identification of the specific capabilities and technologies, including the Space Launch System, Orion, a deep space habitat, and other capabilities, that facilitate the goals and objectives developed under subparagraph (A);

(E) a description of how cis-lunar elements, objectives, and activities advance the human exploration of Mars;

(F) an assessment of potential human health and other risks, including radiation exposure;

(G) mitigation plans, whenever possible, to address the risks identified in subparagraph (F);

(H) a description of those technologies already under development across the Federal Government or by other entities that facilitate the goals and objectives developed under subparagraph (A);

(I) a specific process for the evolution of the capabilities of the fully integrated Orion with the Space Launch System and a description of how these systems facilitate the goals and objectives developed under subparagraph (A) and demonstrate the capabilities and technologies described in subparagraph (D);

(J) a description of the capabilities and technologies that need to be demonstrated or research data that could be gained through the utilization of the ISS and the status of the development of such capabilities and technologies;

(K) a framework for international cooperation in the development of all capabilities and technologies identified under this section, including an assessment of the risks posed by relying on international partners for capabilities and technologies on the critical path of development;

(L) a process for partnering with non-governmental entities using Space Act Agreements or other acquisition instruments for future human space exploration; and

(M) include information on the phasing of planned intermediate destinations, Mars mission risk areas and potential risk mitigation approaches, technology requirements and phasing of required technology development activities, the management strategy to be followed, related ISS activities, planned international collaborative activities, potential commercial contributions, and other activities relevant to the achievement of the goal established in this section.

(3) CONSIDERATIONS.—In developing the human exploration roadmap, the Administrator shall consider—

(A) using key exploration capabilities, namely the Space Launch System and Orion;

(B) using existing commercially available technologies and capabilities or those technologies and capabilities being developed by industry for commercial purposes;

(C) establishing an organizational approach to ensure collaboration and coordination among NASA's Mission Directorates under section 821, when appropriate, including to collect and return to Earth a sample from the Martian surface;

(D) building upon the initial uncrewed mission, EM–1, and first crewed mission, EM–2, of the Space Launch System and Orion to establish a sustainable cadence of missions extending human exploration missions into cis-lunar space, including anticipated timelines and milestones;

(E) developing the robotic and precursor missions and activities that will demonstrate, test, and develop key technologies and capabilities essential for achieving human missions to Mars, including long-duration human operations beyond low-Earth orbit, space suits, solar electric propulsion, deep space habitats, environmental control life support systems, Mars lander and ascent vehicle, entry, descent, landing, ascent, Mars surface systems, and in-situ resource utilization;

(F) demonstrating and testing 1 or more habitat modules in cis-lunar space to prepare for Mars missions;

(G) using public-private, firm fixed-price partnerships, where practicable;

(H) collaborating with international, academic, and industry partners, when appropriate;

(I) any risks to human health and sensitive onboard technologies, including radiation exposure;

(J) any risks identified through research outcomes under the NASA Human Research Program's Behavioral Health Element; and

(K) the recommendations and ideas of several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including the reports described under section 431.

(4) CRITICAL DECISION PLAN ON HUMAN SPACE EXPLORATION.—As part of the human exploration roadmap, the Administrator shall include a critical decision plan—

(A) identifying and defining key decisions guiding human space exploration priorities and plans that need to be made before June

30, 2020, including decisions that may guide human space exploration capability development, precursor missions, long-term missions, and activities;

(B) defining decisions needed to maximize efficiencies and resources for reaching the near, intermediate, and long-term goals and objectives of human space exploration; and

(C) identifying and defining timelines and milestones for a sustainable cadence of missions beginning with EM–3 for the Space Launch System and Orion to extend human exploration from cis-lunar space to the surface of Mars.

(5) REPORTS.—

(A) INITIAL HUMAN EXPLORATION ROADMAP.—The Administrator shall submit to the appropriate committees of Congress—

(i) an initial human exploration roadmap, including a critical decision plan, before December 1, 2017; and

(ii) an updated human exploration roadmap periodically as the Administrator considers necessary but not less than biennially.

(B) CONTENTS.—Each human exploration roadmap under this paragraph shall include a description of—

(i) the achievements and goals accomplished in the process of developing such capabilities and technologies during the 2-year period prior to the submission of the human exploration roadmap; and

(ii) the expected goals and achievements in the following 2- year period.

(C) SUBMISSION WITH BUDGET.—Each human exploration roadmap under this section shall be included in the budget for that fiscal year transmitted to Congress under section 1105(a) of title 31, United States Code.

SEC. 433. ADVANCED SPACE SUIT CAPABILITY.

Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a detailed plan for achieving an advanced space suit capability that aligns with the crew needs for exploration enabled by the Space Launch System and Orion, including an evaluation of the merit of delivering the planned suit system for use on the ISS.

SEC. 434. ASTEROID ROBOTIC REDIRECT MISSION.

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

(1) NASA initially estimated that the Asteroid Robotic Redirect Mission would launch in December 2020 and cost no more than $1,250,000,000, excluding launch and operations.

(2) On July 15, 2016, NASA conducted its Key Decision Point–B review of the Asteroid Robotic Redirect Mission or approval for Phase B in mission formulation.

(3) During the Key Decision Point–B review, NASA estimated that costs have grown to $1,400,000,000 excluding launch and operations for a launch in December 2021 and the agency must evaluate whether to accept the increase or reduce the Asteroid Robotic Redirect Mission's scope to stay within the cost cap set by the Administrator.

(4) In April 2015, the NASA Advisory Council—

(A) issued a finding that—

(i) high-performance solar electric propulsion will likely be an important part of an architecture to send humans to Mars; and

(ii) maneuvering a large test mass is not necessary to provide a valid in-space test of a new solar electric propulsion stage;

(B) determined that a solar electric propulsion mission will contribute more directly to the goal of sending humans to Mars if the mission is focused entirely on development and validation of the solar electric propulsion stage; and

(C) determined that other possible motivations for acquiring and maneuvering a boulder, such as asteroid science and planetary defense, do not have value commensurate with their probable cost.

(5) The Asteroid Robotic Redirect Mission is competing for resources with other critical exploration development programs, including the Space Launch System, Orion, commercial crew, and a habitation module.

(6) In 2014, the NASA Advisory Council recommended that NASA conduct an independent cost and technical assessment of the Asteroid Robotic Redirect Mission.

(7) In 2015, the NASA Advisory Council recommended that NASA preserve the following key objectives if the program needed to be descoped:

(A) Development of high power solar electric propulsion.

(B) Ability to maneuver in a low gravity environment in deep space.

(8) In January 2015 and July 2015, the NASA Advisory Council expressed its concern to NASA about the potential for growing costs for the program and highlighted that choices would need to be made about the program's content.

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

(1) the technological and scientific goals of the Asteroid Robotic Redirect Mission may not be commensurate with the cost; and

(2) alternative missions may provide a more cost effective and scientifically beneficial means to demonstrate the technologies needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission.

(c) EVALUATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(1) conduct an evaluation of—

(A) alternative approaches to the Asteroid Robotic Redirect Mission for demonstrating the technologies and capabilities needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission;

(B) the scientific and technical benefits of the alternative approaches under subparagraph (A) to future human space exploration compared to scientific and technical benefits of the Asteroid Redirect Robotic Mission;

(C) the commercial benefits of the alternative approaches identified in subparagraph (A), including the impact on the development of domestic solar electric propulsion technology to bolster United States competitiveness in the global marketplace; and

(D) a comparison of the estimated costs of the alternative approaches identified in subparagraph (A); and

(2) submit to the appropriate committees of Congress a report on the evaluation under paragraph (1), including any recommendations.

SEC. 435. MARS 2033 REPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall contract with an independent, non-governmental systems engineering and technical assistance organization to study a Mars human space flight mission to be launched in 2033.

(b) CONTENTS.—The study shall include—

(1) a technical development, test, fielding, and operations plan using the Space Launch System, Orion, and other systems to successfully launch such a Mars human space flight mission by 2033;

(2) an annual budget profile, including cost estimates, for the technical development, test, fielding, and operations plan to carry out a Mars human space flight mission by 2033; and

(3) a comparison of the annual budget profile to the 5-year budget profile contained in the President's budget request for fiscal year 2017 under section 1105 of title 31, United States Code.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the study, including findings and recommendations regarding the Mars 2033 human space flight mission described in subsection (a).

(d) ASSESSMENT.—Not later than 60 days after the date the report is submitted under subsection (c), the Administrator shall submit to the appropriate committees of Congress an assessment by the NASA Advisory Council of whether the proposal for a Mars human space flight mission to be launched in 2033 is in the strategic interests of the United States in space exploration.

Subtitle D—TREAT Astronauts Act

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''To Research, Evaluate, Assess, and Treat Astronauts Act'' or the ''TREAT Astronauts Act''.

SEC. 442. FINDINGS; SENSE OF CONGRESS.

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

(1) Human space exploration can pose significant challenges and is full of substantial risk, which has ultimately claimed the lives of 24 National Aeronautics and Space Administration astronauts serving in the line of duty.

(2) As United States government astronauts participate in long-duration and exploration space flight missions they may experience increased health risks, such as vision impairment, bone demineralization, and behavioral health and performance risks, and may be exposed to galactic cosmic radiation. Exposure to high levels of radiation and microgravity can result in acute and long-term health consequences that can increase the risk of cancer and tissue degeneration and have potential effects on the musculoskeletal system, central nervous system, cardiovascular system, immune function, and vision.

(3) To advance the goal of long-duration and exploration space flight missions, United States government astronaut Scott Kelly participated in a 1-year twins study in space while his identical twin brother, former United States government astronaut Mark Kelly, acted as a human control specimen on Earth, providing an understanding of the physical, behavioral, microbiological, and molecular reaction of the human body to an extended period of time in space.

(4) Since the Administration currently provides medical monitoring, diagnosis, and treatment for United States government astronauts during their active employment, given the unknown long-term health consequences of long-duration space exploration, the Administration has requested statutory authority from Congress to provide medical monitoring, diagnosis, and treatment to former United States government astronauts for psychological and medical conditions associated with human space flight.

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

(1) the United States should continue to seek the unknown and lead the world in space exploration and scientific discovery as the Administration prepares for long-duration and exploration space flight in deep space and an eventual mission to Mars;

(2) data relating to the health of astronauts will become increasingly valuable to improving our understanding of many diseases humans face on Earth;

(3) the Administration should provide the type of monitoring, diagnosis, and treatment described in subsection (a) only for conditions the Administration considers unique to

the training or exposure to the space flight environment of United States government astronauts and should not require any former United States Government astronauts to participate in the Administration's monitoring;

(4) such monitoring, diagnosis, and treatment should not replace a former United States government astronaut's private health insurance;

(5) expanded data acquired from such monitoring, diagnosis, and treatment should be used to tailor treatment, inform the requirements for new space flight medical hardware, and develop controls in order to prevent disease occurrence in the astronaut corps; and

(6) the 340-day space mission of Scott Kelly aboard the ISS—

(A) was pivotal for the goal of the United States for humans to explore deep space and Mars as the mission generated new insight into how the human body adjusts to weightlessness, isolation, radiation, and the stress of long-duration space flight; and

(B) will help support the physical and mental well-being of astronauts during longer space exploration missions in the future.

SEC. 443. MEDICAL MONITORING AND RESEARCH RELATING TO HUMAN SPACE FLIGHT.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by adding at the end the following:

"§ 20149. Medical monitoring and research relating to human space flight

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may provide for—

''(1) the medical monitoring and diagnosis of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers potentially associated with human space flight; and

''(2) the treatment of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

''(b) REQUIREMENTS.—

''(1) NO COST SHARING.—The medical monitoring, diagnosis, or treatment described in subsection (a) shall be provided without any deductible, copayment, or other cost sharing obligation.

''(2) ACCESS TO LOCAL SERVICES.—The medical monitoring, diagnosis, and treatment described in subsection (a) may be provided by a local health care provider if it is unadvisable due to the health of the applicable former United States government astronaut or former payload specialist for that former United States government astronaut or former payload specialist to travel to the Lyndon B. Johnson Space Center, as determined by the Administrator.

''(3) SECONDARY PAYMENT.—Payment or reimbursement for the medical monitoring, diagnosis, or treatment described in subsection (a) shall be secondary to any obligation of the United States Government or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment. Any costs for items and services that may be provided by the Administrator for medical monitoring, diagnosis, or treatment under subsection (a) that are not paid for or provided under such other provision of law or contractual agreement, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable by the Administrator on behalf of the former United States government astronaut or former payload specialist involved to the extent such items or services are authorized to be provided by the Administrator for such medical monitoring, diagnosis, or treatment under subsection (a).

''(4) CONDITIONAL PAYMENT.—The Administrator may provide for conditional payments for or provide medical monitoring, diagnosis, or treatment described in subsection (a) that is obligated to be paid for or provided by the United States or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment if—

''(A) payment for (or the provision of) such medical monitoring, diagnosis, or treatment services has not been made (or provided) or cannot reasonably be expected to be made (or provided) promptly by the United States or such third party, respectively; and

''(B) such payment (or such provision of services) by the Administrator is conditioned on reimbursement by the United States or such third party, respectively, for such medical monitoring, diagnosis, or treatment.

''(c) EXCLUSIONS.—The Administrator may not—

''(1) provide for medical monitoring or diagnosis of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not potentially associated with human space flight;

''(2) provide for treatment of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not associated with human space flight; or

''(3) require a former United States government astronaut or former payload specialist to participate in the medical monitoring, diagnosis, or treatment authorized under subsection (a).

''(d) PRIVACY.—Consistent with applicable provisions of Federal law relating to privacy, the Administrator shall protect the privacy of all medical records generated under subsection (a) and accessible to the Administration.

''(e) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to carry out this section.

''(f) DEFINITION OF UNITED STATES GOVERNMENT ASTRONAUT.—In this section, the term 'United States government astronaut' has the meaning given the term 'government astronaut' in section 50902, except it does not include an individual who is an international partner astronaut.

''(g) DATA USE AND DISCLOSURE.—The Administrator may use or disclose data acquired in the course of medical monitoring, diagnosis, or treatment of a former United States government astronaut or a former payload specialist under subsection (a), in accordance with subsection (d). Former United States government astronaut or former payload specialist participation in medical monitoring, diagnosis, or treatment under subsection (a) shall constitute consent for the Administrator to use or disclose such data.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by inserting after the item relating to section 20148 the following:

''20149. Medical monitoring and research relating to human space flight.''.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Each fiscal year, not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code, the Administrator shall publish a report, in accordance with applicable Federal privacy laws, on the activities of the Administration under section 20149 of title 51, United States Code.

(2) CONTENTS.—Each report under paragraph (1) shall include a detailed cost accounting of the Administration's activities under section 20149 of title 51, United States Code, and a 5-year budget estimate.

(3) SUBMISSION TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress each report under paragraph (1) not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code.

(d) COST ESTIMATE.—

(1) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with an independent external organization to undertake an independent cost estimate of the cost to the Administration and the Federal Government to implement and administer the activities of the Administration under section 20149 of title 51, United States Code. The independent external organization may not be a NASA entity, such as the Office of Safety and Mission Assurance.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress the independent cost estimate under paragraph (1).

(e) PRIVACY STUDY.—

(1) STUDY.—The Administrator shall carry out a study on any potential privacy or legal issues related to the possible sharing beyond the Federal Government of data acquired under the activities of the Administration under section 20149 of title 51, United States Code.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the study carried out under paragraph (1).

(f) INSPECTOR GENERAL AUDIT.—The Inspector General of NASA shall periodically audit or review, as the Inspector General considers necessary to prevent waste, fraud, and abuse, the activities of the Administration under section 20149 of title 51, United States Code.

TITLE V—ADVANCING SPACE SCIENCE

SEC. 501. MAINTAINING A BALANCED SPACE SCIENCE PORTFOLIO.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the National Academies of Sciences, Engineering, and Medicine's decadal surveys.

(b) POLICY.—It is the policy of the United States to ensure, to the extent practicable, a steady cadence of large, medium, and small science missions.

SEC. 502. PLANETARY SCIENCE.

(a) FINDINGS.—Congress finds that—

(1) Administration support for planetary science is critical to enabling greater understanding of the solar system and the origin of the Earth;

(2) the United States leads the world in planetary science and can augment its success in that area with appropriate international, academic, and industry partnerships;

(3) a mix of small, medium, and large planetary science missions is required to sustain a steady cadence of planetary exploration; and

(4) robotic planetary exploration is a key component of preparing for future human exploration.

(b) MISSION PRIORITIES.—

(1) IN GENERAL.—In accordance with the priorities established in the most recent Planetary Science Decadal Survey, the Administrator shall ensure, to the greatest extent practicable, the completion of a balanced set of Discovery, New Frontiers, and Flagship missions at the cadence recommended by the most recent Planetary Science Decadal Survey.

(2) MISSION PRIORITY ADJUSTMENTS.—Consistent with the set of missions described in paragraph (1), and while maintaining the continuity of scientific data and steady development of capabilities and technologies, the Administrator may seek, if necessary, adjustments to mission priorities, schedule, and scope in light of changing budget projections.

SEC. 503. JAMES WEBB SPACE TELESCOPE.

It is the sense of Congress that—

(1) the James Webb Space Telescope will—

(A) significantly advance our understanding of star and planet formation, and improve our knowledge of the early universe; and

(B) support United States leadership in astrophysics;

(2) consistent with annual Government Accountability Office reviews of the James Webb Space Telescope program, the Administrator should continue robust surveillance of the performance of the James Webb Space Telescope project and continue to improve the reliability of cost estimates and contractor performance data and other major space flight projects in order to enhance NASA's ability to successfully deliver the James Webb Space Telescope on-time and within budget;

(3) the on-time and on-budget delivery of the James Webb Space Telescope is a high congressional priority; and

(4) the Administrator should ensure that integrated testing is appropriately timed and sufficiently comprehensive to enable potential issues to be identified and addressed early enough to be handled within the James Webb Space Telescope's development schedule and prior to its launch.

SEC. 504. WIDE-FIELD INFRARED SURVEY TELESCOPE.

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

(1) the Wide-Field Infrared Survey Telescope (referred to in this section as ''WFIRST'') mission has the potential to enable scientific discoveries that will transform our understanding of the universe; and

(2) the Administrator, to the extent practicable, should make progress on the technologies and capabilities needed to position the Administration to meet the objectives, as outlined in the 2010 National Academies' Astronomy and Astrophysics Decadal Survey, in a way that maximizes the scientific productivity of meeting those objectives for the resources invested.

(b) CONTINUITY OF DEVELOPMENT.—The Administrator shall ensure that the concept definition and pre-formulation activities of the WFIRST mission continue while the James Webb Space Telescope is being completed.

SEC. 505. MARS 2020 ROVER.

It is the sense of Congress that—

(1) the Mars 2020 mission, to develop a Mars rover and to enable the return of samples to Earth, should remain a priority for NASA; and

(2) the Mars 2020 mission—

(A) should significantly increase our understanding of Mars;

(B) should help determine whether life previously existed on that planet; and

(C) should provide opportunities to gather knowledge and demonstrate technologies that address the challenges of future human expeditions to Mars.

SEC. 506. EUROPA.

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

(1) Studies of Europa, Jupiter's moon, indicate that Europa may provide a habitable environment, as it contains key ingredients known to support life.

(2) In 2012, using the Hubble Space Telescope, NASA scientists observed water vapor around the south polar region of Europa, which provides potential evidence of water plumes in that region.

(3) For decades, the Europa mission has consistently ranked as a high priority mission for the scientific community.

(4) The Europa mission was ranked as the top priority mission in the previous Planetary Science Decadal Survey and ranked as the second-highest priority in the current Planetary Science Decadal Survey.

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

(1) the Europa mission could provide another avenue in which to capitalize on our Nation's current investment in the Space Launch System that would significantly reduce the transit time for such a deep space mission; and

(2) a scientific, robotic exploration mission to Europa, as prioritized in both Planetary Science Decadal Surveys, should be supported.

SEC. 507. CONGRESSIONAL DECLARATION OF POLICY AND PURPOSE.

Section 20102(d) of title 51, United States Code, is amended by adding at the end the following:

''(10) The search for life's origin, evolution, distribution, and future in the universe.''.

SEC. 508. EXTRASOLAR PLANET EXPLORATION STRATEGY.

(a) STRATEGY.—

(1) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for the study and exploration of extrasolar planets, including the use of the Transiting Exoplanet Survey Satellite, the James Webb Space Telescope, a potential Wide-Field Infrared Survey Telescope mission, or any other telescope, spacecraft, or instrument, as appropriate.

(2) REQUIREMENTS.—The strategy shall—

(A) outline key scientific questions;

(B) identify the most promising research in the field;

(C) indicate the extent to which the mission priorities in existing decadal surveys address the key extrasolar planet research and exploration goals;

(D) identify opportunities for coordination with international partners, commercial partners, and not-for-profit partners; and

(E) make recommendations regarding the activities under subparagraphs (A) through (D), as appropriate.

(b) USE OF STRATEGY.—The Administrator shall use the strategy—

(1) to inform roadmaps, strategic plans, and other activities of the Administration as they relate to extrasolar planet research and exploration; and

(2) to provide a foundation for future activities and initiatives related to extrasolar planet research and exploration.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 509. ASTROBIOLOGY STRATEGY.

(a) STRATEGY.—

(1) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for astrobiology that would outline key scientific questions, identify the most promising research in the field, and indicate the extent to which the mission priorities in existing decadal surveys address the search for life's origin, evolution, distribution, and future in the Universe.

(2) RECOMMENDATIONS.—The strategy shall include recommendations for coordination with international partners.

(b) USE OF STRATEGY.—The Administrator shall use the strategy developed under subsection (a) in planning and funding research and other activities and initiatives in the field of astrobiology.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 510. ASTROBIOLOGY PUBLIC-PRIVATE PARTNERSHIPS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to study life's origin, evolution, distribution, and future in the universe.

SEC. 511. NEAR-EARTH OBJECTS.

Section 321 of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101) is amended by adding at the end the following:

''(e) PROGRAM REPORT.—The Director of the Office of Science and Technology Policy and 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, not later than 1 year after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016, an initial report that provides—

''(1) recommendations for carrying out the Survey program and an associated proposed budget;

''(2) an analysis of possible options that the Administration could employ to divert an object on a likely collision course with Earth; and

''(3) a description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

''(f) ANNUAL REPORTS.—After the initial report under subsection (e), the Administrator shall annually transmit 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 that includes—

''(1) a summary of all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016, including the progress toward achieving 90 percent completion of the survey described in subsection (d); and

''(2) a summary of expenditures for all activities carried out under subsection (d)

since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016.

''(g) ASSESSMENT.—The Administrator, in collaboration with other relevant Federal agencies, shall carry out a technical and scientific assessment of the capabilities and resources—

''(1) to accelerate the survey described in subsection (d); and

''(2) to expand the Administration's Near-Earth Object Program to include the detection, tracking, cataloguing, and characterization of potentially hazardous near-Earth objects less than 140 meters in diameter.

''(h) TRANSMITTAL.—Not later than 270 days after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016, the Administrator shall transmit the results of the assessment under subsection (g) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.''.

SEC. 512. NEAR-EARTH OBJECTS PUBLIC-PRIVATE PARTNERSHIPS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administration should seek to leverage the capabilities of the private sector and philanthropic organizations to the maximum extent practicable in carrying out the Near-Earth Object Survey Program in order to meet the goal of that program under section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101(d)(1)).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to detect, track, catalogue, and categorize near-Earth objects.

SEC. 513. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

Section 30504 of title 51, United States Code, is amended to read as follows:

''§ 30504. Assessment of science mission extensions

''(a) ASSESSMENTS.—

''(1) IN GENERAL.—The Administrator shall carry out triennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that exceed their planned missions' lifetime.

''(2) CONSIDERATIONS.—In conducting an assessment under paragraph (1), the Administrator shall consider whether and how extending missions impacts the start of future missions.

''(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—When deciding whether to extend a mission that has an operational component, the Administrator shall—

''(1) consult with any affected Federal agency; and

''(2) take into account the potential benefits of instruments on missions that are beyond their planned mission lifetime.

''(c) REPORTS.—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, at the same time as the submission to Congress of the Administration's annual budget request for each fiscal year, a report detailing any assessment under subsection (a) that was carried out during the previous year.''.

SEC. 514. STRATOSPHERIC OBSERVATORY FOR INFRARED ASTRONOMY.

The Administrator may not terminate science operations of the Stratospheric Observatory for Infrared Astronomy before December 31, 2017.

SEC. 515. RADIOISOTOPE POWER SYSTEMS.

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

(1) exploration of the outer reaches of the solar system is enabled by radioisotope power systems;

(2) establishing continuity in the production of the material needed for radioisotope power systems is essential to maintaining the availability of such systems for future deep space exploration missions; and

(3) Federal agencies supporting the Administration through the production of such material should do so in a cost effective manner so as not to impose excessive reimbursement requirements on the Administration.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator, in consultation with other Federal agencies, shall conduct an analysis of—

(1) the requirements of the Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

(c) CONTENTS OF ANALYSIS.—The analysis conducted under subsection (b) shall—

(1) detail the Administration's current projected mission requirements and associated timeframes for radioisotope power system material;

(2) explain the assumptions used to determine the Administration's requirements for the material, including—

(A) the planned use of advanced thermal conversion technology such as advanced thermocouples and Stirling generators and converters; and

(B) the risks and implications of, and contingencies for, any delays or unanticipated technical challenges affecting or related to the Administration's mission plans for the anticipated use of advanced thermal conversion technology;

(3) assess the risk to the Administration's programs of any potential delays in achieving the schedule and milestones for planned domestic production of radioisotope power system material;

(4) outline a process for meeting any additional Administration requirements for the material;

(5) estimate the incremental costs required to increase the amount of material produced each year, if such an increase is needed to support additional Administration requirements for the material;

(6) detail how the Administration and other Federal agencies will manage, operate, and fund production facilities and the design and development of all radioisotope power systems used by the Administration and other Federal agencies as necessary;

(7) specify the steps the Administration will take, in consultation with the Department of Energy, to preserve the infrastructure and workforce necessary for production of radioisotope power systems and ensure that its reimbursements to the Department of Energy associated with such preservation are equitable and justified; and

(8) detail how the Administration has implemented or rejected the recommendations from the National Research Council's 2009 report titled ''Radioisotope Power Systems: An Imperative for Maintaining U.S. Leadership in Space Exploration.''

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the results of the analysis to the appropriate committees of Congress.

SEC. 516. ASSESSMENT OF MARS ARCHITECTURE.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to assess—

(1) the Administration's Mars exploration architecture and its responsiveness to the strategies, priorities, and guidelines put forward by the National Academies' planetary science decadal surveys and other relevant National Academies Mars-related reports;

(2) the long-term goals of the Administration's Mars Exploration Program and such program's ability to optimize the science return, given the current fiscal posture of the program;

(3) the Mars exploration architecture's relationship to Mars-related activities to be undertaken by foreign agencies and organizations; and

(4) the extent to which the Mars exploration architecture represents a reasonably balanced mission portfolio.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit the results of the assessment to the appropriate committees of Congress.

SEC. 517. COLLABORATION.

The Administration shall continue to develop first-of-a-kind instruments that, once proved, can be transitioned to other agencies for operations. Whenever responsibilities for the development of sensors or for measurements are transferred to the Administration from another agency, the Administration shall seek, to the extent possible, to be reimbursed for the assumption of such responsibilities.

TITLE VI—AERONAUTICS

SEC. 601. SENSE OF CONGRESS ON AERONAUTICS.

It is the sense of Congress that—

(1) a robust aeronautics research portfolio will help maintain the United States status as a leader in aviation, enhance the competitiveness of the United States in the world economy, and improve the quality of life of all citizens;

(2) aeronautics research is essential to the Administration's mission, continues to be an important core element of the Administration's mission, and should be supported;

(3) the Administrator should coordinate and consult with relevant Federal agencies and the private sector to minimize duplication of efforts and leverage resources; and

(4) carrying aeronautics research to a level of maturity that allows the Administration's research results to be transferred to the users, whether private or public sector, is critical to their eventual adoption.

SEC. 602. TRANSFORMATIVE AERONAUTICS RESEARCH.

It is the sense of Congress that the Administrator should look strategically into the future and ensure that the Administration's Center personnel are at the leading edge of aeronautics research by encouraging investigations into the early-stage advancement of new processes, novel concepts, and innovative technologies that have the potential to meet national aeronautics needs.

SEC. 603. HYPERSONIC RESEARCH.

(a) ROADMAP FOR HYPERSONIC RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall develop and submit to the appropriate committees of Congress a research and development roadmap for hypersonic aircraft research.

(b) OBJECTIVE.—The objective of the roadmap is to explore hypersonic science and

technology using air- breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

(c) CONTENTS.—The roadmap shall recommend appropriate Federal agency contributions, coordination efforts, and technology milestones.

SEC. 604. SUPERSONIC RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) the ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities could open new global markets and enable new transportation capabilities; and

(2) continuing the Administration's research program is necessary to assess the impact in a relevant environment of commercial supersonic flight operations and provide the basis for establishing appropriate sonic boom standards for such flight operations.

(b) ROADMAP FOR SUPERSONIC RESEARCH.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and submit to the appropriate committees of Congress a roadmap that allows for flexible funding profiles for supersonic aeronautics research and development.

(2) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate, in a relevant environment, airframe and propulsion technologies to minimize the environmental impact, including noise, of supersonic overland flight in an efficient and economical manner.

(3) CONTENTS.—The roadmap shall include—

(A) the baseline research as embodied by the Administration's existing research on supersonic flight;

(B) a list of specific technological, environmental, and other challenges that must be overcome to minimize the environmental impact, including noise, of supersonic overland flight;

(C) a research plan to address the challenges under subparagraph (B), including a project timeline for accomplishing relevant research goals;

(D) a plan for coordination with stakeholders, including relevant government agencies and industry; and

(E) a plan for how the Administration will ensure that sonic boom research is coordinated as appropriate with relevant Federal agencies.

SEC. 605. ROTORCRAFT RESEARCH.

(a) ROADMAP FOR ROTORCRAFT RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall prepare and submit to the appropriate committees of Congress a roadmap for research relating to rotorcraft and other runway-independent air vehicles.

(b) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate improved safety, noise, and environmental impact in a relevant environment.

(c) CONTENTS.—The roadmap shall include specific goals for the research, a timeline for implementation, metrics for success, and guidelines for collaboration and coordination with industry and other Federal agencies.

TITLE VII—SPACE TECHNOLOGY

SEC. 701. SPACE TECHNOLOGY INFUSION.

(a) SENSE OF CONGRESS ON SPACE TECHNOLOGY.—It is the sense of Congress that space technology is critical—

(1) to developing technologies and capabilities that will make the Administration's core missions more affordable and more reliable;

(2) to enabling a new class of Administration missions beyond low-Earth orbit; and

(3) to improving technological capabilities and promote innovation for the Administration and the Nation.

(b) SENSE OF CONGRESS ON PROPULSION TECHNOLOGY.—It is the sense of Congress that advancing propulsion technology would improve the efficiency of trips to Mars and could shorten travel time to Mars, reduce astronaut health risks, and reduce radiation exposure, consumables, and mass of materials required for the journey.

(c) POLICY.—It is the policy of the United States that the Administrator shall develop technologies to support the Administration's core missions, as described in section 2(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301(3)), and support sustained investments in early stage innovation, fundamental research, and technologies to expand the boundaries of the national aerospace enterprise.

(d) PROPULSION TECHNOLOGIES.—A goal of propulsion technologies developed under subsection (c) shall be to significantly reduce human travel time to Mars.

SEC. 702. SPACE TECHNOLOGY PROGRAM.

(a) SPACE TECHNOLOGY PROGRAM AUTHORIZED.—The Administrator shall conduct a space technology program (referred to in this section as the ''Program'') to research and develop advanced space technologies that could deliver innovative solutions across the Administration's space exploration and science missions.

(b) CONSIDERATIONS.—In conducting the Program, the Administrator shall consider—

(1) the recommendations of the National Academies' review of the Administration's Space Technology roadmaps and priorities; and

(2) the applicable enabling aspects of the stepping stone approach to exploration under section 70504 of title 51, United States Code.

(c) REQUIREMENTS.—In conducting the Program, the Administrator shall—

(1) to the extent practicable, use a competitive process to select research and development projects;

(2) to the extent practicable and appropriate, use small satellites and the Administration's suborbital and ground-based platforms to demonstrate space technology concepts and developments; and

(3) as appropriate, partner with other Federal agencies, universities, private industry, and foreign countries.

(d) SMALL BUSINESS PROGRAMS.—The Administrator shall organize and manage the Administration's Small Business Innovation Research Program and Small Business Technology Transfer Program within the Program.

(e) NONDUPLICATION CERTIFICATION.—The Administrator shall submit a budget for each fiscal year, as transmitted to Congress under section 1105(a) of title 31, United States Code, that avoids duplication of projects, programs, or missions conducted by Program with other projects, programs, or missions conducted by another office or directorate of the Administration.

(f) COLLABORATION, COORDINATION, AND ALIGNMENT.—

(1) IN GENERAL.—The Administrator shall—

(A) ensure that the Administration's projects, programs, and activities in support of technology research and development of advanced space technologies are fully coordinated and aligned;

(B) ensure that the results the projects, programs, and activities under subparagraph (A) are shared and leveraged within the Administration; and

(C) ensure that the organizational responsibility for research and development activities in support of human space exploration not initiated as of the date of enactment of this Act is established on the basis of a sound rationale.

(2) SENSE OF CONGRESS.—It is the sense of Congress that projects, programs, and missions being conducted by the Human Exploration and Operations Mission Directorate in support of research and development of advanced space technologies and systems focusing on human space exploration should continue in that Directorate.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a report—

(1) comparing the Administration's space technology investments with the high-priority technology areas identified by the National Academies in the National Research Council's report on the Administration's Space Technology Roadmaps; and

(2) including—

(A) identification of how the Administration will address any gaps between the agency's investments and the recommended technology areas, including a projection of funding requirements; and

(B) identification of the rationale described in subsection (f)(1)(C).

(h) ANNUAL REPORT.—The Administrator shall include in the Administration's annual budget request for each fiscal year the rationale for assigning organizational responsibility for, in the year prior to the budget fiscal year, each initiated project, program, and mission focused on research and development of advanced technologies for human space exploration.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

SEC. 811. INFORMATION TECHNOLOGY GOVERNANCE.

(a) IN GENERAL.—The Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) ensure the NASA Chief Information Officer, Mission Directorates, and Centers have appropriate roles in the management, governance, and oversight processes related to information technology operations and investments and information security programs for the protection of NASA systems;

(2) ensure the NASA Chief Information Officer has the appropriate resources and insight to oversee NASA information technology and information security operations and investments;

(3) provide an information technology program management framework to increase the efficiency and effectiveness of information technology investments, including relying on metrics for identifying and reducing potential duplication, waste, and cost;

(4) improve the operational linkage between the NASA Chief Information Officer and each NASA mission directorate, center, and mission support office to ensure both agency and mission needs are considered in agency-wide information technology and information security management and oversight;

(5) review the portfolio of information technology investments and spending, including information technology-related investments included as part of activities within NASA mission directorates that may not be considered information technology, to ensure investments are recognized and reported appropriately based on guidance from the Office of Management and Budget;

(6) consider appropriate revisions to the charters of information technology boards and councils that inform information technology investment and operation decisions; and

(7) consider whether the NASA Chief Information Officer should have a seat on any boards or councils described in paragraph (6).

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Administration's Information Technology Governance in ensuring information technology resources are aligned with agency missions and are cost effective and secure.

(2) CONTENTS.—The study shall include an assessment of—

(A) the resources available for overseeing Administration-wide information technology operations, investments, and security measures and the NASA Chief Information Officer's visibility and involvement into information technology oversight and access to those resources;

(B) the effectiveness and challenges of the Administration's information technology structure, decision making processes and authorities, including impacts on its ability to implement information security; and

(C) the impact of NASA Chief Information Officer approval authority over information technology investments that exceed a defined monetary threshold, including any potential impacts of such authority on the Administration's missions, flights programs and projects, research activities, and Center operations.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report detailing the results of the study under paragraph (1), including any recommendations.

SEC. 812. INFORMATION TECHNOLOGY STRATEGIC PLAN.

(a) IN GENERAL.—Subject to subsection (b), the Administrator shall develop an information technology strategic plan to guide NASA information technology management and strategic objectives.

(b) REQUIREMENTS.—In developing the strategic plan, the Administrator shall ensure that the strategic plan addresses—

(1) the deadline under section 306(a) of title 5, United States Code; and

(2) the requirements under section 3506 of title 44, United States Code.

(c) CONTENTS.—The strategic plan shall address, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) near and long-term goals and objectives for leveraging information technology;

(2) a plan for how NASA will submit to Congress of a list of information technology projects, including completion dates and risk level in accordance with guidance from the Office of Management and Budget;

(3) an implementation overview for an agency-wide approach to information technology investments and operations, including reducing barriers to cross-center collaboration;

(4) coordination by the NASA Chief Information Officer with centers and mission directorates to ensure that information technology policies are effectively and efficiently implemented across the agency;

(5) a plan to increase the efficiency and effectiveness of information technology investments, including a description of how unnecessarily duplicative, wasteful, legacy, or outdated information technology across NASA will be identified and eliminated, and a schedule for the identification and elimination of such information technology;

(6) a plan for improving the information security of agency information and agency information systems, including improving security control assessments and role-based security training of employees; and

(7) submission by NASA to Congress of information regarding high risk projects and cybersecurity risks.

(d) CONGRESSIONAL OVERSIGHT.—The Administrator shall submit to the appropriate committees of Congress the strategic plan under subsection (a) and any updates thereto.

SEC. 813. CYBERSECURITY.

(a) FINDING.—The security of NASA information and information systems is vital to the success of the mission of the agency.

(b) INFORMATION SECURITY PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement the information security plan developed under paragraph (2) and take such further actions as the Administrator considers necessary to improve the information security system in accordance with this section.

(2) INFORMATION SECURITY PLAN.—Subject to paragraphs (3) and (4), the Administrator shall develop an agency-wide information security plan to enhance information security for NASA information and information infrastructure.

(3) REQUIREMENTS.—In developing the plan under paragraph (2), the Administrator shall ensure that the plan—

(A) reflects the unique nature of NASA's mission and expertise;

(B) is informed by policies, standards, guidelines, and directives on information security required for Federal agencies;

(C) is consistent with the standards and guidelines under section 11331 of title 40, United States Code; and

(D) meets applicable National Institute of Standards and Technology information security standards and guidelines.

(4) CONTENTS.—The plan shall address—

(A) an overview of the requirements of the information security system;

(B) an agency-wide risk management framework for information security;

(C) a description of the information security system management controls and common controls that are necessary to ensure compliance with information security-related requirements;

(D) an identification and assignment of roles, responsibilities, and management commitment for information security at the agency;

(E) coordination among organizational entities, including between each center, facility, mission directorate, and mission support office, and among agency entities responsible for different aspects of information security;

(F) the need to protect the information security of mission-critical systems and activities and high-impact and moderate-impact information systems; and

(G) a schedule of frequent reviews and updates, as necessary, of the plan.

SEC. 814. SECURITY MANAGEMENT OF FOREIGN NATIONAL ACCESS.

The Administrator shall notify the appropriate committees of Congress when the agency has implemented the information technology security recommendations from the National Academy of Public Administration on foreign national access management, based on reports from January 2014 and March 2016.

SEC. 815. CYBERSECURITY OF WEB APPLICATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) develop a plan, including such actions and milestones as are necessary, to fully remediate security vulnerabilities of NASA web applications within a timely fashion after discovery; and

(2) provide an update on its plant to implement the recommendation from the NASA Inspector General in the audit report dated July 10, 2014, (IG–14–023) to remove from the Internet or otherwise secure all NASA web applications in development or testing mode.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

SEC. 821. COLLABORATION AMONG MISSION DIRECTORATES.

The Administrator shall encourage an interdisciplinary approach among all NASA mission directorates and divisions, whenever appropriate, for projects or missions—

(1) to improve coordination, and encourage collaboration and early planning on scope;

(2) to determine areas of overlap or alignment;

(3) to find ways to leverage across divisional perspectives to maximize outcomes; and

(4) to be more efficient with resources and funds.

SEC. 822. NASA LAUNCH CAPABILITIES COLLABORATION.

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

(1) The Launch Services Program is responsible for the acquisition, management, and technical oversight of commercial launch services for NASA's science and robotic missions.

(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

(5) Co-location of the Launch Services Program and Commercial Crew Program has enabled the Commercial Crew Program to efficiently obtain the launch vehicle technical expertise of and provide engineering and analytical support to the Commercial Crew Program.

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

(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

(2) such communication and coordination is enabled by the co-location of the programs.

(c) IN GENERAL.—The Administrator shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.

SEC. 823. DETECTION AND AVOIDANCE OF COUNTERFEIT PARTS.

(a) FINDINGS.—Congress finds the following:

(1) A 2012 investigation by the Committee on Armed Services of the Senate of counterfeit electronic parts in the Department of Defense supply chain from 2009 through 2010 uncovered 1,800 cases and over 1,000,000 counterfeit parts and exposed the threat such counterfeit parts pose to service members and national security.

(2) Since 2010, the Comptroller General of the United States has identified in 3 separate reports the risks and challenges associated with counterfeit parts and counterfeit prevention at both the Department of Defense and NASA, including inconsistent definitions

of counterfeit parts, poorly targeted quality control practices, and potential barriers to improvements to these practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the presence of counterfeit electronic parts in the NASA supply chain poses a danger to United States government astronauts, crew, and other personnel and a risk to the agency overall.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the NASA Supplement to the Federal Acquisition Regulation to improve the detection and avoidance of counterfeit electronic parts in the supply chain.

(2) CONTRACTOR RESPONSIBILITIES.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require each covered contractor—

(i) to detect and avoid the use or inclusion of any counterfeit parts in electronic parts or products that contain electronic parts;

(ii) to take such corrective actions as the Administrator considers necessary to remedy the use or inclusion described in clause (i); and

(iii) including a subcontractor, to notify the applicable NASA contracting officer not later than 30 calendar days after the date the covered contractor becomes aware, or has reason to suspect, that any end item, component, part or material contained in supplies purchased by NASA, or purchased by a covered contractor or subcontractor for delivery to, or on behalf of, NASA, contains a counterfeit electronic part or suspect counterfeit electronic part; and

(B) prohibit the cost of counterfeit electronic parts, suspect counterfeit electronic parts, and any corrective action described under subparagraph (A)(ii) from being included as allowable costs under agency contracts, unless—

(i)(I) the covered contractor has an operational system to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts that has been reviewed and approved by NASA or the Department of Defense; and

(II) the covered contractor has provided the notice under subparagraph (A)(iii); or

(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the covered contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation.

(3) SUPPLIERS OF ELECTRONIC PARTS.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require NASA and covered contractors, including subcontractors, at all tiers—

(i) to obtain electronic parts that are in production or currently available in stock from—

(I) the original manufacturers of the parts or their authorized dealers; or

(II) suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) to obtain electronic parts that are not in production or currently available in stock from suppliers that meet qualification requirements established under subparagraph (C);

(B) establish documented requirements consistent with published industry standards or Government contract requirements for—

(i) notification of the agency; and

(ii) inspection, testing, and authentication of electronic parts that NASA or a covered contractor, including a subcontractor, obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which NASA may identify suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize a covered contractor, including a subcontractor, to identify and use additional suppliers beyond those identified under subparagraph (C) if—

(i) the standards and processes for identifying such suppliers comply with established industry standards;

(ii) the covered contractor assumes responsibility for the authenticity of parts provided by such suppliers under paragraph (2); and

(iii) the selection of such suppliers is subject to review and audit by NASA.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACTOR.—The term ''covered contractor'' means a contractor that supplies an electronic part, or a product that contains an electronic part, to NASA.

(2) ELECTRONIC PART.—The term ''electronic part'' means a discrete electronic component, including a microcircuit, transistor, capacitor, resistor, or diode, that is intended for use in a safety or mission critical application.

SEC. 824. EDUCATION AND OUTREACH.

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

(1) United States competitiveness in the 21st century requires engaging the science, technology, engineering, and mathematics (referred to in this section as ''STEM'') talent in all States;

(2) the Administration is uniquely positioned to educate and inspire students and the broader public on STEM subjects and careers;

(3) the Administration's Education and Communication Offices, Mission Directorates, and Centers have been effective in delivering educational content because of the strong engagement of Administration scientists and engineers in the Administration's education and outreach activities;

(4) the Administration's education and outreach programs, including the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Space Grant College and Fellowship Program, reflect the Administration's successful commitment to growing and diversifying the national science and engineering workforce; and

(5) in order to grow and diversify the Nation's engineering workforce, it is vital for the Administration to bolster programs, such as High Schools United with NASA to Create Hardware (HUNCH) program, that conduct outreach activities to underserved rural communities, vocational schools, and tribal colleges and universities and encourage new participation in the STEM workforce.

(b) CONTINUATION OF EDUCATION AND OUTREACH ACTIVITIES AND PROGRAMS.—

(1) IN GENERAL.—The Administrator shall continue engagement with the public and education opportunities for students via all the Administration's mission directorates to the maximum extent practicable.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administration's near-term outreach plans for advancing space law education.

SEC. 825. LEVERAGING COMMERCIAL SATELLITE SERVICING CAPABILITIES ACROSS MISSION DIRECTORATES.

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

(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

(2) The technologies involved in satellite servicing, such as dexterous robotic arms, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

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

(1) satellite servicing is a vital capability that will bolster the capacity and affordability of NASA's ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

(c) LEVERAGING OF CAPABILITIES.—The Administrator shall identify orbital assets in both the Science Mission Directorate and the Human Exploration and Operations Mission Directorate that could benefit from satellite servicing-related technologies, and shall work across all NASA mission directorates to evaluate opportunities for the private sector to perform such services or advance technical capabilities by leveraging the technologies and techniques developed by NASA programs and other industry programs.

SEC. 826. FLIGHT OPPORTUNITIES.

(a) DEVELOPMENT OF PAYLOADS.—

(1) IN GENERAL.—In order to conduct necessary research, the Administrator shall continue and, as the Administrator considers appropriate, expand the development of technology payloads for—

(A) scientific research; and

(B) investigating new or improved capabilities.

(2) FUNDS.—For the purpose of carrying out paragraph (1), the Administrator shall make funds available for—

(A) flight testing;

(B) payload development; and

(C) hardware related to subparagraphs (A) and (B).

(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as authorized by section 907 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405).

SEC. 827. SENSE OF CONGRESS ON SMALL CLASS LAUNCH MISSIONS.

It is the sense of Congress that—

(1) Venture Class Launch Services contracts awarded under the Launch Services Program will expand opportunities for future dedicated launches of CubeSats and other small satellites and small orbital science missions; and

(2) principal investigator-led small orbital science missions, including CubeSat class, Small Explorer (SMEX) class, and Venture class, offer valuable opportunities to advance science at low cost, train the next generation of scientists and engineers, and enable participants to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space and to enhancing United States innovation and competitiveness abroad.

SEC. 828. BASELINE AND COST CONTROLS.

Section 30104(a)(1) of title 51, United States Code, is amended by striking ''Procedural Requirements 7120.5c, dated March 22, 2005'' and inserting ''Procedural Requirements 7120.5E, dated August 14, 2012''.

SEC. 829. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

Section 50116(a) of title 51, United States Code, is amended by inserting ''\, while protecting national security'' after ''research community''.

SEC. 830. AVOIDING ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR ADMINISTRATION ACQUISITION PROGRAMS.

(a) REVISED REGULATIONS REQUIRED.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the Administration Supplement to the Federal Acquisition Regulation to provide uniform guidance and recommend revised requirements for organizational conflicts of interest by contractors in major acquisition programs in order to address the elements identified in subsection (b).

(b) ELEMENTS.—The revised regulations under subsection (a) shall, at a minimum—

(1) address organizational conflicts of interest that could potentially arise as a result of—

(A) lead system integrator contracts on major acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;

(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

(C) the award of major subsystem contracts by a prime contractor for a major acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

(D) the performance by, or assistance of, contractors in technical evaluations on major acquisition programs;

(2) require the Administration to request advice on systems architecture and systems engineering matters with respect to major acquisition programs from objective sources independent of the prime contractor;

(3) require that a contract for the performance of systems engineering and technical assistance functions for a major acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development of a system under the program; and

(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as the Administrator considers necessary to ensure that the Administration has continued access to advice on systems architecture and systems engineering matters from highly qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

SEC. 831. PROTECTION OF APOLLO LANDING SITES.

(a) ASSESSMENT.—The Director of the Office of Science and Technology Policy, in consultation with relevant Federal agencies and stakeholders, shall assess the issues relating to protecting and preserving historically important Apollo Program lunar landing sites and Apollo program artifacts residing on the lunar surface, including those pertaining to Apollo 11 and Apollo 17.

(b) CONTENTS.—In conducting the assessment, the Director shall include—

(1) a determination of what risks to the protection and preservation of those sites and artifacts exist or may exist in the future;

(2) a determination of what measures are required to ensure such protection and preservation;

(3) a determination of the extent to which additional domestic legislation or international treaties or agreements will be required; and

(4) specific recommendations for protecting and preserving those lunar landing sites and artifacts.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress the results of the assessment.

SEC. 832. NASA LEASE OF NON-EXCESS PROPERTY.

Section 20145(g) of title 51, United States Code, is amended by striking ''10 years after December 26, 2007'' and inserting ''December 31, 2018''.

SEC. 833. TERMINATION LIABILITY.

It is the sense of Congress that—

(1) the ISS, the Space Launch System, and the Orion will enable the Nation to continue operations in low-Earth orbit and to send its astronauts to deep space;

(2) the James Webb Space Telescope will revolutionize our understanding of star and planet formation and how galaxies evolved, and will advance the search for the origins of our universe;

(3) as a result of their unique capabilities and their critical contribution to the future of space exploration, these systems have been designated by Congress and the Administration as priority investments;

(4) contractors are currently holding program funding, estimated to be in the hundreds of millions of dollars, to cover the potential termination liability should the Government choose to terminate a program for convenience;

(5) as a result, hundreds of millions of taxpayer dollars are unavailable for meaningful work on these programs;

(6) according to the Government Accountability Office, the Administration procures most of its goods and services through contracts, and it terminates very few of them;

(7) in fiscal year 2010, the Administration terminated 28 of 16,343 active contracts and orders, a termination rate of about 0.17 percent; and

(8) the Administration should vigorously pursue a policy on termination liability that maximizes the utilization of its appropriated funds to make maximum progress in meeting established technical goals and schedule milestones on these high-priority programs.

SEC. 834. INDEPENDENT REVIEWS.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing—

(1) the Administration's procedures for conducting independent reviews of projects and programs at lifecycle milestones;

(2) how the Administration ensures the independence of the individuals who conduct those reviews prior to their assignment;

(3) the internal and external entities independent of project and program management that conduct reviews of projects and programs at life cycle milestones; and

(4) how the Administration ensures the independence of such entities and their members.

SEC. 835. NASA ADVISORY COUNCIL.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academy of Public Administration to assess the effectiveness of the NASA Advisory Council and to make recommendations to Congress for any change to—

(1) the functions of the Council;

(2) the appointment of members to the Council;

(3) the qualifications for members of the Council;

(4) the duration of terms of office for members of the Council;

(5) the frequency of meetings of the Council;

(6) the structure of leadership and Committees of the Council; and

(7) the levels of professional staffing for the Council.

(b) CONSIDERATIONS.—In carrying out the assessment under subsection (a), the National Academy of Public Administration shall—

(1) consider the impacts of broadening the Council's role to include providing consultation and advice to Congress under section 20113(g) of title 51, United States Code;

(2) consider the past activities of the NASA Advisory Council and the activities of other analogous Federal advisory bodies; and

(3) any other issues that the National Academy of Public Administration determines could potentially impact the effectiveness of the Council.

(c) REPORT.—The National Academy of Public Administration shall submit to the appropriate committees of Congress the results of the assessment, including any recommendations.

(d) CONSULTATION AND ADVICE.—

(1) IN GENERAL.—Section 20113(g) of title 51, United States Code, is amended by inserting ''and Congress'' after ''advice to the Administration''.

(2) SUNSET.—Effective September 30, 2017, section 20113(g) of title 51, United States Code, is amended by striking ''and Congress''.

SEC. 836. COST ESTIMATION.

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

(1) realistic cost estimating is critically important to the ultimate success of major space development projects; and

(2) the Administration has devoted significant efforts over the past 5 years to improving its cost estimating capabilities, but it is important that the Administration continue its efforts to develop and implement guidance in establishing realistic cost estimates.

(b) GUIDANCE AND CRITERIA.—The Administrator shall provide to its acquisition programs and projects, in a manner consistent with the Administration's Space Flight Program and Project Management Requirements—

(1) guidance on when to use an Independent Cost Estimate and Independent Cost Assessment; and

(2) criteria to use to make a determination under paragraph (1).

SEC. 837. FACILITIES AND INFRASTRUCTURE.

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

(1) the Administration must address, mitigate, and reverse, where possible, the deterioration of its facilities and infrastructure, as their condition is hampering the effectiveness and efficiency of research performed by both the Administration and industry participants making use of Administration facilities, thus harming the competitiveness of the United States aerospace industry;

(2) the Administration has a role in providing laboratory capabilities to industry participants that are not economically viable as commercial entities and thus are not available elsewhere;

(3) to ensure continued access to reliable and efficient world-class facilities by researchers, the Administration should establish strategic partnerships with other Federal agencies, institutions of higher education, and industry, as appropriate; and

(4) decisions on whether to dispose of, maintain, or modernize existing facilities must be made in the context of meeting Administration and other needs, including those required to meet the activities supporting the Human Exploration Roadmap under section 432 of this Act, consider other national laboratory needs as the Administrator deems appropriate.

(b) POLICY.—It is the policy of the United States that the Administration maintain reliable and efficient facilities and infrastructure and that decisions on whether to dispose of, maintain, or modernize existing facilities or infrastructure be made in the context of meeting future Administration needs.

(c) PLAN.—

(1) IN GENERAL.—The Administrator shall develop a facilities and infrastructure plan.

(2) GOAL.—The goal of the plan is to position the Administration to have the facilities and infrastructure, including laboratories, tools, and approaches, necessary to meet future Administration and other Federal agencies' laboratory needs.

(3) CONTENTS.—The plan shall identify—

(A) current Administration and other Federal agency laboratory needs;

(B) future Administration research and development and testing needs;

(C) a strategy for identifying facilities and infrastructure that are candidates for disposal, that is consistent with the national strategic direction set forth in—

(i) the National Space Policy;

(ii) the National Aeronautics Research, Development, Test, and Evaluation Infrastructure Plan;

(iii) the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(iv) the Human Exploration Roadmap under section 432 of this Act;

(D) a strategy for the maintenance, repair, upgrading, and modernization of Administration facilities and infrastructure, including laboratories and equipment; and

(E) criteria for—

(i) prioritizing deferred maintenance tasks;

(ii) maintaining, repairing, upgrading, or modernizing Administration facilities and infrastructure; and

(iii) implementing processes, plans, and policies for guiding the Administration's Centers on whether to maintain, repair, upgrade, or modernize a facility or infrastructure and for determining the type of instrument to be used.

SEC. 838. HUMAN SPACE FLIGHT ACCIDENT INVESTIGATIONS.

Section 70702 of title 51, United States Code, is amended—

(1) by amending subsection (a)(3) to read as follows:

''(3) any other orbital or suborbital space vehicle carrying humans that is—

''(A) owned by the Federal Government; or

''(B) being used pursuant to a contract or Space Act Agreement with the Federal Government for carrying a government astronaut or a researcher funded by the Federal Government; or''; and

(2) by adding at the end the following:

''(c) DEFINITIONS.—In this section:

''(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

''(2) SPACE ACT AGREEMENT.—The term 'Space Act Agreement' means an agreement entered into by the Administration pursuant to its other transactions authority under section 20113(e).''.

SEC. 839. ORBITAL DEBRIS.

(a) FINDINGS.—Congress finds that—

(1) orbital debris poses serious risks to the operational space capabilities of the United States;

(2) an international commitment and integrated strategic plan are needed to mitigate the growth of orbital debris wherever possible; and

(3) the delay in the Office of Science and Technology Policy's submission of a report on the status of international coordination and development of orbital debris mitigation strategies to be inconsistent with such risks.

(b) REPORTS.—

(1) COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of efforts to coordinate with foreign countries within the Inter-Agency Space Debris Coordination Committee to mitigate the effects and growth of orbital debris under section 1202(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(1)).

(2) MITIGATION STRATEGY.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to the appropriate committees of Congress a report on the status of the orbital debris mitigation strategy required under section 1202(b)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(2)).

SEC. 840. REVIEW OF ORBITAL DEBRIS REMOVAL CONCEPTS.

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

(1) orbital debris in low-Earth orbit poses significant risks to spacecraft;

(2) such orbital debris may increase due to collisions between existing debris objects; and

(3) understanding options to address and remove orbital debris is important for ensuring safe and effective spacecraft operations in low-Earth orbit.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator—

(A) in collaboration with the heads of other relevant Federal agencies, shall solicit and review concepts and options for removing orbital debris from low-Earth orbit; and

(B) shall submit to the appropriate committees of Congress a report on the solicitation and review under subparagraph (A), including recommendations on the best options for decreasing the risks associated with orbital debris.

(2) REQUIREMENTS.—The solicitation and review under paragraph (1) shall address the requirements for and feasibility of developing and implementing each of the options.

SA 5181. Mr. PORTMAN (for Mr. KIRK) proposed an amendment to the bill S. 1168, to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preserving Rehabilitation Innovation Centers Act of 2016''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the United States, there are an estimated 1,181 inpatient rehabilitation facilities. Among these facilities is a small group of inpatient rehabilitation institutions that are contributing to the future of rehabilitation care medicine, as well as to patient recovery, scientific innovation, and quality of life.

(2) This unique category of inpatient rehabilitation institutions treats the most complex patient conditions, such as traumatic brain injury, stroke, spinal cord injury, childhood disease, burns, and wartime injuries.

(3) These leading inpatient rehabilitation institutions are all not-for-profit or Government-owned institutions and serve a high volume of Medicare or Medicaid beneficiaries.

(4) These leading inpatient rehabilitation institutions have been recognized by the Federal Government for their contributions to cutting-edge research to develop solutions that enhance quality of care, improve patient outcomes, and reduce health care costs.

(5) These leading inpatient rehabilitation institutions help to improve the practice and standard of rehabilitation medicine across the Nation in urban, suburban, and rural communities by training physicians, medical students, and other clinicians, and providing care to patients from all 50 States.

(6) It is vital that these leading inpatient rehabilitation institutions are supported so they can continue to lead the Nation's efforts to—

(A) advance integrated, multidisciplinary rehabilitation research;

(B) provide cutting-edge medical care to the most complex rehabilitation patients;

(C) serve as education and training facilities for the physicians, nurses, and other health professionals who serve rehabilitation patients;

(D) ensure Medicare and Medicaid beneficiaries receive state-of-the-art, high-quality rehabilitation care by developing and disseminating best practices and advancing the quality of care utilized by post-acute providers in all 50 States; and

(E) support other inpatient rehabilitation institutions in rural areas to help ensure access to quality post-acute care for patients living in these communities.

SEC. 3. STUDY AND REPORT RELATING TO THE COSTS INCURRED BY, AND THE MEDICARE PAYMENTS MADE TO, REHABILITATION INNOVATION CENTERS.

(a) IN GENERAL.—Section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

''(8) STUDY AND REPORT RELATING TO THE COSTS INCURRED BY, AND THE MEDICARE PAYMENTS MADE TO, REHABILITATION INNOVATION CENTERS.—

''(A) STUDY.—The Secretary shall conduct a study to assess the costs incurred by rehabilitation innovation centers (as defined in subparagraph (C)) that are beyond the prospective rate for each of the following activities:

''(i) Furnishing items and services to individuals under this title.

''(ii) Conducting research.

''(iii) Providing medical training.

''(B) REPORT.—Not later than July 1, 2019, the Secretary shall submit to Congress a report containing the results of the study under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

''(C) REHABILITATION INNOVATION CENTER DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'rehabilitation innovation center'

means a rehabilitation facility that, determined as of the date of the enactment of this paragraph, is described in clause (ii) or clause (iii).

''(ii) NOT-FOR-PROFIT.—A rehabilitation facility described in this clause is a facility that—

''(I) is classified as a not-for-profit entity under the IRF Rate Setting File for the Correction Notice for the Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2012 (78 Fed. Reg. 59256);

''(II) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury, spinal cord injury, or stroke rehabilitation research from the Rehabilitation Research and Training Centers or the Rehabilitation Engineering Research Center at the National Institute on Disability and Rehabilitation Research at the Department of Education, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

''(III) has a minimum Medicare case mix index of 1.1144 for fiscal year 2012 according to the IRF Rate Setting File described in subclause (I); and

''(IV) had at least 300 Medicare discharges or at least 200 Medicaid discharges in a prior year as determined by the Secretary.

''(iii) GOVERNMENT-OWNED.—A rehabilitation facility described in this clause is a facility that—

''(I) is classified as a Government-owned institution under the IRF Rate Setting File described in clause (ii)(I);

''(II) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury, spinal cord injury, or stroke rehabilitation research from the Rehabilitation Research and Training Centers, the Rehabilitation Engineering Research Center, or the Model Spinal Cord Injury Systems at the National Institute on Disability and Rehabilitation Research at the Department of Education, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

''(III) has a minimum Medicare case mix index of 1.1144 for 2012 according to the IRF Rate Setting File described in clause (ii)(I); and

''(IV) has a Medicare disproportionate share hospital (DSH) percentage of at least 0.6300 according to the IRF Rate Setting File described in clause (ii)(I)).''.

SA 5182. Mr. PORTMAN (for Mr. INHOFE (for himself and Mr. BLUMENTHAL)) proposed an amendment to the bill S. 3021, to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Education Improvement Act of 2016'' or the ''VEI Act of 2016''.

SEC. 2. AUTHORIZATION FOR USE OF POST-9/11 EDUCATIONAL ASSISTANCE TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.

Paragraph (4) of section 3680A(a) of title 38, United States Code, is amended to read as follows:

''(4) any independent study program except—

''(A) with respect to enrollments occurring during the period beginning on the date of the enactment of the Veterans Education Improvement Act of 2016 and ending on September 30, 2018, an independent study program (including open circuit television) that—

''(i) is accredited by a nationally recognized accrediting agency; and

''(ii) leads—

''(I) to a standard college degree;

''(II) to a certificate that reflects educational attainment offered by an institution of higher learning; or

''(III) to a certificate that reflects completion of a course of study offered by—

''(aa) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or

''(bb) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level; and

''(B) with respect to enrollments occurring during any period other than the period described in subparagraph (A), an accredited independent study program (including open circuit television) leading—

''(i) to a standard college degree; or

''(ii) to a certificate that reflects educational attainment offered by an institution of higher learning.''.

SEC. 3. APPROVAL OF COURSES OF EDUCATION AND TRAINING FOR PURPOSES OF THE VOCATIONAL REHABILITATION PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3104(b) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' before ''A rehabilitation''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Except as provided in subparagraph (B), to the maximum extent practicable, a course of education or training may be pursued by a veteran as part of a rehabilitation program under this chapter only if the course is approved for purposes of chapter 30 or 33 of this title.

''(B) The Secretary may waive the requirement under subparagraph (A) to the extent the Secretary determines appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a course of education or training pursued by a veteran who first begins a program of rehabilitation under chapter 31 of title 38, United States Code, on or after the date that is one year after the date of the enactment of this Act.

SEC. 4. AUTHORITY TO PRIORITIZE VOCATIONAL REHABILITATION SERVICES BASED ON NEED.

Section 3104 of title 38, United States Code, as amended by section 3, is further amended by adding at the end the following new subsection:

''(c)(1) The Secretary shall have the authority to administer this chapter by prioritizing the provision of services under this chapter based on need, as determined by the Secretary.

''(2) In evaluating need for purposes of this subsection, the Secretary shall consider disability ratings, the severity of employment handicaps, qualification for a program of independent living services and assistance, income, and such other factors as the Secretary considers appropriate.

''(3) Not later than 90 days before making any changes to the prioritization of the provision of services under this chapter as authorized under paragraph (1), the Secretary shall submit to Congress a plan describing such changes.''.

SEC. 5. CODIFICATION AND IMPROVEMENT OF ELECTION PROCESS FOR POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 33 of title 38, United States Code, is amended—

(1) by redesignating section 3325 as section 3326; and

(2) by inserting after section 3324 the following new section 3325:

''§ 3325. Election to receive educational assistance

''(a) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under this chapter if such individual—

''(1) as of August 1, 2009—

''(A) is entitled to basic educational assistance under chapter 30 of this title and has used, but retains unused, entitlement under that chapter;

''(B) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10 and has used, but retains unused, entitlement under the applicable chapter;

''(C) is entitled to basic educational assistance under chapter 30 of this title but has not used any entitlement under that chapter;

''(D) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10 but has not used any entitlement under such chapter;

''(E) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of this title and is making contributions toward such assistance under section 3011(b) or 3012(c) of this title; or

''(F) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of this title by reason of an election under section 3011(c)(1) or 3012(d)(1) of this title; and

''(2) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under this chapter.

''(b) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under subsection (a) of an individual described by paragraph (1)(E) of that subsection, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of this title, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

''(c) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

''(1) ELECTION TO REVOKE.—If, on the date an individual described in paragraph (1)(A) or (1)(C) of subsection (a) makes an election under that subsection, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of this title is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

''(2) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of this title in accordance with the provisions of this section.

''(3) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in paragraph (1) that is not revoked by an individual in accordance with that paragraph

shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of this title.

''(d) POST-9/11 EDUCATIONAL ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2) and except as provided in subsection (e), an individual making an election under subsection (a) shall be entitled to educational assistance under this chapter in accordance with the provisions of this chapter, instead of basic educational assistance under chapter 30 of this title, or educational assistance under chapter 107, 1606, or 1607 of title 10, as applicable.

''(2) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under subsection (a) who is described by paragraph (1)(A) of that subsection, the number of months of entitlement of the individual to educational assistance under this chapter shall be the number of months equal to—

''(A) the number of months of unused entitlement of the individual under chapter 30 of this title, as of the date of the election, plus

''(B) the number of months, if any, of entitlement revoked by the individual under subsection (c)(1).

''(e) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—In the event educational assistance to which an individual making an election under subsection (a) would be entitled under chapter 30 of this title, or chapter 107, 1606, or 1607 of title 10, as applicable, is not authorized to be available to the individual under the provisions of this chapter the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

''(2) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under paragraph (1) shall be chargeable against the entitlement of the individual to educational assistance under this chapter at the rate of one month of entitlement under this chapter for each month of entitlement utilized by the individual under paragraph (1) (as determined as if such entitlement were utilized under the provisions of chapter 30 of this title, or chapter 107, 1606, or 1607 of title 10, as applicable).

''(f) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

''(1) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under subsection (a) who is described by subparagraph (A), (C), or (E) of paragraph (1) of that subsection, the amount of educational assistance payable to the individual under this chapter as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

''(A) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of this title, as of the date of the election, multiplied by

''(B) the fraction—

''(i) the numerator of which is—

''(I) the number of months of entitlement to basic educational assistance under chapter 30 of this title remaining to the individual at the time of the election; plus

''(II) the number of months, if any, of entitlement under chapter 30 revoked by the individual under subsection (c)(1); and

''(ii) the denominator of which is 36 months.

''(2) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by paragraph (1) who is described by subsection (a)(1)(E), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of paragraph (1)(B)(i)(II) shall be 36 months.

''(3) TIMING OF PAYMENT.—The amount payable with respect to an individual under paragraph (1) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under this chapter.

''(g) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under subsection (a)(1) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of this title, or section 16131(i) of title 10, or supplemental educational assistance under subchapter III of chapter 30 of this title, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under this chapter, in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

''(h) ALTERNATIVE ELECTION BY SECRETARY.—

''(1) IN GENERAL.—In the case of an individual who, on or after January 1, 2016, submits to the Secretary an election under this section that the Secretary determines is clearly against the interests of the individual, or who fails to make an election under this section, the Secretary may make an alternative election on behalf of the individual that the Secretary determines is in the best interests of the individual.

''(2) NOTICE.—If the Secretary makes an election on behalf of an individual under this subsection, the Secretary shall notify the individual by not later than seven days after making such election and shall provide the individual with a 30-day period, beginning on the date of the individual's receipt of such notice, during which the individual may modify or revoke the election made by the Secretary on the individual's behalf. The Secretary shall include, as part of such notice, a clear statement of why the alternative election made by the Secretary is in the best interests of the individual as compared to the election submitted by the individual. The Secretary shall provide the notice required under this paragraph by electronic means whenever possible.

''(i) IRREVOCABILITY OF ELECTIONS.—An election under subsection (a) or (c)(1) is irrevocable.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3325 and inserting the following new items:

''3325. Election to receive educational assistance.

''3326. Reporting requirement.''.

(c) CONFORMING REPEAL.—Subsection (c) of section 5003 of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252; 38 U.S.C. 3301 note) is hereby repealed.

SEC. 6. WORK-STUDY ALLOWANCE.

Section 3485(a)(4) of title 38, United States Code, is amended by striking ''June 30, 2013'' each place it appears and inserting ''June 30, 2013, or the period beginning on June 30, 2017, and ending on June 30, 2022''.

SEC. 7. RETENTION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE DURING CERTAIN ADDITIONAL PERIODS OF ACTIVE DUTY.

(a) EDUCATIONAL ASSISTANCE ALLOWANCE.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking ''or 12304'' and inserting ''12304, 12304a, or 12304b''.

(b) EXPIRATION DATE.—Section 16133(b)(4) of such title is amended by striking ''or 12304'' and inserting ''12304, 12304a, or 12304b''.

SEC. 8. REPORTS ON PROGRESS OF STUDENTS RECEIVING POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Chapter 33 of title 38, United States Code, as amended by section 5, is further amended—

(1) in subsection 3326(c), as redesignated—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph (3):

''(3) the information received by the Secretary under section 3327 of this title; and''; and

(2) by adding at the end the following new section:

''§ 3327. Report on student progress

''As a condition on approval under chapter 36 of this title of a course offered by an educational institution (as defined in section 3452 of this title), each year, each educational institution (as so defined) that received a payment in that year on behalf of an individual entitled to educational assistance under this chapter shall submit to the Secretary such information regarding the academic progress of the individual as the Secretary may require.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 5, is further amended by adding at the end the following new item:

''3327. Report on student progress.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 9. CENTRALIZED REPORTING OF VETERAN ENROLLMENT BY CERTAIN GROUPS, DISTRICTS, AND CONSORTIUMS OF EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 3684(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''32, 33,'' after ''31,''; and

(2) by adding at the end the following new paragraph:

''(4) For purposes of this subsection, the term 'educational institution' may include a group, district, or consortium of separately accredited educational institutions located in the same State that are organized in a manner that facilitates the centralized reporting of the enrollments in such group, district, or consortium of institutions.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to reports submitted on or after the date of the enactment of this Act.

SEC. 10. ROLE OF STATE APPROVING AGENCIES.

(a) APPROVAL OF CERTAIN COURSES.—Section 3672(b)(2)(A) of title 38, United States Code, is amended by striking ''the following'' and all that follows through the colon and inserting the following: ''a program of education is deemed to be approved for purposes of this chapter if a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the program is one of the following programs:''.

(b) APPROVAL OF OTHER COURSES.—Section 3675 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking ''The Secretary or a State approving agency'' and inserting ''A State approving agency, or the Secretary when acting in the role of a State approving agency,''; and

(B) by striking ''offered by proprietary for-profit educational institutions'' and inserting ''not covered by section 3672 of this title''; and

(2) in subsection (b)—

(A) in the matter before paragraph (1), by striking ''the Secretary or the State approving agency'' and inserting ''the State approving agency, or the Secretary when acting in the role of a State approving agency,''; and

(B) in paragraph (1), by striking ''the Secretary or the State approving agency'' and inserting ''the State approving agency, or the Secretary when acting in the role of a State approving agency''.

SEC. 11. MODIFICATION OF REQUIREMENTS FOR APPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS OF PROGRAMS DESIGNED TO PREPARE INDIVIDUALS FOR LICENSURE OR CERTIFICATION.

(a) APPROVAL OF NONACCREDITED COURSES.—Subsection (c) of section 3676 of title 38, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (16); and

(2) by inserting after paragraph (13) the following new paragraphs:

''(14) In the case of a course designed to prepare an individual for licensure or certification in a State, the course—

''(A) meets all instructional curriculum licensure or certification requirements of such State; and

''(B) in the case of a course designed to prepare an individual for licensure to practice law in a State, is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b).

''(15) In the case of a course designed to prepare an individual for employment pursuant to standards developed by a board or agency of a State in an occupation that requires approval, licensure, or certification, the course—

''(A) meets such standards; and

''(B) in the case of a course designed to prepare an individual for licensure to practice law in a State, is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b).''.

(b) EXCEPTIONS.—Such section is further amended by adding at the end the following new subsection:

''(f)(1) The Secretary may waive the requirements of paragraph (14) or (15) of subsection (c) in the case of a course of education offered by an educational institution (either accredited or not accredited) if the Secretary determines all of the following:

''(A) The educational institution is not accredited by an agency or association recognized by the Secretary of Education.

''(B) The course did not meet the requirements of such paragraph at any time during the two-year period preceding the date of the waiver.

''(C) The waiver furthers the purposes of the educational assistance programs administered by the Secretary or would further the education interests of individuals eligible for assistance under such programs.

''(D) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

''(2) Not later than 30 days after the date on which the Secretary issues a waiver under paragraph (1), the Secretary shall submit to Congress notice of such waiver and a justification for issuing such waiver.''.

(c) APPROVAL OF ACCREDITED COURSES.—Section 3675(b)(3) of such title, as amended by section 10, is further amended—

(1) by striking ''and (3)'' and inserting ''(3), (14), (15), and (16)''; and

(2) by inserting before the period at the end the following: ''(or, with respect to such paragraphs (14) and (15), the requirements under such paragraphs are waived pursuant to subsection (f)(1) of section 3676 of this title)''.

(d) APPROVAL OF ACCREDITED STANDARD COLLEGE DEGREE PROGRAMS OFFERED AT PUBLIC OR NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS.—Section 3672(b)(2) of such title is amended—

(1) in subparagraph (A)(i), by striking ''An accredited'' and inserting ''Except as provided in subparagraph (C), an accredited''; and

(2) by adding at the end the following new subparagraph:

''(C) A course that is described in both subparagraph (A)(i) of this paragraph and in paragraph (14) or (15) of section 3676(c) of this title shall not be deemed to be approved for purposes of this chapter unless—

''(i) a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the course meets the applicable criteria in such paragraphs; or

''(ii) the Secretary issues a waiver for such course under section 3676(f)(1) of this title.''.

(e) DISAPPROVAL OF COURSES.—Section 3679 of such title is amended by adding at the end the following new subsection:

''(d) Notwithstanding any other provision of this chapter, the Secretary or the applicable State approving agency shall disapprove a course of education described in paragraph (14) or (15) of section 3676(c) of this title unless the educational institution providing the course of education—

''(1) publicly discloses any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

''(2) makes each disclosure required by paragraph (1) in a manner that the Secretary considers prominent (as specified by the Secretary in regulations prescribed for purposes of this subsection).''.

(f) APPLICABILITY.—If after enrollment in a course of education that is subject to disapproval by reason of an amendment made by this Act, an individual pursues one or more courses of education at the same educational institution while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at that institution, any course so pursued by the individual at that institution while so continuously enrolled shall not be subject to disapproval by reason of such amendment.

SEC. 12. COMPLIANCE SURVEYS.

(a) IN GENERAL.—Section 3693 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) Except as provided in subsection (b), the Secretary shall conduct an annual compliance survey of educational institutions and training establishments offering one or more courses approved for the enrollment of eligible veterans or persons if at least 20 such veterans or persons are enrolled in any such course.

''(2) The Secretary shall—

''(A) design the compliance surveys required by paragraph (1) to ensure that such institutions or establishments described in such paragraph, as the case may be, and approved courses are in compliance with all applicable provisions of chapters 30 through 36 of this title;

''(B) survey each such educational institution and training establishment not less than once during every two-year period; and

''(C) assign not fewer than one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required to be made under this section for such year.

''(3) The Secretary, in consultation with the State approving agencies, shall—

''(A) annually determine the parameters of the surveys required under paragraph (1); and

''(B) not later than September 1 of each year, make available to the State approving agencies a list of the educational institutions and training establishments that will be surveyed during the fiscal year following the date of making such list available.''; and

(2) by adding at the end the following new subsection:

''(c) In this section, the terms 'educational institution' and 'training establishment' have the meanings given such terms in section 3452 of this title.''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) by striking ''subsection (a) of this section for an annual compliance survey'' and inserting ''subsection (a)(1) for a compliance survey'';

(2) by striking ''institution'' and inserting ''educational institution or training establishment''; and

(3) by striking ''institution's demonstrated record of compliance'' and inserting ''record of compliance of such institution or establishment''.

SEC. 13. TECHNICAL AMENDMENT RELATING TO IN-STATE TUITION RATE FOR INDIVIDUALS TO WHOM ENTITLEMENT IS TRANSFERRED UNDER ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Subparagraph (B) of section 3679(c)(2) of title 38, United States Code, is amended to read as follows:

''(B) An individual who is entitled to assistance under—

''(i) section 3311(b)(9) of this title; or

''(ii) section 3319 of this title by virtue of the individual's relationship to—

''(I) a veteran described in subparagraph (A); or

''(II) a member of the uniformed services described in section 3319(b) of this title who is serving on active duty.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to a course, semester, or term that begins after July 1, 2017.

SEC. 14. AUTHORITY OF DIRECTORS OF VETERANS INTEGRATED SERVICE NETWORKS TO INVESTIGATE MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Director of a Veterans Integrated Service Network of the Department of Veterans Affairs may contract with an appropriate entity specializing in civilian accreditation or health care evaluation to investigate any medical center within such Network to assess and report deficiencies of the facilities at such medical center.

(b) COORDINATION.—Before entering into any contract under subsection (a), the Director of a Veterans Integrated Service Network shall notify the Secretary of Veterans Affairs, the Inspector General of the Department of Veterans Affairs, and the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with any other investigations or accreditations that may be ongoing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which a review is conducted under subsection (a); or

(2) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection conducted by the Office of the Inspector General of the Department.

SA 5183. Mr. PORTMAN (for Mr. THUNE) proposed an amendment to the bill H.R. 710, to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARD PROGRAM IMPROVEMENTS AND ASSESSMENT.

(a) CREDENTIAL IMPROVEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall commence actions, consistent with section 70105 of title 46, United States Code, to improve the Transportation Security Administration's process for vetting individuals with access to secure areas of vessels and maritime facilities.

(2) REQUIRED ACTIONS.—The actions described under paragraph (1) shall include—

(A) conducting a comprehensive risk analysis of security threat assessment procedures, including—

(i) identifying those procedures that need additional internal controls; and

(ii) identifying best practices for quality assurance at every stage of the security threat assessment;

(B) implementing the additional internal controls and best practices identified under subparagraph (A);

(C) improving fraud detection techniques, such as—

(i) by establishing benchmarks and a process for electronic document validation;

(ii) by requiring annual training for Trusted Agents; and

(iii) by reviewing any security threat assessment-related information provided by Trusted Agents and incorporating any new threat information into updated guidance under subparagraph (D);

(D) updating the guidance provided to Trusted Agents regarding the vetting process and related regulations;

(E) finalizing a manual for Trusted Agents and adjudicators on the vetting process; and

(F) establishing quality controls to ensure consistent procedures to review adjudication decisions and terrorism vetting decisions.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to Congress that evaluates the implementation of the actions described in paragraph (1).

(b) COMPREHENSIVE SECURITY ASSESSMENT OF THE TRANSPORTATION SECURITY CARD PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall commission an assessment of the effectiveness of the transportation security card program (referred to in this section as ''Program'') required under section 70105 of title 46, United States Code, at enhancing security and reducing security risks for facilities and vessels regulated under chapter 701 of that title.

(2) LOCATION.—The assessment commissioned under paragraph (1) shall be conducted by a research organization with significant experience in port or maritime security, such as—

(A) a national laboratory;

(B) a university-based center within the Science and Technology Directorate's centers of excellence network; or

(C) a qualified federally-funded research and development center.

(3) CONTENTS.—The assessment commissioned under paragraph (1) shall—

(A) review the credentialing process by determining—

(i) the appropriateness of vetting standards;

(ii) whether the fee structure adequately reflects the current costs of vetting;

(iii) whether there is unnecessary redundancy or duplication with other Federal- or State-issued transportation security credentials; and

(iv) the appropriateness of having varied Federal and State threat assessments and access controls;

(B) review the process for renewing applications for Transportation Worker Identification Credentials, including the number of days it takes to review application, appeal, and waiver requests for additional information; and

(C) review the security value of the Program by—

(i) evaluating the extent to which the Program, as implemented, addresses known or likely security risks in the maritime and port environments;

(ii) evaluating the potential for a non-biometric credential alternative;

(iii) identifying the technology, business process, and operational impacts of the use of the transportation security card and transportation security card readers in the maritime and port environments;

(iv) assessing the costs and benefits of the Program, as implemented; and

(v) evaluating the extent to which the Secretary of Homeland Security has addressed the deficiencies in the Program identified by the Government Accountability Office and the Inspector General of the Department of Homeland Security before the date of enactment of this Act.

(4) DEADLINES.—The assessment commissioned under paragraph (1) shall be completed not later than 1 year after the date on which the assessment is commissioned.

(5) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the assessment is completed, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives the results of the assessment commissioned under this subsection.

(c) CORRECTIVE ACTION PLAN; PROGRAM REFORMS.—If the assessment commissioned under subsection (b) identifies a deficiency in the effectiveness of the Program, the Secretary of Homeland Security, not later than 60 days after the date on which the assessment is completed, shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) responds to findings of the assessment;

(2) includes an implementation plan with benchmarks;

(3) may include programmatic reforms, revisions to regulations, or proposals for legislation; and

(4) shall be considered in any rulemaking by the Department of Homeland Security relating to the Program.

(d) INSPECTOR GENERAL REVIEW.—If a corrective action plan is submitted under subsection (c), the Inspector General of the Department of Homeland Security shall—

(1) not later than 120 days after the date of such submission, review the extent to which such plan implements the requirements under subsection (c); and

(2) not later than 18 months after the date of such submission, and annually thereafter for 3 years, submit a report to the congressional committees set forth in subsection (c) that describes the progress of the implementation of such plan.

SA 5184. Mr. PORTMAN (for Mr. BARRASSO) proposed an amendment to the bill S. 1776, to enhance tribal road safety, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tribal Infrastructure and Roads Enhancement and Safety Act'' or the ''TIRES Act''.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Interior.

SEC. 3. APPLICATION OF CATEGORICAL EXCLUSIONS TO CERTAIN TRIBAL TRANSPORTATION FACILITIES.

(a) DEFINITION OF TRIBAL TRANSPORTATION SAFETY PROJECT.—

(1) IN GENERAL.—In this section, the term ''tribal transportation safety project'' means a project described in paragraph (2) that is eligible for funding under section 202 of title 23, United States Code, and that—

(A) corrects or improves a hazardous road location or feature; or

(B) addresses a highway safety problem.

(2) PROJECTS DESCRIBED.—A project described in this paragraph is a project for 1 or more of the following:

(A) An intersection safety improvement.

(B) Pavement and shoulder widening (including the addition of a passing lane to remedy an unsafe condition).

(C) Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.

(D) Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.

(E) An improvement for pedestrian or bicyclist safety or the safety of persons with disabilities.

(F) Construction and improvement of a railway-highway grade crossing safety feature, including the installation of protective devices.

(G) The conduct of a model traffic enforcement activity at a railway-highway crossing.

(H) Construction of a traffic calming feature.

(I) Elimination of a roadside hazard.

(J) Installation, replacement, and other improvements of highway signage and pavement markings or a project to maintain minimum levels of retroreflectivity that addresses a highway safety problem consistent with a State strategic highway safety plan.

(K) Installation of a priority control system for emergency vehicles at signalized intersections.

(L) Installation of a traffic control or other warning device at a location with high crash potential.

(M) Transportation safety planning.

(N) Collection, analysis, and improvement of safety data.

(O) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.

(P) Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.

(Q) The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.

(R) Installation of yellow-green signs and signals at pedestrian and bicycle crossings and in school zones.

(S) Construction and operational improvements on a high risk rural road (as defined in section 148(a) of title 23, United States Code).

(T) Geometric improvements to a road for the purposes of safety improvement.

(U) A road safety audit.

(V) Roadway safety infrastructure improvements consistent with the recommendations included in the publication of the Federal Highway Administration entitled ''Handbook for Designing Roadways for the Aging Population'' (FHWA–SA–14–015), dated June 2014 (or a revised or updated publication).

(W) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–141).

(X) Systemic safety improvements.

(Y) Installation of vehicle-to-infrastructure communication equipment.

(Z) Pedestrian hybrid beacons.

(AA) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

(BB) A physical infrastructure safety project not described in subparagraphs (A) through (AA).

(b) NEW CATEGORICAL EXCLUSIONS.—

(1) REVIEW OF EXISTING CATEGORICAL EXCLUSIONS.—The Secretary shall review the categorical exclusions under section 771.117 of title 23, Code of Federal Regulations (or successor regulations), to determine which, if any, are applicable for use by the Secretary in review of projects eligible for assistance under section 202 of title 23, United States Code.

(2) REVIEW OF TRIBAL TRANSPORTATION SAFETY PROJECTS.—The Secretary shall identify tribal transportation safety projects that meet the requirements for categorical exclusions under sections 1507.3 and 1508.4 of title 40, Code of Federal Regulations.

(3) PROPOSAL.—The Secretary shall issue a proposed rule, in accordance with sections 1507.3 and 1508.4 of title 40, Code of Federal Regulations, to propose any categorical exclusions identified under paragraphs (1) and (2).

(4) DEADLINE.—Not later than 180 days after the date of enactment of this Act, and after considering any comments on the proposed rule issued under paragraph (3), the Secretary shall promulgate a final rule for the categorical exclusions, in accordance with sections 1507.3 and 1508.4 of title 40, Code of Federal Regulations.

(5) TECHNICAL ASSISTANCE.—The Secretary of Transportation shall provide technical assistance to the Secretary in carrying out this subsection.

(c) REVIEWS OF TRIBAL TRANSPORTATION SAFETY PROJECTS.—

(1) IN GENERAL.—The Secretary or the head of another Federal agency responsible for a decision related to a tribal transportation safety project shall complete any approval or decision for the review of the tribal transportation safety project required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other applicable Federal law on an expeditious basis using the shortest existing applicable process.

(2) REVIEW OF APPLICATIONS.—Not later than 45 days after the date of receipt of a complete application by an Indian tribe for approval of a tribal transportation safety project, the Secretary shall—

(A) take final action on the application; or

(B) provide the Indian tribe a schedule for completion of the review described in paragraph (1), including the identification of any other Federal agency that has jurisdiction with respect to the project.

(3) DECISIONS UNDER OTHER FEDERAL LAWS.—In any case in which a decision under any other Federal law relating to a tribal transportation safety project (including the issuance or denial of a permit or license) is required, not later than 45 days after the Secretary has made all decisions of the lead agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project, the head of the Federal agency responsible for the decision shall—

(A) make the applicable decision; or

(B) provide the Indian tribe a schedule for making the decision.

(4) EXTENSIONS.—The Secretary or the head of an applicable Federal agency may extend the period under paragraph (2) or (3), as applicable, by an additional 30 days by providing the Indian tribe notice of the extension, including a statement of the need for the extension.

(5) NOTIFICATION AND EXPLANATION.—In any case in which a required action is not completed by the deadline under paragraph (2), (3), or (4), as applicable, the Secretary or the head of a Federal agency, as applicable, shall—

(A) notify the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives of the failure to comply with the deadline; and

(B) provide to the Committees described in subparagraph (A) a detailed explanation of the reasons for the failure to comply with the deadline.

SEC. 4. PROGRAMMATIC AGREEMENTS FOR CATEGORICAL EXCLUSIONS.

(a) IN GENERAL.—The Secretary shall enter into programmatic agreements with Indian tribes that establish efficient administrative procedures for carrying out environmental reviews for projects eligible for assistance under section 202 of title 23, United States Code.

(b) INCLUSIONS.—A programmatic agreement under subsection (a)—

(1) may include an agreement that allows an Indian tribe to determine, on behalf of the Secretary, whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) shall—

(A) require that the Indian tribe maintain adequate capacity in terms of personnel and other resources to carry out applicable agency responsibilities pursuant to section 1507.2 of title 40, Code of Federal Regulations (or successor regulations);

(B) set forth the responsibilities of the Indian tribe for making categorical exclusion determinations, documenting the determinations, and achieving acceptable quality control and quality assurance;

(C) allow—

(i) the Secretary to monitor compliance of the Indian tribe with the terms of the agreement; and

(ii) the Indian tribe to execute any needed corrective action;

(D) contain stipulations for amendments, termination, and public availability of the agreement once the agreement has been executed; and

(E) have a term of not more than 5 years, with an option for renewal based on a review by the Secretary of the performance of the Indian tribe.

SA 5185. Mr. PORTMAN (for Mr. KING) proposed an amendment to the bill H.R. 4245, to exempt exportation of certain echinoderms and mollusks from licensing requirements under the Endangered Species Act of 1973; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED EXPORTATION OF CERTAIN SPECIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Director'') shall issue a proposed rule to amend section 14.92 of title 50, Code of Federal Regulations, to establish expedited procedures relating to the export permission requirements of section 9(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(d)(1)) for fish or wildlife described in subsection (c).

(b) EXEMPTIONS.—

(1) IN GENERAL.—As part of the rulemaking under subsection (a), subject to paragraph (2), the Director may provide an exemption from the requirement to procure—

(A) permission under section 9(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(d)(1)); or

(B) an export license under subpart I of part 14 of title 50, Code of Federal Regulations.

(2) LIMITATIONS.—The Director shall not provide an exemption under paragraph (1)—

(A) unless the Director determines that the exemption will not have a significant negative impact on the conservation of the species that is the subject of the exemption; or

(B) to an entity that has been convicted of a violation of a Federal law relating to the importation, transportation, or exportation of wildlife during a period of not less than 5 years ending on the date on which the entity applies for exemption under paragraph (1).

(c) COVERED FISH OR WILDLIFE.—The fish or wildlife described in this subsection are the species commonly known as sea urchins and sea cucumbers (including any product of a sea urchin or sea cucumber) that—

(1) do not require a permit under part 16, 17, or 23 of title 50, Code of Federal Regulations; and

(2) are exported for purposes of human or animal consumption.

SA 5186. Mr. PORTMAN (for Mr. GARDNER (for himself and Mr. PETERS)) proposed an amendment to the bill S. 3084, to invest in innovation through research and development, and to improve the competitiveness of the United States; 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 ''American Innovation and Competitiveness Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—MAXIMIZING BASIC RESEARCH

Sec. 101. Reaffirmation of merit-based peer review.
Sec. 102. Transparency and accountability.
Sec. 103. EPSCoR reaffirmation and update.
Sec. 104. Cybersecurity research.
Sec. 105. Networking and Information Technology Research and Development Update.
Sec. 106. Physical sciences coordination.
Sec. 107. Laboratory program improvements.
Sec. 108. Standard Reference Data Act update.
Sec. 109. NSF mid-scale project investments.
Sec. 110. Oversight of NSF major multi-user research facility projects.
Sec. 111. Personnel oversight.
Sec. 112. Management of the U.S. Antarctic Program.
Sec. 113. NIST campus security.
Sec. 114. Coordination of sustainable chemistry research and development.
Sec. 115. Misrepresentation of research results.
Sec. 116. Research reproducibility and replication.
Sec. 117. Brain Research through Advancing Innovative Neurotechnologies Initiative.

TITLE II—ADMINISTRATIVE AND REGULATORY BURDEN REDUCTION

Sec. 201. Interagency working group on research regulation.
Sec. 202. Scientific and technical collaboration.
Sec. 203. NIST grants and cooperative agreements update.
Sec. 204. Repeal of certain obsolete reports.
Sec. 205. Repeal of certain provisions.
Sec. 206. Grant subrecipient transparency and oversight.
Sec. 207. Micro-purchase threshold for procurement solicitations by research institutions.
Sec. 208. Coordination of international science and technology partnerships.

TITLE III—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION

Sec. 301. Robert Noyce Teacher Scholarship Program update.
Sec. 302. Space grants.
Sec. 303. STEM Education Advisory Panel.
Sec. 304. Committee on STEM Education.
Sec. 305. Programs to expand STEM opportunities.
Sec. 306. NIST education and outreach.
Sec. 307. Presidential awards for excellence in STEM mentoring.
Sec. 308. Working group on inclusion in STEM fields.
Sec. 309. Improving undergraduate STEM experiences.
Sec. 310. Computer science education research.
Sec. 311. Informal STEM education.
Sec. 312. Developing STEM apprenticeships.
Sec. 313. NSF report on broadening participation.
Sec. 314. NOAA science education programs.
Sec. 315. Hispanic-serving institutions undergraduate program update.

TITLE IV—LEVERAGING THE PRIVATE SECTOR

Sec. 401. Prize competition authority update.
Sec. 402. Crowdsourcing and citizen science.
Sec. 403. NIST director functions update.
Sec. 404. NIST Visiting Committee on Advanced Technology update.

TITLE V—MANUFACTURING

Sec. 501. Hollings manufacturing extension partnership improvements.

TITLE VI—INNOVATION AND TECHNOLOGY TRANSFER

Sec. 601. Innovation corps.
Sec. 602. Translational research grants.
Sec. 603. Optics and photonics technology innovations.
Sec. 604. United States chief technology officer.
Sec. 605. National research council study on technology for emergency notifications on campuses.

SEC. 2. DEFINITIONS.

In this Act, unless expressly provided otherwise:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(2) FEDERAL SCIENCE AGENCY.—The term ''Federal science agency'' has the meaning given the term in section 103 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6623).

(3) FOUNDATION.—The term ''Foundation'' means the National Science Foundation.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(6) STEM.—The term ''STEM'' has the meaning given the term in section 2 of the American COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

(7) STEM EDUCATION.—The term ''STEM education'' has the meaning given the term in section 2 of the STEM Education Act of 2015 (42 U.S.C. 6621 note).

TITLE I—MAXIMIZING BASIC RESEARCH

SEC. 101. REAFFIRMATION OF MERIT-BASED PEER REVIEW.

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

(1) sustained, predictable Federal funding of basic research is essential to United States leadership in science and technology;

(2) the Foundation's intellectual merit and broader impacts criteria are appropriate for evaluating grant proposals, as concluded by the 2011 National Science Board Task Force on Merit Review;

(3) evaluating proposals on the basis of the Foundation's intellectual merit and broader impacts criteria should be used to assure that the Foundation's activities are in the national interest as these reviews can affirm that—

(A) the proposals funded by the Foundation are of high quality and advance scientific knowledge; and

(B) the Foundation's grants address societal needs through basic research findings or through related activities; and

(4) as evidenced by the Foundation's contributions to scientific advancement, economic growth, human health, and national security, its peer review and merit review processes have identified and funded scientifically and societally relevant basic research and should be preserved.

(b) MERIT REVIEW CRITERIA.—The Foundation shall maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.

(c) UPDATES.—If after the date of enactment of this Act a change is made to the merit-review process, the Director shall submit a report to the appropriate committees of Congress not later than 30 days after the date of the change.

SEC. 102. TRANSPARENCY AND ACCOUNTABILITY.

(a) FINDINGS.—

(1) building the understanding of and confidence in investments in basic research is essential to public support for sustained, predictable Federal funding;

(2) the Foundation has improved transparency and accountability of the outcomes made through the merit review process, but additional transparency into individual grants is valuable in communicating and assuring the public value of federally funded research; and

(3) the Foundation should commit to transparency and accountability and to clear, consistent public communication regarding the national interest for each Foundation-awarded grant and cooperative agreement.

(b) GUIDANCE.—

(1) IN GENERAL.—The Director of the Foundation shall issue and periodically update, as appropriate, policy guidance for both Foundation staff and other Foundation merit review process participants on the importance of transparency and accountability to the outcomes made through the merit review process.

(2) REQUIREMENTS.—The guidance under paragraph (1) shall require that each public notice of a Foundation-funded research project justify the expenditure of Federal funds by—

(A) describing how the project—

(i) reflects the statutory mission of the Foundation, as established in the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); and

(ii) addresses the Foundation's intellectual merit and broader impacts criteria; and

(B) clearly identifying the research goals of the project in a manner that can be easily understood by both technical and non-technical audiences.

(c) BROADER IMPACTS REVIEW CRITERION UPDATE.—Section 526(a) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p-14(a)) is amended to read as follows:

''(a) GOALS.—The Foundation shall apply a broader impacts review criterion to identify and demonstrate project support of the following goals:

''(1) Increasing the economic competitiveness of the United States.

''(2) Advancing of the health and welfare of the American public.

''(5) Developing an American STEM workforce that is globally competitive through improved pre-kindergarten through grade 12 STEM education and teacher development, and improved undergraduate STEM education and instruction.

''(6) Improving public scientific literacy and engagement with science and technology in the United States.

''(4) Enhancing partnerships between academia and industry in the United States.

''(3) Supporting the national defense of the United States.

''(7) Expanding participation of women and individuals from underrepresented groups in STEM.''.

SEC. 103. EPSCOR REAFFIRMATION AND UPDATE.

(a) FINDINGS.—Section 517(a) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''The National'' and inserting ''the National''; and

(B) by striking ''education,'' and inserting ''education'';

(2) in paragraph (2), by striking ''with 27 States'' and all that follows through the semicolon at the end and inserting ''with 28 States and jurisdictions, taken together, receiving only about 12 percent of all National Science Foundation research funding;'';

(3) by striking paragraph (3) and inserting the following:

''(3) each of the States described in paragraph (2) receives only a fraction of 1 percent of the Foundation's research dollars each year;''; and

(4) by adding at the end the following:

''(4) first established at the National Science Foundation in 1979, the Experimental Program to Stimulate Competitive Research (referred to in this section as 'EPSCoR') assists States and jurisdictions historically underserved by Federal research and development funding in strengthening their research and innovation capabilities;

''(5) the EPSCoR structure requires each participating State to develop a science and technology plan suited to State and local research, education, and economic interests and objectives;

''(6) EPSCoR has been credited with advancing the research competitiveness of participating States, improving awareness of science, promoting policies that link scientific investment and economic growth, and encouraging partnerships between government, industry, and academia;

''(7) EPSCoR proposals are evaluated through a rigorous and competitive merit-review process to ensure that awarded research and development efforts meet high scientific standards; and

''(8) according to the National Academy of Sciences, EPSCoR has strengthened the national research infrastructure and enhanced the educational opportunities needed to develop the science and engineering workforce.''.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that—

(A) since maintaining the Nation's scientific and economic leadership requires the participation of talented individuals nationwide, EPSCoR investments into State research and education capacities are in the Federal interest and should be sustained; and

(B) EPSCoR should maintain its experimental component by supporting innovative methods for improving research capacity and competitiveness.

(2) DEFINITION OF EPSCOR.—In this subsection, the term ''EPSCoR'' has the meaning given the term in section 502 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p note).

(c) AWARD STRUCTURE UPDATES.—Section 517 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9) is amended by adding at the end the following:

''(g) AWARD STRUCTURE UPDATES.—In implementing the mandate to maximize the impact of Federal EPSCoR support on building competitive research infrastructure, and based on the inputs and recommendations of previous EPSCoR reviews, the head of each Federal agency administering an EPSCoR program shall—

''(1) consider modifications to EPSCoR proposal solicitation, award type, and project evaluation—

''(A) to more closely align with current agency priorities and initiatives;

''(B) to focus EPSCoR funding on achieving critical scientific, infrastructure, and educational needs of that agency;

''(C) to encourage collaboration between EPSCoR-eligible institutions and researchers, including with institutions and researchers in other States and jurisdictions;

''(D) to improve communication between State and Federal agency proposal reviewers; and

''(E) to continue to reduce administrative burdens associated with EPSCoR;

''(2) consider modifications to EPSCoR award structures—

''(A) to emphasize long-term investments in building research capacity, potentially through the use of larger, renewable funding opportunities; and

''(B) to allow the agency, States, and jurisdictions to experiment with new research and development funding models; and

''(3) consider modifications to the mechanisms used to monitor and evaluate EPSCoR awards—

''(A) to increase collaboration between EPSCoR-funded researchers and agency staff, including by providing opportunities for mentoring young researchers and for the use of Federal facilities;

''(B) to identify and disseminate best practices; and

''(C) to harmonize metrics across participating Federal agencies, as appropriate.''.

(d) REPORTS.—

(1) CONGRESSIONAL REPORTS.—Section 517 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9), as amended, is further amended—

(A) by striking subsection (c);

(B) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(C) in subsection (c), as redesignated—

(i) in paragraph (1), by striking ''Experimental Programs to Stimulate Competitive Research'' and inserting ''EPSCoR''; and

(ii) in paragraph (2)—

(I) in subparagraphs (A) and (E), by striking ''EPSCoR and Federal EPSCoR-like programs'' and inserting ''each EPSCoR'';

(II) in subparagraph (D), by striking ''EPSCoR and other Federal EPSCoR-like programs'' and inserting ''each EPSCoR'';

(III) in subparagraph (E), by striking ''EPSCoR or Federal EPSCoR-like programs'' and inserting ''each EPSCoR''; and

(IV) in subparagraph (G), by striking ''EPSCoR programs'' and inserting ''each EPSCoR''; and

(D) by amending subsection (d), as redesignated, to read as follows:

''(d) FEDERAL AGENCY REPORTS.—Each Federal agency that administers an EPSCoR shall submit to Congress, as part of its Federal budget submission—

''(1) a description of the program strategy and objectives;

''(2) a description of the awards made in the previous fiscal year, including—

''(A) the total amount made available, by State, under EPSCoR;

''(B) the total amount of agency funding made available to all institutions and entities within each EPSCoR State;

''(C) the efforts and accomplishments to more fully integrate the EPSCoR States in major agency activities and initiatives;

''(D) the percentage of EPSCoR reviewers from EPSCoR States; and

''(E) the number of programs or large collaborator awards involving a partnership of organizations and institutions from EPSCoR and non-EPSCoR States; and

''(3) an analysis of the gains in academic research quality and competitiveness, and in science and technology human resource development, achieved by the program over the last 5 fiscal years.''; and

(E) in subsection (e)(1), as redesignated, by striking ''Experimental Program to Stimulate Competitive Research or a program similar to the Experimental Program to Stimulate Competitive Research'' and inserting ''EPSCoR''.

(2) RESULTS OF AWARD STRUCTURE PLAN.—Not later than 1 year after the date of enactment of this Act, the EPSCoR Interagency Coordinating Committee shall brief the appropriate committees of Congress on the updates made to the award structure under 517(f) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9(f)), as amended by this subsection.

(e) DEFINITION OF EPSCOR.—

(1) IN GENERAL.—Section 502 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p note) is amended by amending paragraph (2) to read as follows:

''(2) EPSCOR.—The term 'EPSCoR' means—

''(A) the Established Program to Stimulate Competitive Research established by the Foundation; or

''(B) a program similar to the Established Program to Stimulate Competitive Research at another Federal agency.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g) is amended—

(A) in the heading, by striking ''**EXPERIMENTAL**'' and inserting ''**ESTABLISHED**'';

(B) in subsection (a), by striking ''an Experimental Program to Stimulate Competitive Research'' and inserting ''a program to stimulate competitive research (known as the 'Established Program to Stimulate Competitive Research')''; and

(C) in subsection (b), by striking ''the program'' and inserting ''the Program''.

SEC. 104. CYBERSECURITY RESEARCH.

(a) FOUNDATION CYBERSECURITY RESEARCH.—Section 4(a)(1) of the Cyber Security Research and Development Act, as amended (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (O), by striking ''and'' at the end;

(2) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(Q) security of election-dedicated voting system software and hardware; and

''(R) role of the human factor in cybersecurity and the interplay of computers and humans and the physical world.''.

(b) NIST CYBERSECURITY PRIORITIES.—

(1) CRITICAL INFRASTRUCTURE AWARENESS.—The Director of NIST shall continue to raise public awareness of the voluntary, industry-led cybersecurity standards and best practices for critical infrastructure developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)).

(2) QUANTUM COMPUTING.—Under section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) and section 20 of that Act (15 U.S.C. 278g-3), the Director of NIST shall—

(A) research information systems for future cybersecurity needs; and

(B) coordinate with relevant stakeholders to develop a process—

(i) to research and identify or, if necessary, develop cryptography standards and guidelines for future cybersecurity needs, including quantum-resistant cryptography standards; and

(ii) to provide recommendations to Congress, Federal agencies, and industry consistent with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113; 110 Stat. 775), for a secure and smooth transition to the standards under clause (i).

(3) FEDERAL INFORMATION SYSTEMS RESEARCH AND DEVELOPMENT.—Section 20(d)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)(3)) is amended to read as follows:

''(3) conduct research and analysis—

''(A) to determine the nature and extent of information security vulnerabilities and techniques for providing cost-effective information security;

''(B) to review and determine prevalent information security challenges and deficiencies identified by agencies or the Institute, including any challenges or deficiencies described in any of the annual reports under section 3553 or 3554 of title 44, United States Code, and in any of the reports and the independent evaluations under section 3555 of that title, that may undermine the effectiveness of agency information security programs and practices; and

''(C) to evaluate the effectiveness and sufficiency of, and challenges to, Federal agencies' implementation of standards and guidelines developed under this section and policies and standards promulgated under section 11331 of title 40, United States Code;''.

(4) VOTING.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by redesignating paragraphs (16) through (23) as paragraphs (17) through (24), respectively; and

(B) by inserting after paragraph (15) the following:

''(16) perform research to support the development of voluntary, consensus-based, industry-led standards and recommendations on the security of computers, computer networks, and computer data storage used in election systems to ensure voters can vote securely and privately.''.

SEC. 105. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT UPDATE.

(a) SHORT TITLE.—This section may be cited as the ''Networking and Information Technology Research and Development Modernization Act of 2016''.

(b) FINDINGS.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended—

(1) in paragraphs (2) and (5), by striking ''high-performance computing'' and inserting ''networking and information technology, including high-performance computing,''; and

(2) in paragraph (3), by striking ''high-performance computing'' and inserting ''networking and information technology, including high-performance computing'';

(c) PURPOSES.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''expanding Federal support for research, development, and application of high-performance computing'' and inserting ''supporting Federal research, development, and application of networking and information technology'';

(B) in subparagraph (A), by striking ''high-performance computing'' both places it appears and inserting ''networking and information technology'';

(C) by striking subparagraphs (C) and (D);

(D) by inserting after subparagraph (B) the following:

''(C) stimulate research on and promote more rapid development of high-end computing systems software and applications software;'';

(E) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively;

(F) in subparagraph (D), as redesignated, by inserting ''high-end'' after ''the development of'';

(G) in subparagraphs (E) and (F), as redesignated, by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(H) in subparagraph (G), as redesignated, by striking ''high-performance'' and inserting ''high-end''; and

(3) in paragraph (2)—

(A) by striking ''high-performance computing and'' and inserting ''networking and information technology and''; and

(B) by striking ''high-performance computing network'' and inserting ''networking and information technology''.

(d) DEFINITIONS.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by striking paragraphs (3) and (5);

(2) by redesignating paragraphs (1), (2), (4), (6), and (7) as paragraphs (2), (3), (5), (8), and (9), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

''(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to enable safe and effective, real-time performance in safety-critical and other applications;'';

(4) in paragraph (3), as redesignated, by striking ''high-performance computing'' and inserting ''networking and information technology'';

(5) by inserting after paragraph (3), as redesignated, the following:

''(4) 'high-end computing' means the most advanced and capable computing systems, including their hardware, storage, networking and software, encompassing both massive computational capability and large-scale data analytics to solve computational problems of national importance that are beyond the capability of small- to medium-scale systems, including computing formerly known as high-performance computing;'';

(6) by inserting after paragraph (5), as redesignated, the following:

''(6) 'networking and information technology' means high-end computing, communications, and information technologies, high-capacity and high-speed networks, special purpose and experimental systems, high-end computing systems software and applications software, and the management of large data sets;

''(7) 'participating agency' means an agency described in section 101(a)(3)(C);''; and

(7) in paragraph (8), as redesignated, by striking ''National High-Performance Computing Program'' and inserting ''Networking and Information Technology Research and Development Program''.

(e) TITLE I HEADING.—The heading of title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''.

(f) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking ''**NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''National High-Performance Computing Program'' and inserting ''Networking and Information Technology Research and Development Program'';

(ii) in subparagraph (A), by striking ''high-performance computing, including networking'' and inserting ''networking and information technology'';

(iii) in subparagraphs (B) and (G), by striking ''high-performance'' each place it appears and inserting ''high-end'';

(iv) in subparagraph (C), by striking ''high-performance computing and networking'' and inserting ''high-end computing, distributed, and networking'';

(v) by amending subparagraph (D) to read as follows:

''(D) provide for efforts to increase software security and reliability;'';

(vi) in subparagraph (H)—

(I) by inserting ''support and guidance'' after ''provide''; and

(II) by striking ''and'' after the semicolon;

(vii) in subparagraph (I)—

(I) by striking ''improving the security'' and inserting ''improving the security, reliability, and resilience''; and

(II) by striking the period at the end and inserting a semicolon; and

(viii) by adding at the end the following:

''(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security;

''(K) provide for research and development on human-computer interactions, visualization, and big data;

''(L) provide for research and development on the enhancement of cybersecurity, including the human facets of cyber threats and secure cyber systems;

''(M) provide for the understanding of the science, engineering, policy, and privacy protection related to networking and information technology;

''(N) provide for the transition of high-end computing hardware, system software, development tools, and applications into development and operations; and

''(O) foster public-private collaboration among government, industry research laboratories, academia, and nonprofit organizations to maximize research and development efforts and the benefits of networking and information technology, including high-end computing.'';

(C) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

''(A) establish the goals and priorities for Federal networking and information technology research, development, education, and other activities;'';

(ii) by amending subparagraph (C) to read as follows:

''(C) provide for interagency coordination of Federal networking and information technology research, development, education, and other activities undertaken pursuant to the Program—

''(i) among the participating agencies; and

''(ii) to the extent practicable, with other Federal agencies not described in paragraph (3)(C), other Federal and private research laboratories, industry, research entities, institutions of higher education, relevant nonprofit organizations, and international partners of the United States;'';

(iii) by amending subparagraph (E) to read as follows:

''(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the

strategic plans under subsection (e) are developed and executed effectively and that the objectives of the Program are met; and''; and

(iv) in subparagraph (F), by striking ''high-performance'' and inserting ''high-end''; and

(D) in paragraph (3)—

(i) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), and (G), respectively;

(ii) by inserting after subparagraph (A) the following:

''(B) provide a detailed description of the nature and scope of research infrastructure designated as such under the Program;'';

(iii) in subparagraph (C), as redesignated—

(I) by amending clause (i) to read as follows:

''(i) the Department of Justice;'';

(II) by redesignating clauses (vii) through (xi) as clauses (viii) through (xii), respectively;

(III) by inserting after clause (vi) the following:

''(vii) the Department of Homeland Security;''; and

(IV) by amending clause (viii), as redesignated, to read as follows:

''(viii) the National Archives and Records Administration;'';

(iv) in subparagraph (D), as redesignated—

(I) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(II) by striking ''each Program Component Area;'' and inserting ''each Program Component Area and research area supported in accordance with section 102;'';

(v) by amending subparagraph (E), as redesignated, to read as follows:

''(E) describe the levels of Federal funding for each participating agency, and for each Program Component Area, for the fiscal year during which such report is submitted, the levels for the previous fiscal year, and the levels proposed for the fiscal year with respect to which the budget submission applies;''; and

(vi) by inserting after subparagraph (E), as redesignated, the following:

''(F) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plans required under subsection (e); and'';

(3) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A)—

(i) by striking ''high-performance computing'' both places it appears and inserting ''networking and information technology''; and

(ii) after the first sentence, by inserting the following: ''Each chair of the advisory committee shall meet the qualifications of committee membership and may be a member of the President's Council of Advisors on Science and Technology.'';

(B) in paragraph (1)(D), by striking ''high-performance computing, networking technology, and related software'' and inserting ''networking and information technology''; and

(C) in paragraph (2)—

(i) in the second sentence, by striking ''2'' and inserting ''3'';

(ii) by striking ''Committee on Science and Technology'' and inserting ''Committee on Science, Space, and Technology''; and

(iii) by striking ''The first report shall be due within 1 year after the date of enactment of the America COMPETES Act.'';

(4) in subsection (c)(1)(A), by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(5) by adding at the end the following:

''(d) PERIODIC REVIEWS.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall—

''(1) periodically assess and update, as appropriate, the structure of the Program, including the Program Component Areas and associated contents, scope, and funding levels, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

''(2) ensure that such agency's implementation of the Program includes foundational, large-scale, long-term, and interdisciplinary information technology research and development activities, including activities described in section 102.

''(e) STRATEGIC PLANS.—

''(1) IN GENERAL.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall develop and implement strategic plans to guide—

''(A) emerging activities of Federal networking and information technology research and development; and

''(B) the activities described in subsection (a)(1).

''(2) UPDATES.—The heads of the participating agencies shall update the strategic plans as appropriate.

''(3) CONTENTS.—Each strategic plan shall—

''(A) specify near-term and long-term objectives for the portions of the Program relevant to the strategic plan, the anticipated schedule for achieving the near-term and long-term objectives, and the metrics to be used for assessing progress toward the near-term and long-term objectives;

''(B) specify how the near-term and long-term objectives complement research and development areas in which academia and the private sector are actively engaged;

''(C) describe how the heads of the participating agencies will support mechanisms for foundational, large-scale, long-term, and interdisciplinary information technology research and development and for Grand Challenges, including through collaborations—

''(i) across Federal agencies;

''(ii) across Program Component Areas; and

''(iii) with industry, Federal and private research laboratories, research entities, institutions of higher education, relevant nonprofit organizations, and international partners of the United States;

''(D) describe how the heads of the participating agencies will foster the rapid transfer of research and development results into new technologies and applications in the national interest, including through cooperation and collaborations with networking and information technology research, development, and technology transition initiatives supported by the States; and

''(E) describe how the portions of the Program relevant to the strategic plan will address long-term challenges for which solutions require foundational, large-scale, long-term, and interdisciplinary information technology research and development.

''(4) PRIVATE SECTOR EFFORTS.—In developing, implementing, and updating strategic plans, the heads of the participating agencies, working through the National Science and Technology Council and the Program, shall coordinate with industry, academia, and other interested stakeholders to ensure, to the extent practicable, that the Federal networking and information technology research and development activities carried out under this section do not duplicate the efforts of the private sector.

''(5) RECOMMENDATIONS.—In developing and updating strategic plans, the heads of the participating agencies shall solicit recommendations and advice from—

''(A) the advisory committee under subsection (b);

''(B) the Committee on Science and relevant subcommittees of the National Science and Technology Council; and

''(C) a wide range of stakeholders, including industry, academia, National Laboratories, and other relevant organizations and institutions.

''(f) REPORTS.—The heads of the participating agencies, working through the National Science and Technology Council and the Program, shall submit to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives—

''(1) the strategic plans developed under subsection (e)(1); and

''(2) each update under subsection (e)(2).''.

(g) NATIONAL RESEARCH AND EDUCATION NETWORK.—Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is repealed.

(h) NEXT GENERATION INTERNET.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is repealed.

(i) GRAND CHALLENGES IN AREAS OF NATIONAL IMPORTANCE.—Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end the following:

''SEC. 102. GRAND CHALLENGES IN AREAS OF NATIONAL IMPORTANCE.

''(a) IN GENERAL.—The Program shall encourage the participating agencies to support foundational, large-scale, long-term, interdisciplinary, and interagency information technology research and development activities in networking and information technology directed toward agency mission areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. Such activities, ranging from basic research to the demonstration of technical solutions, shall be designed to advance the development of fundamental discoveries. The advisory committee established under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

''(b) CHARACTERISTICS.—

''(1) IN GENERAL.—Research and development activities under this section shall—

''(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

''(B) to the extent practicable, involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

''(C) to the extent practicable, leverage Federal investments through collaboration with related State and private sector initiatives; and

''(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development.

''(2) COST-SHARING.—In selecting applications for support, the agencies may give special consideration to projects that include cost sharing from non-Federal sources.''.

(j) NATIONAL SCIENCE FOUNDATION ACTIVITIES.—Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521) is amended—

(1) in subsection (a)—

(A) by striking ''(a) GENERAL RESPONSIBILITIES.—'';

(B) in paragraph (1)—

(i) by inserting ''high-end'' after ''National Science Foundation shall provide''; and

(ii) by striking ''high-performance computing'' and all that follows through ''networking;'' and inserting ''networking and information technology; and'';

(C) by striking paragraphs (2) through (4); and

(D) by inserting after paragraph (1) the following:

''(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields, including by individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a and 1885b).''; and

(2) by striking subsection (b).

(k) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.—Section 202 of the High-Performance Computing Act of 1991 (15 U.S.C. 5522) is amended—

(1) by striking ''(a) GENERAL RESPONSIBILITIES.—'';

(2) by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(3) by striking subsection (b).

(l) DEPARTMENT OF ENERGY ACTIVITIES.—Section 203 of the High-Performance Computing Act of 1991 (15 U.S.C. 5523) is amended—

(1) by striking ''(a) GENERAL RESPONSIBILITIES.—'';

(2) in paragraph (1), by striking ''high-performance computing and networking'' and inserting ''networking and information technology'';

(3) in paragraph (2)(A), by striking ''high-performance'' and inserting ''high-end''; and

(4) by striking subsection (b).

(m) DEPARTMENT OF COMMERCE ACTIVITIES.—Section 204 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''high-performance computing systems and networks'' and inserting ''networking and information technology systems and capabilities'';

(B) in subparagraph (B), by striking ''interoperability of high-performance computing systems in networks and for common user interfaces to systems'' and inserting ''interoperability and usability of networking and information technology systems''; and

(C) in subparagraph (C), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(2) in subsection (b)—

(A) in the heading, by striking ''HIGH-PERFORMANCE COMPUTING AND NETWORK'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY'';

(B) by striking ''Pursuant to the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724), the'' and inserting ''The''; and

(C) by striking ''sensitive information in Federal computer systems'' and inserting ''Federal agency information and information systems''; and

(3) by striking subsections (c) and (d).

(n) ENVIRONMENTAL PROTECTION AGENCY ACTIVITIES.—Section 205 of the High-Performance Computing Act of 1991 (15 U.S.C. 5525) is repealed.

(o) ROLE OF THE DEPARTMENT OF EDUCATION.—Section 206 of the High-Performance Computing Act of 1991 (15 U.S.C. 5526) is repealed.

(p) MISCELLANEOUS PROVISIONS.—Section 207 of the High-Performance Computing Act of 1991 (15 U.S.C. 5527) is amended—

(1) in subsection (a)(2), by striking ''paragraphs (1) through (5) of section 2315(a) of title 10'' and inserting ''section 3552(b)(6)(A)(i) of title 44''; and

(2) in subsection (b), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(q) REPEAL.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is repealed.

(r) NATIONAL SCIENCE FOUNDATION RESEARCH.—Section 4(b)(5)(K) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(5)(K)) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(s) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—Section 13202(b) of the America Recovery and Reinvestment Act of 2009 (42 U.S.C. 17912(b)) is amended by striking ''National High-Performance Computing Program'' and inserting ''Networking and Information Technology Research and Development Program''.

(t) FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.—Section 201(a)(4) of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7431(a)(4)) is amended—

(1) by striking ''clauses (i) through (x)'' and inserting ''clauses (i) through (xi)''; and

(2) by striking ''under clause (xi)'' and inserting ''under clause (xii)''.

(u) ADDITIONAL REPEAL.—Section 4 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5543) is repealed.

SEC. 106. PHYSICAL SCIENCES COORDINATION.

(a) HIGH-ENERGY PHYSICS.—

(1) IN GENERAL.—The Physical Science Subcommittee of the National Science and Technology Council (referred to in this section as ''Subcommittee'') shall continue to coordinate Federal efforts related to high-energy physics research to maximize the efficiency and effectiveness of United States investment in high-energy physics.

(2) PURPOSES.—The purposes of the Subcommittee include—

(A) to advise and assist the Committee on Science and the National Science and Technology Council on United States policies, procedures, and plans in the physical sciences, including high-energy physics; and

(B) to identify emerging opportunities, stimulate international cooperation, and foster the development of the physical sciences in the United States, including—

(i) in high-energy physics research, including related underground science and engineering research;

(ii) in physical infrastructure and facilities;

(iii) in information and analysis; and

(iv) in coordination activities.

(3) RESPONSIBILITIES.—In regard to coordinating Federal efforts related to high-energy physics research, the Subcommittee shall, taking into account the findings and recommendations of relevant advisory committees—

(A) provide recommendations on planning for construction and stewardship of large facilities participating in high-energy physics;

(B) provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies related to underground science, neutrino research, dark energy, and dark matter research;

(C) establish goals and priorities for high-energy physics, related underground science, and research and development that will strengthen United States competitiveness in high-energy physics;

(D) propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the National Science and Technology Council to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

(E) develop, and update as necessary, a strategic plan to guide Federal programs and activities in support of high-energy physics research, including—

(i) the efforts taken in support of paragraph (2) since the last strategic plan;

(ii) an evaluation of the current research needs for maintaining United States leadership in high-energy physics; and

(iii) an identification of future priorities in the area of high-energy physics.

(b) RADIATION BIOLOGY.—

(1) IN GENERAL.—The Subcommittee shall continue to coordinate Federal efforts related to radiation biology research to maximize the efficiency and effectiveness of United States investment in radiation biology.

(2) RESPONSIBILITIES FOR RADIATION BIOLOGY.—In regard to coordinating Federal efforts related to radiation biology research, the Subcommittee shall—

(A) advise and assist the National Science and Technology Council on policies and initiatives in radiation biology, including enhancing scientific knowledge of the effects of low dose radiation on biological systems to improve radiation risk management methods;

(B) identify opportunities to stimulate international cooperation and leverage research and knowledge from sources outside of the United States;

(C) ensure coordination between the Department of Energy Office of Science, Foundation, National Aeronautics and Space Administration, National Institutes of Health, Environmental Protection Agency, Department of Defense, Nuclear Regulatory Commission, and Department of Homeland Security;

(D) identify ongoing scientific challenges for understanding the long-term effects of ionizing radiation on biological systems; and

(E) formulate overall scientific goals for the future of low-dose radiation research in the United States.

(c) FUSION ENERGY SCIENCES.—

(1) IN GENERAL.—The Subcommittee shall continue to coordinate Federal efforts related to fusion energy research to maximize the efficiency and effectiveness of United States investment in fusion energy sciences.

(2) RESPONSIBILITIES FOR FUSION ENERGY SCIENCES.—In regard to coordinating Federal efforts related to fusion energy sciences, the Subcommittee shall—

(A) advise and assist the National Science and Technology Council on policies and initiatives in fusion energy sciences, including enhancing scientific knowledge of fusion energy science, plasma physics, and related materials sciences;

(B) identify opportunities to stimulate international cooperation and leverage research and knowledge from sources outside of the United States, including the ITER project;

(C) ensure coordination between the Department of Energy Office of Science, National Nuclear Security Administration, Advanced Research Projects Agency-Energy, National Aeronautics and Space Administration, Foundation, and Department of Defense regarding fusion energy sciences and plasma physics; and

(D) formulate overall scientific goals for the future of fusion energy sciences and plasma physics.

SEC. 107. LABORATORY PROGRAM IMPROVEMENTS.

(a) IN GENERAL.—The Director of NIST, acting through the Associate Director for Laboratory Programs, shall develop and implement a comprehensive strategic plan for laboratory programs that expands—

(1) interactions with academia, international researchers, and industry; and

(2) commercial and industrial applications.

(b) OPTIMIZING COMMERCIAL AND INDUSTRIAL APPLICATIONS.—In accordance with the purpose under section 1(b)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 271(b)(3)), the comprehensive strategic plan shall—

(1) include performance metrics for the dissemination of fundamental research results, measurements, and standards research results to industry, including manufacturing, and other interested parties;

(2) document any positive benefits of research on the competitiveness of the interested parties described in paragraph (1);

(3) clarify the current approach to the technology transfer activities of NIST; and

(4) consider recommendations from the National Academy of Sciences.

SEC. 108. STANDARD REFERENCE DATA ACT UPDATE.

Section 2 of the Standard Reference Data Act (15 U.S.C. 290a) is amended to read as follows:

"SEC. 2. DEFINITIONS.

''For the purposes of this Act:

''(1) STANDARD REFERENCE DATA.—The term 'standard reference data' means data that is—

''(A) either—

''(i) quantitative information related to a measurable physical, or chemical, or biological property of a substance or system of substances of known composition and structure;

''(ii) measurable characteristics of a physical artifact or artifacts;

''(iii) engineering properties or performance characteristics of a system; or

''(iv) 1 or more digital data objects that serve—

''(I) to calibrate or characterize the performance of a detection or measurement system; or

''(II) to interpolate or extrapolate, or both, data described in subparagraph (A) through (C); and

''(B) that is critically evaluated as to its reliability under section 3 of this Act.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.''.

SEC. 109. NSF MID-SCALE PROJECT INVESTMENTS.

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

(1) The Foundation funds major research facilities, infrastructure, and instrumentation that provide unique capabilities at the frontiers of science and engineering.

(2) Modern and effective research facilities, infrastructure, and instrumentation are critical to maintaining United States leadership in science and engineering.

(3) The costs of some proposed research instrumentation, equipment, and upgrades to major research facilities fall between programs currently funded by the Foundation, creating a gap between the established parameters of the Major Research Instrumentation and Major Research Equipment and Facilities Construction programs, including projects that have been identified as cost-effective additions of high priority to the advancement of scientific understanding.

(4) The 2010 Astronomy and Astrophysics Decadal Survey recommended a mid-scale innovations program.

(b) MID-SCALE PROJECTS.—

(1) IN GENERAL.—The Foundation shall evaluate the existing and future needs, across all disciplines supported by the Foundation, for mid-scale projects.

(2) STRATEGY.—The Director of the Foundation shall develop a strategy to address the needs identified in paragraph (1).

(3) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director of the Foundation shall provide a briefing to the appropriate committees of Congress on the evaluation under paragraph (1) and the strategy under paragraph (2).

(4) DEFINITION OF MID-SCALE PROJECTS.—In this subsection, the term ''mid-scale projects'' means research instrumentation, equipment, and upgrades to major research facilities or other research infrastructure investments that exceed the maximum award funded by the major research instrumentation program and are below the minimum award funded by the major research equipment and facilities construction program as described in section 507 of the AMERICA Competes Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 4008).

SEC. 110. OVERSIGHT OF NSF MAJOR MULTI-USER RESEARCH FACILITY PROJECTS.

(a) FACILITIES OVERSIGHT.—

(1) IN GENERAL.—The Director of the Foundation shall strengthen oversight and accountability over the full life-cycle of each major multi-user research facility project, including planning, development, procurement, construction, operations, and support, and shut-down of the facility, in order to maximize research investment.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Director shall—

(A) prioritize the scientific outcomes of a major multi-user research facility project and the internal management and financial oversight of the major multi-user research facility project;

(B) clarify the roles and responsibilities of all organizations, including offices, panels, committees, and directorates, involved in supporting a major multi-user research facility project, including the role of the Major Research Equipment and Facilities Construction Panel;

(C) establish policies and procedures for the planning, management, and oversight of a major multi-user research facility project at each phase of the life-cycle of the major multi-user research facility project;

(D) ensure that policies for estimating and managing costs and schedules are consistent with the best practices described in the Government Accountability Office Cost Estimating and Assessment Guide, the Government Accountability Office Schedule Assessment Guide, and the Office of Management and Budget Uniform Guidance (2 C.F.R. Part 200);

(E) establish the appropriate project management and financial management expertise required for Foundation staff to oversee each major multi-user research facility project effectively, including by improving project management training and certification;

(F) coordinate the sharing of the best management practices and lessons learned from each major multi-user research facility project;

(G) continue to maintain a Large Facilities Office to support the research directorates in the development, implementation, and oversight of each major multi-user research facility project, including by—

(i) serving as the Foundation's primary resource for all policy or process issues related to the development, implementation, and oversight of a major multi-user research facility project;

(ii) serving as a Foundation-wide resource on project management, including providing expert assistance on nonscientific and nontechnical aspects of project planning, budgeting, implementation, management, and oversight;

(iii) coordinating and collaborating with research directorates to share best management practices and lessons learned from prior major multi-user research facility projects; and

(iv) assessing each major multi-user research facility project for cost and schedule risk; and

(H) appoint a senior agency official whose responsibility is oversight of the development, construction, and operations of major multi-user research facilities across the Foundation.

(b) FACILITIES FULL LIFE-CYCLE COSTS.—

(1) IN GENERAL.—Subject to subsection (c)(1), the Director of the Foundation shall require that any pre-award analysis of a major multi-user research facility project includes the development and consideration of the full life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note)) in accordance with section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4).

(2) IMPLEMENTATION.—Based on the pre-award analysis described in paragraph (1), the Director of the Foundation shall include projected operational costs within the Foundation's out-years as part of the President's annual budget submission to Congress under section 1105 of title 31, United States Code.

(c) COST OVERSIGHT.—

(1) PRE-AWARD ANALYSIS.—

(A) IN GENERAL.—The Director of the Foundation and the National Science Board may not approve or execute any agreement to start construction on any proposed major multi-user research facility project unless—

(i) an external analysis of the proposed budget has been conducted to ensure the proposal is complete and reasonable;

(ii) the analysis under clause (i) follows the Government Accountability Office Cost Estimating and Assessment Guide;

(iii) except as provided under subparagraph (C), an analysis of the accounting systems has been conducted;

(iv) an independent cost estimate of the construction of the project has been conducted using the same detailed technical information as the project proposal estimate to determine whether the estimate is well-supported and realistic; and

(v) the Foundation and the National Science Board have considered the analyses under clauses (i) and (iii) and the independent cost estimate under clause (iv) and resolved any major issues identified therein.

(B) AUDITS.—An external analysis under subparagraph (A)(i) may include an audit.

(C) EXCEPTION.—The Director of the Foundation, at the Director's discretion, may waive the requirement under subparagraph (A)(iii) if a similar analysis of the accounting systems was conducted in the prior years.

(2) CONSTRUCTION OVERSIGHT.—The Director of the Foundation shall require for each major multi-user research facility project—

(A) periodic external reviews on project management and performance;

(B) adequate internal controls, policies, and procedures, and reliable accounting systems in preparation for the incurred cost audits under subparagraph (D);

(C) annual incurred cost submissions of financial expenditures; and

(D) an incurred cost audit of the major multi-user research facility project in accordance with Government Accountability Office Government Auditing Standards—

(i) at least once during construction at a time determined based on risk analysis and length of the award, except that the length

of time between audits may not exceed 3 years; and

(ii) at the completion of the construction phase.

(3) OPERATIONS COST ANALYSIS.—The Director of the Foundation shall require an independent cost analysis of the operational proposal for each major multi-user research facility project.

(d) CONTINGENCY.—

(1) IN GENERAL.—The Director of the Foundation shall strengthen internal controls to improve oversight of contingency on a major multi-user research facility project.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Director of the Foundation shall—

(A) only include contingency amounts in an award in accordance with section 200.433 of title 2, Code of Federal Regulations (relating to contingency provisions), or any successor regulation;

(B) retain control over funds budgeted for contingency, except that the Director may disburse budgeted contingency funds incrementally to the awardee to ensure project stability and continuity;

(C) track contingency use; and

(D) ensure that contingency amounts allocated to the performance baseline are reasonable and allowable.

(e) USE OF FEES.—

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

(A) the use of taxpayer-funded award fees should be transparent and explicable; and

(B) the Foundation should implement an award fee policy that ensures more transparency and accountability in the funding of necessary and appropriate expenses directly related to the construction and operation of major multi-user research facilities.

(2) REPORTING AND RECORDKEEPING.—The Director of the Foundation shall establish guidelines for awardees regarding inappropriate expenditures associated with all fee types used in cooperative agreements, including for alcoholic beverages, lobbying, meals or entertainment for non-business purposes, non-business travel, and any other purpose the Director determines is inappropriate.

(f) OVERSIGHT IMPLEMENTATION PROGRESS.—The Director of the Foundation shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the response to or progress made toward implementation of—

(A) this section;

(B) all of the issues and recommendations identified in cooperative agreement audit reports and memoranda issued by the Inspector General of the Foundation in the last 5 years; and

(C) all of the issues and recommendations identified by a panel of the National Academy of Public Administration in the December 2015 report entitled ''National Science Foundation: Use of Cooperative Agreements to Support Large Scale Investment in Research''; and

(2) not later than 1 year after the date of enactment of this Act, notify the appropriate committees of Congress when the Foundation has implemented the recommendations identified in a panel of the National Academy of Public Administration report issued December 2015.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

(2) MAJOR MULTI-USER RESEARCH FACILITY PROJECT.—The term ''major multi-user research facility project'' means a science and engineering facility project that—

(A) exceeds the lesser of—

(i) 10 percent of a Directorate's annual budget; or

(ii) $100,000,000 in total project costs; or

(B) is funded by the major research equipment and facilities construction account, or any successor account.

SEC. 111. PERSONNEL OVERSIGHT.

(a) CONFLICTS OF INTEREST.—The Director of the Foundation shall update the policy and procedure of the Foundation relating to conflicts of interest to improve documentation and management of any known conflict of interest of an individual on temporary assignment at the Foundation, including an individual on assignment under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

(b) JUSTIFICATIONS.—The Deputy Director of the Foundation shall submit annually to the appropriate committees of Congress written justification for each rotator employed under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), or other rotator employed, by the Foundation that year that is paid at a rate that exceeds the maximum rate of pay for the Senior Executive Service, including, if applicable, the level of adjustment for the certified Senior Executive Service Performance Appraisal System.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the Foundation shall submit to the appropriate committees of Congress a report on the Foundation's efforts to control costs associated with employing rotators, including the results of and participation in the Foundation's cost-sharing pilot program and the Foundation's progress in responding to the findings and implementing the recommendations of the Office of Inspector General of the Foundation related to the employment of rotators.

SEC. 112. MANAGEMENT OF THE U.S. ANTARCTIC PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—The Director of the Foundation shall continue to review the efforts by the Foundation to sustain and strengthen scientific efforts in the face of logistical challenges for the United States Antarctic Program.

(2) ISSUES TO BE EXAMINED.—In conducting the review, the Director shall examine, at a minimum, the following:

(A) Implementation by the Foundation of issues and recommendations identified by—

(i) the Inspector General of the National Science Foundation in audit reports and memoranda on the United States Antarctic Program in the last 4 years;

(ii) the U.S. Antarctic Program Blue Ribbon Panel report, More and Better Science in Antarctica through Increased Logistical Effectiveness, issued July 23, 2012; and

(iii) the National Research Council report, Future Science Opportunities in Antarctica and the Southern Ocean, issued September 2011.

(B) Efforts by the Foundation to track its progress in addressing the issues and recommendations under subparagraph (A).

(C) Efforts by the Foundation to address other opportunities and challenges, including efforts on scientific research, coordination with other Federal agencies and international partners, logistics and transportation, health and safety of participants, oversight and financial management of awardees and contractors, and resources and policy challenges.

(b) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director shall brief the appropriate committees of Congress on the ongoing review, including findings and any recommendations.

SEC. 113. NIST CAMPUS SECURITY.

(a) SUPERVISORY AUTHORITY.—The Department of Commerce Office of Security shall directly manage the law enforcement and site security programs of NIST through an assigned Director of Security for NIST without increasing the number of full-time equivalent employees of the Department of Commerce, including NIST.

(b) REPORTS.—The Director of Security for NIST shall provide an activities and security report on a quarterly basis for the first year after the date of enactment of this Act, and on an annual basis thereafter, to the Under Secretary for Standards and Technology and the appropriate committees of Congress.

SEC. 114. COORDINATION OF SUSTAINABLE CHEMISTRY RESEARCH AND DEVELOPMENT.

(a) IMPORTANCE OF SUSTAINABLE CHEMISTRY.—It is the sense of Congress that—

(1) the science of chemistry is vital to improving the quality of human life and plays an important role in addressing critical global challenges, including water quality, energy, health care, and agriculture;

(2) sustainable chemistry can reduce risks to human health and the environment, reduce waste, improve pollution prevention, promote safe and efficient manufacturing, and promote efficient use of resources in developing new materials, processes, and technologies that support viable long-term solutions to a significant number of challenges;

(3) sustainable chemistry can stimulate innovation, encourage new and creative approaches to problems, create jobs, and save money; and

(4) a coordinated effort on sustainable chemistry will allow for a greater return on research investment in this area.

(b) SUSTAINABLE CHEMISTRY BASIC RESEARCH.—Subject to the availability of appropriated funds, the Director of the Foundation may continue to carry out the Sustainable Chemistry Basic Research program authorized under section 509 of the National Science Foundation Authorization Act of 2010 (42 U.S.C. 1862p–3).

SEC. 115. MISREPRESENTATION OF RESEARCH RESULTS.

(a) PROHIBITION.—The Director of the Foundation may revise the regulations under part 689 of title 45, Code of Federal Regulations (relating to research misconduct) to ensure that the findings and conclusions of any article authored by a principal investigator, using the results of research conducted under a Foundation grant, that is published in a peer-reviewed publication, made publicly available, or incorporated in an application for a research grant or grant extension from the Foundation, does not contain any falsification, fabrication, or plagiarism.

(b) INTERAGENCY COMMUNICATION.—Upon a finding that research misconduct has occurred, the Foundation shall, in addition to any possible final action under section 689.3 of title 45, Code of Federal Regulations, notify other Federal science agencies of the finding.

SEC. 116. RESEARCH REPRODUCIBILITY AND REPLICATION.

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

(1) the gold standard of good science is the ability of a researcher or research laboratory to reproduce a published research finding, including methods;

(2) there is growing concern that some published research findings cannot be reproduced or replicated, which can negatively affect the public's trust in science;

(3) there are a complex set of factors affecting reproducibility and replication; and

(4) the increasing interdisciplinary nature and complexity of scientific research may be a contributing factor to issues with research reproducibility and replication.

(b) REPORT.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Foundation shall enter into an agreement with the National Research Council—

(A) to assess research and data reproducibility and replicability issues in interdisciplinary research;

(B) to make recommendations for improving rigor and transparency in scientific research; and

(C) to submit to the Director of the Foundation a report on the assessment, including its findings and recommendations, not later than 1 year after the date of enactment of this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 60 days after the date the Director of the Foundation receives the report under paragraph (1)(C), the Director shall submit the report to the appropriate committees of Congress, including a response from the Director of the Foundation and the Chair of the National Science Board as to whether they agree with each of the findings and recommendations in the report.

SEC. 117. BRAIN RESEARCH THROUGH ADVANCING INNOVATIVE NEUROTECHNOLOGIES INITIATIVE.

(a) IN GENERAL.—The Foundation shall support research activities related to the interagency Brain Research through Advancing Innovative Neurotechnologies Initiative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Foundation should work in conjunction with the Interagency Working Group on Neuroscience established by the National Science and Technology Council, Committee on Science to determine how to use the data infrastructure of the Foundation and other applicable Federal science agencies to help neuroscientists collect, standardize, manage, and analyze the large amounts of data that result from research attempting to understand how the brain functions.

TITLE II—ADMINISTRATIVE AND REGULATORY BURDEN REDUCTION

SEC. 201. INTERAGENCY WORKING GROUP ON RESEARCH REGULATION.

(a) SHORT TITLE.—This section may be cited as the ''Research and Development Efficiency Act''.

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

(1) Scientific and technological advancement have been the largest drivers of economic growth in the last 50 years, with the Federal Government being the largest investor in basic research.

(2) Substantial and increasing administrative burdens and costs in Federal research administration, particularly in the higher education sector where most federally funded research is performed, are eroding funds available to carry out basic scientific research.

(3) Federally funded grants are increasingly competitive, with the Foundation funding only approximately 1 in every 5 grant proposals.

(4) Progress has been made over the last decade in streamlining the pre-award grant application process through the Federal Government's Grants.gov website.

(5) Post-award administrative costs have increased as Federal research agencies have continued to impose agency-unique compliance and reporting requirements on researchers and research institutions.

(6) Researchers spend as much as 42 percent of their time complying with Federal regulations, including administrative tasks such as applying for grants or meeting reporting requirements.

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

(1) administrative burdens faced by researchers may be reducing the return on investment of federally funded research and development; and

(2) it is a matter of critical importance to United States competitiveness that administrative costs of federally funded research be streamlined so that a higher proportion of federal funding is applied to direct research activities.

(d) ESTABLISHMENT.—The Director of the Office of Management and Budget, in coordination with the Office of Science and Technology Policy, shall establish an interagency working group (referred to in this section as the ''Working Group'') for the purpose of reducing administrative burdens on federally funded researchers while protecting the public interest through the transparency of and accountability for federally funded activities.

(e) RESPONSIBILITIES.—

(1) IN GENERAL.—The Working Group shall—

(A) regularly review relevant, administration-related regulations imposed on federally funded researchers;

(B) recommend those regulations or processes that may be eliminated, streamlined, or otherwise improved for the purpose described in subsection (d);

(C) recommend ways to minimize the regulatory burden on United States institutions of higher education performing federally funded research while maintaining accountability for federal funding; and

(D) recommend ways to identify and update specific regulations to refocus on performance-based goals rather than on process while achieving the outcome described in subparagraph (C).

(2) GRANT REVIEW.—

(A) IN GENERAL.—The Working Group shall—

(i) conduct a comprehensive review of Federal science agency grant proposal documents; and

(ii) develop, to the extent practicable, a simplified, uniform grant format to be used by all Federal science agencies.

(B) CONSIDERATIONS.—In developing the uniform grant format, the Working Group shall consider whether to implement—

(i) procedures for preliminary project proposals in advance of peer-review selection;

(ii) increased use of ''Just-In-Time'' procedures for documentation that does not bear directly on the scientific merit of a proposal;

(iii) simplified initial budget proposals in advance of peer review selection; and

(iv) detailed budget proposals for applicants that peer review selection identifies as likely to be funded.

(3) CENTRALIZED RESEARCHER PROFILE DATABASE.—

(A) ESTABLISHMENT.—The Working Group shall establish, to the extent practicable, a secure, centralized database for investigator biosketches, curriculum vitae, licenses, lists of publications, and other documents considered relevant by the Working Group.

(B) CONSIDERATIONS.—In establishing the centralized profile database under subparagraph (A), the Working Group shall consider incorporating existing investigator databases.

(C) GRANT PROPOSALS.—To the extent practicable, all grant proposals shall utilize the centralized investigator profile database established under subparagraph (A).

(D) REQUIREMENTS.—Each investigator shall—

(i) be responsible for ensuring the investigator's profile is current and accurate; and

(ii) be assigned a unique identifier linked to the database and accessible to all Federal funding agencies.

(4) CENTRALIZED ASSURANCES REPOSITORY.—The Working Group shall—

(A) establish a central repository for all of the assurances required for Federal research grants; and

(B) provide guidance to institutions of higher education and Federal science agencies on the use of the centralized assurances repository.

(5) COMPREHENSIVE REVIEW.—

(A) IN GENERAL.—The Working Group shall—

(i) conduct a comprehensive review of the mandated progress reports for federally funded research; and

(ii) develop a strategy to simplify investigator progress reports.

(B) CONSIDERATIONS.—In developing the strategy, the Working Group shall consider limiting progress reports to performance outcomes.

(f) CONSULTATION.—In carrying out its responsibilities under subsection (e)(1), the Working Group shall consult with academic researchers outside the Federal Government, including—

(1) federally funded researchers;

(2) non-federally funded researchers;

(3) institutions of higher education and their representative associations;

(4) scientific and engineering disciplinary societies and associations;

(5) nonprofit research institutions;

(6) industry, including small businesses;

(7) federally funded research and development centers; and

(8) members of the public with a stake in ensuring effectiveness, efficiency, and accountability in the performance of scientific research.

(g) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 3 years, the Working Group shall submit to the appropriate committees of Congress a report on its responsibilities under this section, including a discussion of the considerations described in paragraphs (2)(B), (3)(B), and (5)(B) of subsection (e) and recommendations made under subsection (e)(1).

SEC. 202. SCIENTIFIC AND TECHNICAL COLLABORATION.

(a) DEFINITION OF SCIENTIFIC AND TECHNICAL WORKSHOP.—In this section, the term ''scientific and technical workshop'' means a symposium, seminar, or any other organized, formal gathering where scientists or engineers working in STEM research and development fields assemble to coordinate, exchange and disseminate information or to explore or clarify a defined subject, problem or area of knowledge in the STEM fields.

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

(1) the United States should encourage broad dissemination of Federal research findings and engagement of Federal researchers with the scientific and technical community; and

(2) laboratory, test center, and field center directors and other similar heads of offices should approve scientific and technical workshop attendance if—

(A) that attendance would meet the mission of the laboratory or test center; and

(B) sufficient laboratory or test center funds are available for that purpose.

(c) ATTENDANCE POLICIES.—Not later than 180 days after the date of enactment of this Act, the heads of the Federal science agencies shall each develop an action plan for the

implementation of revisions and updates to their policies on attendance at scientific and technical workshops.

(d) NIST WORKSHOPS.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), as amended by section 104 of this Act, is further amended—

(1) by redesignating paragraphs (19) through (24) as paragraphs (22) through (27), respectively; and

(2) by inserting after paragraph (18) the following:

''(19) host, participate in, and support scientific and technical workshops (as defined in section 202 of the American Innovation and Competitiveness Act);

''(20) collect and retain any fees charged by the Secretary for hosting a scientific and technical workshop described in paragraph (19);

''(21) notwithstanding title 31 of the United States Code, use the fees described in paragraph (20) to pay for any related expenses, including subsistence expenses for participants;''.

SEC. 203. NIST GRANTS AND COOPERATIVE AGREEMENTS UPDATE.

Section 8(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3706(a)) is amended by striking ''The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.''.

SEC. 204. REPEAL OF CERTAIN OBSOLETE REPORTS.

(a) REPEAL OF CERTAIN OBSOLETE REPORTS.—

(1) NIST REPORTS.—

(A) REPORT ON DONATION OF EDUCATIONALLY USEFUL FEDERAL EQUIPMENT TO SCHOOLS.—Section 6(b) of the Technology Administration Act of 1998 (15 U.S.C. 272 note) is amended—

(i) in paragraph (1), by striking ''(1) IN GENERAL.—'' and indenting appropriately; and

(ii) by striking paragraph (2).

(B) THREE-YEAR PROGRAMMATIC PLANNING DOCUMENT.—

(i) IN GENERAL.—Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278i) is amended by striking subsections (c) and (d).

(ii) CONFORMING AMENDMENT.—Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended by striking the last sentence.

(2) MULTIAGENCY REPORT ON INNOVATION ACCELERATION RESEARCH.—Section 1008 of the America COMPETES Act (42 U.S.C. 6603) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(3) NSF REPORTS.—

(A) FUNDING FOR SUCCESSFUL STEM EDUCATION PROGRAMS; REPORT TO CONGRESS.—Section 7012 of the America COMPETES Act (42 U.S.C. 1862o-4) is amended by striking subsection (c).

(B) ENCOURAGING PARTICIPATION; EVALUATION AND REPORT.—Section 7031 of the America COMPETES Act (42 U.S.C. 1862o-11) is amended by striking subsection (b).

(C) MATH AND SCIENCE PARTNERSHIPS PROGRAM COORDINATION REPORT.—Section 9(c) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(c)) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraph (5) as paragraph (4).

(b) NATIONAL NANOTECHNOLOGY INITIATIVE REPORTS.—The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by amending section 2(c)(4) (15 U.S.C. 7501(c)(4)) to read as follows:

''(4) develop, not later than 5 years after the date of the release of the most-recent strategic plan, and update every 5 years thereafter, a strategic plan to guide the activities described under subsection (b) that describes—

''(A) the near-term and long-term objectives for the Program;

''(B) the anticipated schedule for achieving the near-term objectives; and

''(C) the metrics that will be used to assess progress toward the near-term and long-term objectives;

''(D) how the Program will move results out of the laboratory and into application for the benefit of society;

''(E) the Program's support for long-term funding for interdisciplinary research and development in nanotechnology; and

''(F) the allocation of funding for interagency nanotechnology projects;'';

(2) by amending section 4(d) (15 U.S.C. 7503(d)) to read as follows:

''(d) REPORTS.—Not later than 4 years after the date of the most recent assessment under subsection (c), and quadrennially thereafter, the Advisory Panel shall submit to the President, 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 its assessments under subsection (c) and its recommendations for ways to improve the Program.''; and

(3) in section 5 (15 U.S.C. 7504)—

(A) in the heading, by striking ''**TRIENNIAL**'' and inserting ''**QUADRENNIAL**'';

(B) in subsection (a), in the matter preceding paragraph (1), by striking ''triennial'' and inserting ''quadrennial'';

(C) in subsection (b), by striking ''triennial'' and inserting ''quadrennial'';

(D) in subsection (c), by striking ''triennial'' and inserting ''quadrennial''; and

(E) by amending subsection (d) to read as follows:

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 30 days after the date the first evaluation under subsection (a) is received, and quadrennially thereafter, the Director of the National Nanotechnology Coordination Office shall report to the President its assessments under subsection (c) and its recommendations for ways to improve the Program.

''(2) CONGRESS.—Not later than 30 days after the date the President receives the report under paragraph (1), the Director of the Office of Science and Technology Policy shall transmit a copy of the report to Congress.''.

(c) MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—Section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4) is amended—

(1) by amending subsection (a) to read as follows:

''(a) PRIORITIZATION OF PROPOSED MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—

''(1) DEVELOPMENT OF PRIORITIES.—The Director shall—

''(A) develop a list indicating by number the relative priority for funding under the major research equipment and facilities construction account that the Director assigns to each project the Board has approved for inclusion in a future budget request; and

''(B) submit the list described in subparagraph (A) to the Board for approval.

''(2) CRITERIA.—The Director shall include in the criteria for developing the list under paragraph (1) the readiness of plans for construction and operation, including confidence in the estimates of the full life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note)) and the proposed schedule of completion.

''(3) UPDATES.—The Director shall update the list prepared under paragraph (1) each time the Board approves a new project that would receive funding under the major research equipment and facilities construction account and periodically submit any updated list to the Board for approval.'';

(2) by striking subsection (e);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) by amending subsection (c), as redesignated, to read as follows:

''(c) BOARD APPROVAL OF MAJOR RESEARCH EQUIPMENT AND FACILITIES PROJECTS.—The Board shall explicitly approve any project to be funded out of the major research equipment and facilities construction account before any funds may be obligated from such account for such project.''.

SEC. 205. REPEAL OF CERTAIN PROVISIONS.

(a) TECHNOLOGY INNOVATION PROGRAM.—

(1) IN GENERAL.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) ADDITIONAL AWARD CRITERIA.—Section 4226(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 278n note) is repealed.

(B) MANAGEMENT COSTS.—Section 2(d) of the National Institute of Standards and Technology Act (15 U.S.C. 272(d)) is amended by striking ''sections 25, 26, and 28'' and inserting ''sections 25 and 26''.

(C) ANNUAL AND OTHER REPORTS TO SECRETARY AND CONGRESS.—Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended by striking '', including the Program established under section 28,''.

(b) TEACHERS FOR A COMPETITIVE TOMORROW.—Sections 6111 through 6116 of the America COMPETES Act (20 U.S.C. 9811, 9812, 9813, 9814, 9815, 9816) and the items relating to those sections in the table of contents under section 2 of that Act (Public Law 110-69; 121 Stat. 572) are repealed.

SEC. 206. GRANT SUBRECIPIENT TRANSPARENCY AND OVERSIGHT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Foundation shall prepare and submit to the appropriate committees of Congress an audit of the Foundation's policies and procedures governing the monitoring of pass-through entities with respect to subrecipients.

(b) CONTENTS.—The audit shall include the following:

(1) Information regarding the Foundation's process to oversee—

(A) the compliance of pass-through entities under section 200.331 and subpart F of part 200 of chapter II of subtitle A of title 2, Code of Federal Regulations, and the other requirements of that title for subrecipients;

(B) whether pass-through entities have processes and controls in place regarding financial compliance of subrecipients, where appropriate; and

(C) whether pass-through entities have processes and controls in place to maintain approved grant objectives for subrecipients, where appropriate.

(2) Recommendations, if necessary, to increase transparency and oversight while balancing administrative burdens.

SEC. 207. MICRO-PURCHASE THRESHOLD FOR PROCUREMENT SOLICITATIONS BY RESEARCH INSTITUTIONS.

(a) MICRO-PURCHASE THRESHOLD.—The micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31, United States Code, awarded by the Foundation, the National Aeronautics and Space Administration, or

the National Institute of Standards and Technology to institutions of higher education, or related or affiliated nonprofit entities, or to nonprofit research organizations or independent research institutes is—

(1) $10,000 (as adjusted periodically to account for inflation); or

(2) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with audit findings under chapter 75 of title 31, United States Code, internal institutional risk assessment, or State law.

(b) UNIFORM GUIDANCE.—The Uniform Guidance shall be revised to conform with the requirements of this section. For purposes of the preceding sentence, the term ''Uniform Guidance'' means the uniform administrative requirements, cost principles, and audit requirements for Federal awards contained in part 200 of title 2 of the Code of Federal Regulations.

SEC. 208. COORDINATION OF INTERNATIONAL SCIENCE AND TECHNOLOGY PARTNERSHIPS.

(a) SHORT TITLE.—This section may be cited as the ''International Science and Technology Cooperation Act of 2016''.

(b) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a body under the National Science and Technology Council with the responsibility to identify and coordinate international science and technology cooperation that can strengthen the United States science and technology enterprise, improve economic and national security, and support United States foreign policy goals.

(c) NSTC BODY LEADERSHIP.—The body established under subsection (b) shall be co-chaired by senior level officials from the Office of Science and Technology Policy and the Department of State.

(d) RESPONSIBILITIES.—The body established under subsection (b) shall—

(1) plan and coordinate interagency international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies;

(2) work with other National Science and Technology Council committees to help plan and coordinate the international component of national science and technology priorities;

(3) establish Federal priorities and policies for aligning, as appropriate, international science and technology cooperative research and training activities and partnerships supported or managed by Federal agencies with the foreign policy goals of the United States;

(4) identify opportunities for new international science and technology cooperative research and training partnerships that advance both the science and technology and the foreign policy priorities of the United States;

(5) in carrying out paragraph (4), solicit input and recommendations from non-Federal science and technology stakeholders, including institutions of higher education, scientific and professional societies, industry, and other relevant organizations and institutions; and

(6) identify broad issues that influence the ability of United States scientists and engineers to collaborate with foreign counterparts, including barriers to collaboration and access to scientific information.

(e) REPORT TO CONGRESS.—The Director of the Office of Science and Technology Policy shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate and the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives a biennial report on the requirements of this section.

(f) WEBSITE.—The Director shall make each report available to the public on the Office of Science and Technology Policy website.

(g) TERMINATION.—The body established under subsection (b) shall terminate on the date that is 10 years after the date of enactment of this Act.

(h) ADDITIONAL REPORTS TO CONGRESS.—The Director of the Office of Science and Technology Policy shall submit, not later than 60 days after the date of enactment of this Act and annually thereafter, to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate and the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives a report that lists and describes the details of all foreign travel by Office of Science and Technology Policy staff and detailees.

TITLE III—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION

SEC. 301. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM UPDATE.

Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a) is amended by adding at the end the following:

''(k) STEM TEACHER SERVICE AND RETENTION.—

''(1) IN GENERAL.—The Director shall develop and implement practices for increasing the proportion of individuals receiving fellowships under this section who—

''(A) fulfill the service obligation required under subsection (h); and

''(B) remain in the teaching profession in a high need local educational agency beyond the service obligation.

''(2) PRACTICES.—The practices described under paragraph (1) may include—

''(A) partnering with nonprofit or professional associations or with other government entities to provide individuals receiving fellowships under this section with opportunities for professional development, including mentorship programs that pair those individuals with currently employed and recently retired science, technology, engineering, mathematics, or computer science professionals;

''(B) increasing recruitment from high need districts;

''(C) establishing a system to better collect, track, and respond to data on the career decisions of individuals receiving fellowships under this section;

''(D) conducting research to better understand factors relevant to teacher service and retention, including factors specifically impacting the retention of teachers who are individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b); and

''(E) conducting pilot programs to improve teacher service and retention.''.

SEC. 302. SPACE GRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Space Grant College and Fellowship Program has been an important program by which the Federal Government has partnered with universities, colleges, industry, and other organizations to provide hands-on STEM experiences, fostering of multidisciplinary space research, and supporting graduate fellowships in space-related fields, among other purposes.

(b) ADMINISTRATIVE COSTS.—Section 40303 of title 51, United States Code, is amended by adding at the end the following:

''(d) PROGRAM ADMINISTRATION COSTS.—In carrying out the provisions of this chapter, the Administrator—

''(1) shall maximize appropriated funds for grants and contracts made under section 40304 in each fiscal year; and

''(2) in each fiscal year, the Administrator shall limit its program administration costs to no more than 5 percent of funds appropriated for this program for that fiscal year.

''(e) REPORTS.—For any fiscal year in which the Administrator cannot meet the administration cost target under subsection (d)(2), if the Administration is unable to limit program costs under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report, including—

''(1) a description of why the Administrator did not meet the cost target under subsection (d); and

''(2) the measures the Administrator will take in the next fiscal year to meet the cost target under subsection (d) without drawing upon other Federal funding.''.

SEC. 303. STEM EDUCATION ADVISORY PANEL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment this Act, the Director of the Foundation, Secretary of Education, Administrator of the National Aeronautics and Space Administration, and Administrator of the National Oceanic and Atmospheric Administration shall jointly establish an advisory panel (referred to in this section as the ''STEM Education Advisory Panel'') to advise the Committee on STEM Education of the National Science and Technology Council (referred to in this section as ''CoSTEM'') on matters relating to STEM education.

(b) MEMBERS.—

(1) IN GENERAL.—The STEM Education Advisory Panel shall be composed of not less than 11 members.

(2) APPOINTMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director of the Foundation, in consultation with the Secretary of Education and the heads of the Federal science agencies, shall appoint the members of the STEM Education Advisory Panel.

(B) CONSIDERATION.—In selecting individuals to appoint under subparagraph (A), the Director of the Foundation shall seek and give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b), and such other organizations as the Director considers appropriate.

(C) QUALIFICATIONS.—Members shall—

(i) primarily be individuals from academic institutions, nonprofit organizations, and industry, including in-school, out-of-school, and informal education practitioners; and

(ii) be individuals who are qualified to provide advice and information on STEM education research, development, training, implementation, interventions, professional development, or workforce needs or concerns.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The STEM Education Advisory Panel shall—

(A) advise CoSTEM;

(B) periodically assess CoSTEM's progress in carrying out its responsibilities under section 101(b) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(b)); and

(C) help identify any need or opportunity to update the strategic plan under section 101(b) of that Act.

(2) CONSIDERATIONS.—In its advisory role, the STEM Education Advisory Panel shall consider—

(A) the management, coordination, and implementation of STEM education programs and activities across the Federal Government;

(B) the appropriateness of criteria used by Federal agencies to evaluate the effectiveness of Federal STEM education programs and activities;

(C) whether societal and workforce concerns are adequately addressed by current Federal STEM education programs and activities;

(D) how Federal agencies can incentivize institutions of higher education to improve retention of STEM students;

(E) ways to leverage private and nonprofit STEM investments and encourage public-private partnerships to strengthen STEM education and help build the STEM workforce pipeline;

(F) ways to incorporate workforce needs into Federal STEM education programs and activities, particularly for specific employment fields of national interest and employment fields experiencing high unemployment rates;

(G) ways to better vertically and horizontally integrate Federal STEM education programs and activities from pre-kindergarten through graduate study and the workforce, and from in-school to out-of-school in order to improve transitions for students moving through the STEM education and workforce pipelines;

(H) the extent to which Federal STEM education programs and activities are contributing to recruitment and retention of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in the STEM education and workforce pipelines; and

(I) ways to encourage geographic diversity in the STEM education and the workforce pipelines.

(3) RECOMMENDATIONS.—The STEM Education Advisory Panel shall make recommendations to improve Federal STEM education programs and activities based on each assessment under paragraph (1)(B).

(d) FUNDING.—The Director of the Foundation, the Secretary of Education, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the National Oceanic and Atmospheric Administration shall jointly make funds available on an annual basis to support the activities of the STEM Education Advisory Panel.

(e) REPORTS.—Not later than 1 year after the date of enactment of this Act, and after each assessment under subsection (c)(1)(B), the STEM Education Advisory Panel shall submit to the appropriate committees of Congress and CoSTEM a report on its assessment under that subsection and its recommendations under subsection (c)(3).

(f) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—

(1) IN GENERAL.—Non-Federal members of the STEM Education Advisory Panel, while attending meetings of the panel or while otherwise serving at the request of a co-chairperson away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit members of the STEM Advisory Panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

(g) TERMINATION.—The STEM Education Advisory Panel established under subsection (a) shall terminate on the date that is 5 years after the date that it is established.

SEC. 304. COMMITTEE ON STEM EDUCATION.

(a) RESPONSIBILITIES.—Section 101(b) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(b)) is amended—

(1) in paragraph (5)(D), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) collaborate with the STEM Education Advisory Panel established under section 303 of the American Innovation and Competitiveness Act and other outside stakeholders to ensure the engagement of the STEM education community;

''(8) review the measures used by a Federal agency to evaluate its STEM education activities and programs;

''(9) request and review feedback from States on how the States are utilizing Federal STEM education programs and activities; and

''(10) recommend the reform, termination, or consolidation of Federal STEM education activities and programs, taking into consideration the recommendations of the STEM Education Advisory Panel.''.

(b) REPORTS.—Section 101 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621) is amended—

(1) by striking ''(c) REPORT.—'' and inserting ''(d) REPORTS.—'';

(2) by striking ''(b) RESPONSIBILITIES OF OSTP.—'' and inserting ''(c) RESPONSIBILITIES OF OSTP.—''; and

(3) in subsection (d), as redesignated—

(A) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) a description of all consolidations and terminations of Federal STEM education programs and activities implemented in the previous fiscal year, including an explanation for the consolidations and terminations;

''(7) recommendations for reforms, consolidations, and terminations of STEM education programs or activities in the upcoming fiscal year; and

''(8) a description of any significant new STEM education public-private partnerships.''.

SEC. 305. PROGRAMS TO EXPAND STEM OPPORTUNITIES.

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

(1) Economic projections by the Bureau of Labor Statistics indicate that by 2018, there could be 2,400,000 unfilled STEM jobs.

(2) Women represent slightly more than half the United States population, and projections indicate that 54 percent of the population will be a member of a racial or ethnic minority group by 2050.

(3) Despite representing half the population, women comprise only about 30 percent of STEM workers according to a 2015 report by the National Center for Science and Engineering Statistics.

(4) A 2014 National Center for Education Statistics study found that underrepresented populations leave the STEM fields at higher rates than their counterparts.

(5) The representation of women in STEM drops significantly at the faculty level. Overall, women hold only 25 percent of all tenured and tenure-track positions and 17 percent of full professor positions in STEM fields in our Nation's universities and 4-year colleges.

(6) Black and Hispanic faculty together hold about 6.5 percent of all tenured and tenure-track positions and 5 percent of full professor positions.

(7) Many of the numbers in the American Indian or Alaskan Native and Native Hawaiian or Other Pacific Islander categories for different faculty ranks were too small for the Foundation to report publicly without potentially compromising confidential information about the individuals being surveyed.

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

(1) it is critical to our Nation's economic leadership and global competitiveness that the United States educate, train, and retain more scientists, engineers, and computer scientists;

(2) there is currently a disconnect between the availability of and growing demand for STEM-skilled workers;

(3) historically, underrepresented populations are the largest untapped STEM talent pools in the United States; and

(4) given the shifting demographic landscape, the United States should encourage full participation of individuals from underrepresented populations in STEM fields.

(c) REAFFIRMATION.—The Director of the Foundation shall continue to support programs designed to broaden participation of underrepresented populations in STEM fields.

(d) GRANTS TO BROADEN PARTICIPATION.—

(1) IN GENERAL.—The Director of the Foundation shall award grants on a competitive, merit-reviewed basis, to eligible entities to increase the participation of underrepresented populations in STEM fields, including individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b).

(2) CENTER OF EXCELLENCE.—

(A) IN GENERAL.—Grants awarded under this subsection may include grants for the establishment of a Center of Excellence to collect, maintain, and disseminate information to increase participation of underrepresented populations in STEM fields.

(B) PURPOSE.—The purpose of a Center of Excellence under this subsection is to promote diversity in STEM fields by building on the success of the INCLUDES programs, providing technical assistance, maintaining best practices, and providing related training at federally funded academic institutions.

(e) ACCOUNTABILITY AND DISSEMINATION.—

(1) EVALUATION.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director of the Foundation shall evaluate the grants provided under this section.

(B) REQUIREMENTS.—In conducting the evaluation under subparagraph (A), the Director shall—

(i) use a common set of benchmarks and assessment tools to identify best practices and materials developed or demonstrated by the research; and

(ii) to the extent practicable, combine the research resulting from the grant activity under subsection (e) with the current research on serving underrepresented students in grades kindergarten through 8.

(2) REPORT ON EVALUATIONS.—Not later than 180 days after the completion of the evaluation under paragraph (1), the Director of the Foundation shall submit to the appropriate committees of Congress and make widely available to the public a report that includes—

(A) the results of the evaluation; and

(B) any recommendations for administrative and legislative action that could optimize the effectiveness of the program.

(f) COORDINATION.—In carrying out this section, the Director of the Foundation shall consult and cooperate with the programs and policies of other relevant Federal agencies to avoid duplication with and enhance the effectiveness of the program under this section.

SEC. 306. NIST EDUCATION AND OUTREACH.

(a) REPEAL.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by striking section 18 (15 U.S.C. 278g-1).

(b) EDUCATION AND OUTREACH.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.), as amended, is further amended by inserting after section 17, the following:

"SEC. 18. EDUCATION AND OUTREACH.

''(a) IN GENERAL.—The Director is authorized to expend funds appropriated for activities of the Institute in any fiscal year, to support, promote, and coordinate activities and efforts to enhance public awareness and understanding of measurement sciences, standards and technology at the national measurement laboratories and otherwise in fulfillment of the mission of the Institute. The Director may carry out activities under this subsection, including education and outreach activities to the general public, industry and academia in support of the Institute's mission.

''(b) HIRING.—The Director, in coordination with the Director of the Office of Personnel Management, may revise the procedures the Director applies when making appointments to laboratory positions within the competitive service—

''(1) to ensure corporate memory of and expertise in the fundamental ongoing work, and on developing new capabilities in priority areas;

''(2) to maintain high overall technical competence;

''(3) to improve staff diversity;

''(4) to balance emphases on the noncore and core areas; or

''(5) to improve the ability of the Institute to compete in the marketplace for qualified personnel.

''(c) VOLUNTEERS.—

''(1) IN GENERAL.—The Director may establish a program to use volunteers in carrying out the programs of the Institute.

''(2) ACCEPTANCE OF PERSONNEL.—The Director may accept, subject to regulations issued by the Office of Personnel Management, voluntary service for the Institute for such purpose if the service—

''(A) is to be without compensation; and

''(B) will not be used to displace any current employee or act as a substitute for any future full-time employee of the Institute.

''(3) FEDERAL EMPLOYEE STATUS.—Any individual who provides voluntary service under this subsection shall not be considered a Federal employee, except for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury), and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(d) RESEARCH FELLOWSHIPS.—

''(1) IN GENERAL.—The Director may expend funds appropriated for activities of the Institute in any fiscal year, as the Director considers appropriate, for awards of research fellowships and other forms of financial and logistical assistance, including direct stipend awards to—

''(A) students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute; and

''(B) United States citizens for research and technical activities of the Institute, including programs.

''(2) SELECTION CRITERIA.—The selection of persons to receive such fellowships and assistance shall be made on the basis of ability and of the relevance of the proposed work to the mission and programs of the Institute.

''(3) FINANCIAL AND LOGISTICAL ASSISTANCE.—Notwithstanding section 1345 of title 31, United States Code, or any other law to the contrary, the Director may include as a form of financial or logistical assistance under this subsection temporary housing and transportation to and from Institute facilities.

''(e) EDUCATIONAL OUTREACH ACTIVITIES.—The Director may—

''(1) facilitate education programs for undergraduate and graduate students, postdoctoral researchers, and academic and industry employees;

''(2) sponsor summer workshops for STEM kindergarten through grade 12 teachers as appropriate;

''(3) develop programs for graduate student internships and visiting faculty researchers;

''(4) document publications, presentations, and interactions with visiting researchers and sponsoring interns as performance metrics for improving and continuing interactions with those individuals; and

''(5) facilitate laboratory tours and provide presentations for educational, industry, and community groups.''.

(c) POST-DOCTORAL FELLOWSHIP PROGRAM.—Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) is amended to read as follows:

"SEC. 19. POST-DOCTORAL FELLOWSHIP PROGRAM.

''(a) IN GENERAL.—The Institute and the National Academy of Sciences, jointly, shall establish and conduct a post-doctoral fellowship program, subject to the availability of appropriations.

''(b) ORGANIZATION.—The post-doctoral fellowship program shall include not less than 20 new fellows per fiscal year.

''(c) EVALUATIONS.—In evaluating applications for post-doctoral fellowships under this section, the Director of the Institute and the President of the National Academy of Sciences shall give consideration to the goal of promoting the participation of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in research areas supported by the Institute.''.

(d) SAVINGS CLAUSES.—

(1) RESEARCH FELLOWSHIPS AND OTHER FINANCIAL ASSISTANCE TO STUDENTS AT INSTITUTES OF HIGHER EDUCATION.—The repeal made by subsection (a) of this section shall not affect any award of a research fellowship or other form of financial assistance made under section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) before the date of enactment of this Act. Such award shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

(2) POST-DOCTORAL FELLOWSHIP PROGRAM.—The amendment made by subsection (c) of this section shall not affect any award of a post-doctoral fellowship or other form of financial assistance made under section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) before the date of enactment of this Act. Such awards shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

SEC. 307. PRESIDENTIAL AWARDS FOR EXCELLENCE IN STEM MENTORING.

(a) IN GENERAL.—The Director of the Foundation shall continue to administer awards on behalf of the Office of Science and Technology Policy to recognize outstanding mentoring in STEM fields.

(b) ANNUAL AWARD RECIPIENTS.—The Director of the Foundation shall provide Congress with a list of award recipients, including the name, institution, and a brief synopsis of the impact of the mentoring efforts.

SEC. 308. WORKING GROUP ON INCLUSION IN STEM FIELDS.

(a) ESTABLISHMENT.—The Office of Science and Technology Policy, in collaboration with Federal departments and agencies, shall establish an interagency working group to compile and summarize available research and best practices on how to promote diversity and inclusions in STEM fields and examine whether barriers exist to promoting diversity and inclusion within Federal agencies employing scientists and engineers.

(b) RESPONSIBILITIES.—The working group shall be responsible for reviewing and assessing research, best practices, and policies across Federal science agencies related to the inclusion of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b) in the Federal STEM workforce, including available research and best practices on how to promote diversity and inclusion in STEM fields, including—

(1) policies providing flexibility for scientists and engineers that are also caregivers, particularly on the timing of research grants;

(2) policies to address the proper handling of claims of sexual harassment;

(3) policies to minimize the effects of implicit bias and other systemic factors in hiring, promotion, evaluation and the workplace in general; and

(4) other evidence-based strategies that the working group considers effective for promoting diversity and inclusion in the STEM fields.

(c) STAKEHOLDER INPUT.—In carrying out the responsibilities under section (b), the working group shall solicit and consider input and recommendations from non-Federal stakeholders, including—

(1) the Council of Advisors on Science and Technology;

(2) federally funded and non-federally funded researchers, institutions of higher education, scientific disciplinary societies, and associations;

(3) nonprofit research institutions;

(4) industry, including small businesses;

(5) federally funded research and development centers;

(6) non-governmental organizations; and

(7) such other members of the public interested in promoting a diverse and inclusive Federal STEM workforce.

(d) PUBLIC REPORTS.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the working group shall publish a report on the review and assessment under subsection (b), including a summary of available research and best practices, any recommendations for Federal actions to promote a diverse and inclusive Federal STEM workforce, and updates on the implementation of previous recommendations for Federal actions.

(e) TERMINATION.—The interagency working group established under subsection (a) shall terminate on the date that is 10 years after the date that it is established.

SEC. 309. IMPROVING UNDERGRADUATE STEM EXPERIENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each Federal science agency should invest in and expand research opportunities for undergraduate students attending institutions of higher education during the undergraduate students' first 2 academic years of postsecondary education.

(b) IDENTIFICATION OF RESEARCH PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency shall submit to the President recommendations regarding how the agency could best fulfill the goals described in subsection (a).

SEC. 310. COMPUTER SCIENCE EDUCATION RESEARCH.

(a) FINDINGS.—Congress finds that as the lead Federal agency for building the research knowledge base for computer science education, the Foundation is well positioned to make investments that will accelerate ongoing efforts to enable rigorous and engaging computer science throughout the Nation as an integral part of STEM education.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Director of the Foundation shall award grants to eligible entities to research computer science education and computational thinking.

(2) RESEARCH.—The research described in paragraph (1) may include the development or adaptation, piloting or full implementation, and testing of—

(A) models of preservice preparation for teachers who will teach computer science and computational thinking;

(B) scalable and sustainable models of professional development and ongoing support for the teachers described in subparagraph (A);

(C) tools and models for teaching and learning aimed at supporting student success and inclusion in computing within and across diverse populations, particularly poor, rural, and tribal populations and other populations that have been historically underrepresented in computer science and STEM fields; and

(D) high-quality learning opportunities for teaching computer science and, especially in poor, rural, or tribal schools at the elementary school and middle school levels, for integrating computational thinking into STEM teaching and learning.

(c) COLLABORATIONS.—In carrying out the grants established in subsection (b), eligible entities may collaborate and partner with local or remote schools to support the integration of computing and computational thinking within pre-kindergarten through grade 12 STEM curricula and instruction.

(d) METRICS.—The Director of the Foundation shall develop metrics to measure the success of the grant program funded under this section in achieving program goals.

(e) REPORT.—The Director of the Foundation shall report, in the annual budget submission to Congress, on the success of the program as measured by the metrics in subsection (d).

(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an institution of higher education or a nonprofit research organization.

SEC. 311. INFORMAL STEM EDUCATION.

(a) NATIONAL STEM PARTNERSHIP GRANTS.—Section 3(a) of the STEM Education Act of 2015 (42 U.S.C. 1862q(a)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) a national partnership of institutions involved in informal STEM learning.''.

(b) USE OF FUNDS.—Section 3(b) of the STEM Education Act of 2015 (42 U.S.C. 1862q(b)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(3) fostering on-going partnerships between institutions involved in informal STEM learning, institutions of higher education, and education research centers; and

''(4) developing, and making available informal STEM education activities and educational materials.''.

SEC. 312. DEVELOPING STEM APPRENTICESHIPS.

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

(1) The lack of data on the return on investment for United States employers using registered apprenticeships makes it difficult—

(A) to communicate the value of these programs to businesses; and

(B) to expand registered apprenticeships.

(2) The lack of data on the value and impact of employer-provided worker training, which is likely substantial, hinders the ability of the Federal Government to formulate policy related to workforce training.

(3) The Secretary of Commerce has initiated—

(A) the first study on the return on investment for United States employers using registered apprenticeships through case studies of firms in various sectors, occupations, and geographic locations to provide the business community with data on employer benefits and costs; and

(B) discussions with officials at relevant Federal agencies about the need to collect comprehensive data on—

(i) employer-provided worker training; and

(ii) existing tools that could be used to collect such data.

(b) DEVELOPMENT OF APPRENTICESHIP INFORMATION.—The Secretary of Commerce shall continue to research the value to businesses of utilizing apprenticeship programs, including—

(1) evidence of return on investment of apprenticeships, including estimates for the average time it takes a business to recover the costs associated with training apprentices; and

(2) data from the United States Census Bureau and other statistical surveys on employer-provided training, including apprenticeships and other on-the-job training and industry-recognized certification programs.

(c) DISSEMINATION OF APPRENTICESHIP INFORMATION.—The Secretary of Commerce shall disseminate findings from research on apprenticeships to businesses and other relevant stakeholders, including—

(1) institutions of higher education;

(2) State and local chambers of commerce; and

(3) workforce training organizations.

(d) NEW APPRENTICESHIP PROGRAM STUDY.—The Secretary of Commerce may collaborate with the Secretary of Labor to study approaches for reducing the cost of creating new apprenticeship programs and hosting apprentices for businesses, particularly small businesses, including—

(1) training sharing agreements;

(2) group training models; and

(3) pooling resources and best practices.

(e) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 28. STEM APPRENTICESHIP PROGRAMS.

''(a) IN GENERAL.—The Secretary of Commerce may carry out a grant program to identify the need for skilled science, technology, engineering, and mathematics (referred to in this section as 'STEM') workers and to expand STEM apprenticeship programs.

''(b) ELIGIBLE RECIPIENT DEFINED.—In this section, the term 'eligible recipient' means—

''(1) a State;

''(2) an Indian tribe;

''(3) a city or other political subdivision of a State;

''(4) an entity that—

''(A) is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, or an economic development organization or similar entity; and

''(B) has an application that is supported by a State, a political subdivision of a State, or a native organization; or

''(5) a consortium of any of the entities described in paragraphs (1) through (5).

''(c) NEEDS ASSESSMENT GRANTS.—The Secretary of Commerce may provide a grant to an eligible recipient to conduct a needs assessment to identify—

''(1) the unmet need of a region's employer base for skilled STEM workers;

''(2) the potential of STEM apprenticeships to address the unmet need described in paragraph (1); and

''(3) any barriers to addressing the unmet need described in paragraph (1).

''(d) APPRENTICESHIP EXPANSION GRANTS.—The Secretary of Commerce may provide a grant to an eligible recipient that has conducted a needs assessment as described in subsection (c)(1) to develop infrastructure to expand STEM apprenticeship programs.''.

SEC. 313. NSF REPORT ON BROADENING PARTICIPATION.

Section 204(e) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1885c(e)) is amended to read as follows:

''(e) BIENNIAL REPORT.—Every 2 years, the Committee shall prepare and submit to the Director a report on its activities during the previous 2 years and proposed activities for the next 2 years. The Director shall submit to Congress the report, unaltered, together with such comments as the Director considers appropriate, including—

''(1) review data on the participation in Foundation activities of institutions serving populations that are underrepresented in STEM disciplines, including poor, rural, and tribal populations; and

''(2) recommendations regarding how the Foundation could improve outreach and inclusion of these populations in Foundation activities.''.

SEC. 314. NOAA SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 4002(a) of the America COMPETES Act (33 U.S.C. 893a(a)) is amended by striking ''agency, with consideration given to the goal of promoting the participation of individuals from underrepresented groups'' and inserting ''the agency, with consideration given to the goal of promoting the participation of individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b)''.

(b) EDUCATIONAL PROGRAM GOALS.—Section 4002(b)(4) of the America COMPETES Act (33 U.S.C. 893a(b)(4)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) by redesignating subparagraph (C) and subparagraph (D);

(3) by inserting after subparagraph (B) the following:

''(C) are designed considering the unique needs of underrepresented groups, translating such materials and other resources;''; and

(4) by adding at the end the following:

''(E) are promoted widely, especially among individuals identified in sections 33 and 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b); and''.

(c) METRICS.—Section 4002 of the America COMPETES Act (33 U.S.C. 893a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by adding after section (c) the following:

''(d) METRICS.—In executing the National Oceanic and Atmospheric Administration science education plan under subsection (c),

the Administrator shall maintain a comprehensive system for evaluating the Administration's educational programs and activities. In so doing, the Administrator shall ensure that such education programs have measurable objectives and milestones as well as clear, documented metrics for evaluating programs. For each such education program or portfolio of similar programs, the Administrator shall—

''(1) encourage the collection of evidence as relevant to the measurable objectives and milestones; and

''(2) ensure that program or portfolio evaluations focus on educational outcomes and not just inputs, activities completed, or the number of participants.''.

SEC. 315. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM UPDATE.

(a) IN GENERAL.—Section 7033(a) of the America COMPETES Act (42 U.S.C. 1862o–12(a)) is amended as follows:

''(a) IN GENERAL.—The Director shall award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a)) to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, technology, engineering, and mathematics.''.

(b) SAVINGS PROVISION.—The amendment made by subsection (a) of this section shall not affect any award of a grant or other form of financial assistance made under section 7033 of the America COMPETES Act (42 U.S.C. 1862o–12) before the date of enactment of this Act. Such awards shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

TITLE IV—LEVERAGING THE PRIVATE SECTOR

SEC. 401. PRIZE COMPETITION AUTHORITY UPDATE.

(a) SHORT TITLE.—This section may be cited as the ''Science Prize Competition Act''.

(b) IN GENERAL.—Section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking ''PRIZES'' and by inserting ''PRIZE COMPETITIONS'';

(B) in the matter preceding paragraph (1), by striking ''prize may be one or more of the following'' and inserting ''prize competition may be 1 or more of the following types of activities'';

(C) in paragraph (2), by inserting ''competition'' after ''prize''; and

(D) in paragraphs (3) and (4), by striking ''prizes'' and inserting ''prize competitions'';

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''in the Federal Register'' and inserting ''on a publicly accessible Government website, such as www.challenge.gov,'';

(B) in paragraphs (1), (2), and (3), by inserting ''prize'' before ''competition''; and

(C) in paragraph (4), by striking ''prize'' and inserting ''cash prize purse or non-cash prize award'';

(3) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking ''prize'' and inserting ''cash prize purse''; and

(B) in paragraph (1), by inserting ''prize'' before ''competition'';

(4) in subsection (h), by inserting ''prize'' before ''competition'' each place it appears;

(5) in subsection (i)—

(A) in paragraph (1)(B), by inserting ''prize'' before ''competition'';

(B) in paragraph (2)(A), by inserting ''prize'' before ''competition'' each place it appears;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) WAIVERS.—

''(A) IN GENERAL.—An agency may waive the requirement under paragraph (2).

''(B) LIST.—The Director shall include a list of all of the waivers granted under this paragraph during the preceding fiscal year, including a detailed explanation of the reason for granting the waiver.'';

(6) in subsection (j)—

(A) in paragraph (1), by inserting ''prize'' before ''competition''; and

(B) by amending paragraph (2) to read as follows:

''(2) LICENSES.—As appropriate and to further the goals of a prize competition, the Federal Government may negotiate a license for the use of intellectual property developed by a registered participant in a prize competition.'';

(7) in subsection (k)—

(A) in paragraph (1), by striking ''each competition'' and inserting ''each prize competition'' each place it appears;

(B) in paragraph (2)(A), by inserting ''prize'' before ''competition''; and

(C) in paragraph (3), by inserting ''prize'' before ''competitions'' each place it appears;

(8) in subsection (l), by striking ''an agreement with'' and all that follows through the period at the end and inserting ''a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity or State or local government agency to administer the prize competition, subject to the provisions of this section.'';

(9) in subsection (m)—

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

''(1) IN GENERAL.—Support for a prize competition under this section, including financial support for the design and administration of a prize competition or funds for a cash prize purse, may consist of Federal appropriated funds and funds provided by private sector for-profit and nonprofit entities. The head of an agency may request and accept funds from other Federal agencies, State, United States territory, local, or tribal government agencies, private sector for-profit entities, and nonprofit entities, to be available to the extent provided by appropriations Acts, to support such prize competitions. The head of an agency may not give any special consideration to any agency or entity in return for a donation.'';

(B) in paragraph (2), by striking ''prize awards'' and inserting ''cash prize purses or non-cash prize awards'';

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) ANNOUNCEMENT.—No prize competition may be announced under subsection (f) until all the funds needed to pay out the announced amount of the cash prize purse have been appropriated or committed in writing by a private or State, United States territory, local, or tribal government source.'';

and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''a prize'' and inserting ''a cash prize purse or non-cash prize award'';

(II) in clause (i), by inserting ''competition'' after ''prize''; and

(III) in clause (ii), by inserting ''or State, United States territory, local, or tribal government'' after ''private''; and

(D) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking ''a prize'' and inserting ''a cash prize purse or a non-cash prize award''; and

(II) by striking ''Science and Technology'' and inserting ''Science, Space, and Technology''; and

(ii) in subparagraph (B), by striking ''cash prizes'' and inserting ''cash prize purses or non-cash prize awards'';

(10) in subsection (n)—

(A) in the heading, by striking ''SERVICE'' and inserting ''SERVICES'';

(B) by striking ''the date of the enactment of the America COMPETES Reauthorization Act of 2010,'' and inserting ''the date of enactment of the American Innovation and Competitiveness Act,''; and

(C) by inserting ''for both for-profit and nonprofit entities and State, United States territory, local, and tribal government entities,'' after ''contract vehicle'';

(11) in subsection (o)(1), by striking ''or providing a prize'' and inserting ''a prize competition or providing a cash prize purse or non-cash prize award''; and

(12) in subsection (p)—

(A) in the heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(B) in paragraph (1)—

(i) by striking ''each year'' and inserting ''every other year'';

(ii) by striking ''Science and Technology'' and inserting ''Science, Space, and Technology''; and

(iii) by striking ''fiscal year'' and inserting ''2 fiscal years''; and

(C) in paragraph (2)—

(i) by striking ''The report for a fiscal year'' and inserting ''A report'';

(ii) in subparagraph (C)—

(I) in the heading, by striking ''PRIZES'' and inserting ''PRIZE PURSES OR NON-CASH PRIZE AWARDS''; and

(II) by striking ''cash prizes'' each place it appears and inserting ''cash prize purses or non-cash prize awards''; and

(iii) by adding at the end the following:

''(G) PLAN.—A description of crosscutting topical areas and agency-specific mission needs that may be the strongest opportunities for prize competitions during the upcoming 2 fiscal years.''.

SEC. 402. CROWDSOURCING AND CITIZEN SCIENCE.

(a) SHORT TITLE.—This section may be cited as the ''Crowdsourcing and Citizen Science Act''.

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

(1) the authority granted to Federal agencies under the America COMPETES Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 3982) to pursue the use of incentive prizes and challenges has yielded numerous benefits;

(2) crowdsourcing and citizen science projects have a number of additional unique benefits, including accelerating scientific research, increasing cost effectiveness to maximize the return on taxpayer dollars, addressing societal needs, providing hands-on learning in STEM, and connecting members of the public directly to Federal science agency missions and to each other; and

(3) granting Federal science agencies the direct, explicit authority to use crowdsourcing and citizen science will encourage its appropriate use to advance Federal science agency missions and stimulate and facilitate broader public participation in the innovation process, yielding numerous benefits to the Federal Government and citizens who participate in such projects.

(c) DEFINITIONS.—In this section:

(1) CITIZEN SCIENCE.—The term ''citizen science'' means a form of open collaboration

in which individuals or organizations participate voluntarily in the scientific process in various ways, including—

(A) enabling the formulation of research questions;

(B) creating and refining project design;

(C) conducting scientific experiments;

(D) collecting and analyzing data;

(E) interpreting the results of data;

(F) developing technologies and applications;

(G) making discoveries; and

(H) solving problems.

(2) CROWDSOURCING.—The term ''crowdsourcing'' means a method to obtain needed services, ideas, or content by soliciting voluntary contributions from a group of individuals or organizations, especially from an online community.

(3) PARTICIPANT.—The term ''participant'' means any individual or other entity that has volunteered in a crowdsourcing or citizen science project under this section.

(d) CROWDSOURCING AND CITIZEN SCIENCE.—

(1) IN GENERAL.—The head of each Federal science agency, or the heads of multiple Federal science agencies working cooperatively, may utilize crowdsourcing and citizen science to conduct projects designed to advance the mission of the respective Federal science agency or the joint mission of Federal science agencies, as applicable.

(2) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the head of a Federal science agency may accept, subject to regulations issued by the Director of the Office of Personnel Management, in coordination with the Director of the Office of Science and Technology Policy, services from participants under this section if such services—

(A) are performed voluntarily as a part of a crowdsourcing or citizen science project authorized under paragraph (1);

(B) are not financially compensated for their time; and

(C) will not be used to displace any employee of the Federal Government.

(3) OUTREACH.—The head of each Federal science agency engaged in a crowdsourcing or citizen science project under this section shall make public and promote such project to encourage broad participation.

(4) CONSENT, REGISTRATION, AND TERMS OF USE.—

(A) IN GENERAL.—Each Federal science agency shall determine the appropriate level of consent, registration, or acknowledgment of the terms of use that are required from participants in crowdsourcing or citizen science projects under this section on a per-project basis.

(B) DISCLOSURES.—In seeking consent, conducting registration, or developing terms of use for a project under this subsection, a Federal science agency shall disclose the privacy, intellectual property, data ownership, compensation, service, program, and other terms of use to the participant in a clear and reasonable manner.

(C) MODE OF CONSENT.—A Federal agency or Federal science agencies, as applicable, may obtain consent electronically or in written form from participants under this section.

(5) PROTECTIONS FOR HUMAN SUBJECTS.—Any crowdsourcing or citizen science project under this section that involves research involving human subjects shall be subject to part 46 of title 28, Code of Federal Regulations (or any successor regulation).

(6) DATA.—

(A) IN GENERAL.—A Federal science agency shall, where appropriate and to the extent practicable, make data collected through a crowdsourcing or citizen science project under this section available to the public, in a machine readable format, unless prohibited by law.

(B) NOTICE.—As part of the consent process, the Federal science agency shall notify all participants—

(i) of the expected uses of the data compiled through the project;

(ii) if the Federal science agency will retain ownership of such data;

(iii) if and how the data and results from the project would be made available for public or third party use; and

(iv) if participants are authorized to publish such data.

(7) TECHNOLOGIES AND APPLICATIONS.—Federal science agencies shall endeavor to make technologies, applications, code, and derivations of such intellectual property developed through a crowdsourcing or citizen science project under this section available to the public.

(8) LIABILITY.—Each participant in a crowdsourcing or citizen science project under this section shall agree—

(A) to assume any and all risks associated with such participation; and

(B) to waive all claims against the Federal Government and its related entities, except for claims based on willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits (whether direct, indirect, or consequential) arising from participation in the project.

(9) RESEARCH MISCONDUCT.—Federal science agencies coordinating crowdsourcing or citizen science projects under this section shall make all practicable efforts to ensure that participants adhere to all relevant Federal research misconduct policies and other applicable ethics policies.

(10) MULTI-SECTOR PARTNERSHIPS.—The head of each Federal science agency engaged in crowdsourcing or citizen science under this section, or the heads of multiple Federal science agencies working cooperatively, may enter into a contract or other agreement to share administrative duties for such projects with—

(A) a for profit or nonprofit private sector entity, including a private institution of higher education;

(B) a State, tribal, local, or foreign government agency, including a public institution of higher education; or

(C) a public-private partnership.

(11) FUNDING.—In carrying out crowdsourcing and citizen science projects under this section, the head of a Federal science agency, or the heads of multiple Federal science agencies working cooperatively—

(A) may use funds appropriated by Congress;

(B) may publicize projects and solicit and accept funds or in-kind support for such projects, to be available to the extent provided by appropriations Acts, from—

(i) other Federal agencies;

(ii) for profit or nonprofit private sector entities, including private institutions of higher education; or

(iii) State, tribal, local, or foreign government agencies, including public institutions of higher education; and

(C) may not give any special consideration to any entity described in subparagraph (B) in return for such funds or in-kind support.

(12) FACILITATION.—

(A) GENERAL SERVICES ADMINISTRATION ASSISTANCE.—The Administrator of the General Services Administration, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Science and Technology Policy, shall, at no cost to Federal science agencies, identify and develop relevant products, training, and services to facilitate the use of crowdsourcing and citizen science projects under this section, including by specifying the appropriate contract vehicles and technology and organizational platforms to enhance the ability of Federal science agencies to carry out the projects under this section.

(B) ADDITIONAL GUIDANCE.—The head of each Federal science agency engaged in crowdsourcing or citizen science under this section may—

(i) consult any guidance provided by the Director of the Office of Science and Technology Policy, including the Federal Crowdsourcing and Citizen Science Toolkit;

(ii) designate a coordinator for that Federal science agency's crowdsourcing and citizen science projects; and

(iii) share best practices with other Federal agencies, including participation of staff in the Federal Community of Practice for Crowdsourcing and Citizen Science.

(e) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall include, as a component of an annual report required under section 24(p) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719(p)), a report on the projects and activities carried out under this section.

(2) INFORMATION INCLUDED.—The report required under paragraph (1) shall include—

(A) a summary of each crowdsourcing and citizen science project conducted by a Federal science agency during the most recently completed 2 fiscal years, including a description of the proposed goals of each crowdsourcing and citizen science project;

(B) an analysis of why the utilization of a crowdsourcing or citizen science project summarized in subparagraph (A) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the Federal science agency, such as contracts, grants, cooperative agreements, and prize competitions;

(C) the participation rates, submission levels, number of consents, and any other statistic that might be considered relevant in each crowdsourcing and citizen science project;

(D) a detailed description of—

(i) the resources, including personnel and funding, that were used in the execution of each crowdsourcing and citizen science project;

(ii) the project activities for which such resources were used; and

(iii) how the obligations and expenditures relating to the project's execution were allocated among the accounts of the Federal science agency, including a description of the amount and source of all funds, private, public, and in-kind, contributed to each crowdsourcing and citizen science project;

(E) a summary of the use of crowdsourcing and citizen science by all Federal science agencies, including interagency and multisector partnerships;

(F) a description of how each crowdsourcing and citizen science project advanced the mission of each participating Federal science agency;

(G) an identification of each crowdsourcing or citizen science project where data collected through such project was not made available to the public, including the reasons for such action; and

(H) any other information that the Director of the Office of Science and Technology Policy considers relevant.

(f) SAVINGS PROVISION.—Nothing in this section may be construed—

(1) to affect the authority to conduct crowdsourcing and citizen science authorized by any other provision of law; or

(2) to displace Federal Government resources allocated to the Federal science agencies that use crowdsourcing or citizen science authorized under this section to carry out a project.

SEC. 403. NIST DIRECTOR FUNCTIONS UPDATE.

Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)), as amended by section 403 of this Act, is further amended—

(1) in the matter preceding paragraph (1), by striking ''authorized to take'' and inserting ''authorized to serve as the President's principal adviser on standards policy pertaining to the Nation's technological competitiveness and innovation ability and to take'';

(2) in paragraph (3), by striking ''compare standards'' and all that follows through ''Federal Government'' and inserting ''facilitate standards-related information sharing and cooperation between Federal agencies''; and

(3) in paragraph (13), by striking ''Federal, State, and local'' and all that follows through ''private sector'' and inserting ''technical standards activities and conformity assessment activities of Federal, State, and local governments with private sector''.

SEC. 404. NIST VISITING COMMITTEE ON ADVANCED TECHNOLOGY UPDATE.

Section 10 of the National Institute of Standards and Technology Act (15 U.S.C. 278) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking ''15 members appointed by the Director, at least 10 of whom'' and inserting ''not fewer than 9 members appointed by the Director, a majority of whom''; and

(B) in the third sentence, by striking ''National Bureau of Standards'' and inserting ''National Institute of Standards and Technology''; and

(2) in subsection (h)(1), by striking '', including the Program established under section 28,''.

TITLE V—MANUFACTURING

SEC. 501. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP IMPROVEMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Manufacturing Extension Partnership Improvement Act''.

(b) IN GENERAL.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended to read as follows:

''SEC. 25. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Science, Space, and Technology of the House of Representatives.

''(2) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' has the meaning given the term in section 3 of the Vocational Education Act of 1963 (20 U.S.C. 2302).

''(3) CENTER.—The term 'Center' means a manufacturing extension center that—

''(A) is created under subsection (b); and

''(B) is affiliated with an eligible entity that applies for and is awarded financial support under subsection (e).

''(4) COMMUNITY COLLEGE.—The term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.

''(5) ELIGIBLE ENTITY.—The term 'eligible entity' means a United States-based nonprofit institution, or consortium thereof, an institution of higher education, or a State, United States territory, local, or tribal government.

''(6) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP OR PROGRAM.—The term 'Hollings Manufacturing Extension Partnership' or 'Program' means the program established under subsection (b).

''(7) MEP ADVISORY BOARD.—The term 'MEP Advisory Board' means the Manufacturing Extension Partnership Advisory Board established under subsection (n).

''(b) ESTABLISHMENT AND PURPOSE.—The Secretary, acting through the Director and, if appropriate, through other Federal officials, shall establish a program to provide assistance for the creation and support of manufacturing extension centers for the transfer of manufacturing technology and best business practices.

''(c) OBJECTIVE.—The objective of the Program shall be to enhance competitiveness, productivity, and technological performance in United States manufacturing through—

''(1) the transfer of manufacturing technology and techniques developed at the Institute to Centers and, through them, to manufacturing companies throughout the United States;

''(2) the participation of individuals from industry, institutions of higher education, State governments, other Federal agencies, and, when appropriate, the Institute in cooperative technology transfer activities;

''(3) efforts to make new manufacturing technology and processes usable by United States-based small and medium-sized companies;

''(4) the active dissemination of scientific, engineering, technical, and management information about manufacturing to industrial firms, including small and medium-sized manufacturing companies;

''(5) the utilization, when appropriate, of the expertise and capability that exists in Federal agencies, other than the Institute, and federally-sponsored laboratories;

''(6) the provision to community colleges and area career and technical education schools of information about the job skills needed in manufacturing companies, including small and medium-sized manufacturing businesses in the regions they serve;

''(7) the promotion and expansion of certification systems offered through industry, associations, and local colleges when appropriate, including efforts such as facilitating training, supporting new or existing apprenticeships, and providing access to information and experts, to address workforce needs and skills gaps in order to assist small- and medium-sized manufacturing businesses; and

''(8) the growth in employment and wages at United States-based small and medium-sized companies.

''(d) ACTIVITIES.—The activities of a Center shall include—

''(1) the establishment of automated manufacturing systems and other advanced production technologies, based on Institute-supported research, for the purpose of demonstrations and technology transfer;

''(2) the active transfer and dissemination of research findings and Center expertise to a wide range of companies and enterprises, particularly small and medium-sized manufacturers; and

''(3) the facilitation of collaborations and partnerships between small and medium-sized manufacturing companies , community colleges, and area career and technical education schools, to help those entities better understand the specific needs of manufacturers and to help manufacturers better understand the skill sets that students learn in the programs offered by such colleges and schools.

''(e) FINANCIAL ASSISTANCE.—

''(1) AUTHORIZATION.—Except as provided in paragraph (2), the Secretary may provide financial assistance for the creation and support of a Center through a cooperative agreement with an eligible entity.

''(2) COST SHARING.—The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to establish and support a Center.

''(3) RULE OF CONSTRUCTION.—For purposes of paragraph (2), any amount received by an eligible entity for a Center under a provision of law other than paragraph (1) shall not be considered an amount provided under paragraph (1).

''(4) REGULATIONS.—The Secretary may revise or promulgate such regulations as necessary to carry out this subsection.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) PROGRAM DESCRIPTION.—The Secretary shall establish and update, as necessary—

''(A) a description of the Program;

''(B) the application procedures;

''(C) performance metrics;

''(D) criteria for determining qualified applicants; and

''(E) criteria for choosing recipients of financial assistance from among the qualified applicants.

''(F) procedures for determining allowable cost share contributions; and

''(G) such other program policy objectives and operational procedures as the Secretary considers necessary.

''(3) COST SHARING.—

''(A) IN GENERAL.—To be considered for financial assistance under this section, an applicant shall provide adequate assurances that the applicant and if applicable, the applicant's partnering organizations, will obtain funding for not less than 50 percent of the capital and annual operating and maintenance funds required to establish and support the Center from sources other than the financial assistance provided under subsection (e).

''(B) AGREEMENTS WITH OTHER ENTITIES.—In meeting the cost-sharing requirement under subparagraph (A), an eligible entity may enter into an agreement with 1 or more other entities, such as a private industry, institutions of higher education, or a State, United States territory, local, or tribal government for the contribution by that other entity of funding if the Secretary determines the agreement—

''(i) is programmatically reasonable;

''(ii) will help accomplish programmatic objectives; and

''(iii) is allocable under Program procedures under subsection (f)(2).

''(4) LEGAL RIGHTS.—Each applicant shall include in the application a proposal for the allocation of the legal rights associated with any intellectual property which may result from the activities of the Center.

''(5) MERIT REVIEW OF APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall subject each application to merit review.

''(B) CONSIDERATIONS.—In making a decision whether to approve an application and provide financial assistance under subsection (e), the Secretary shall consider, at a minimum—

''(i) the merits of the application, particularly those portions of the application regarding technology transfer, training and education, and adaptation of manufacturing

technologies to the needs of particular industrial sectors;

''(ii) the quality of service to be provided;

''(iii) the geographical diversity and extent of the service area; and

''(iv) the type and percentage of funding and in-kind commitment from other sources under paragraph (3).

''(g) EVALUATIONS.—

''(1) THIRD AND EIGHTH YEAR EVALUATIONS BY PANEL.—

''(A) IN GENERAL.—The Secretary shall ensure that each Center is evaluated during its third and eighth years of operation by an evaluation panel appointed by the Secretary.

''(B) COMPOSITION.—The Secretary shall ensure that each evaluation panel appointed under subparagraph (A) is composed of—

''(i) private experts, none of whom are connected with the Center evaluated by the panel; and

''(ii) Federal officials.

''(C) CHAIRPERSON.—For each evaluation panel appointed under subparagraph (B), the Secretary shall appoint a chairperson who is an official of the Institute.

''(2) FIFTH YEAR EVALUATIONS BY SECRETARY.—In the fifth year of operation of a Center, the Secretary shall conduct a review of the Center.

''(3) PERFORMANCE MEASUREMENT.—In evaluating a Center an evaluation panel or the Secretary, as applicable, shall measure the performance of the Center against—

''(A) the objective specified in subsection (c);

''(B) the performance metrics under subsection (f)(2)(C); and

''(C) such other criterion as considered appropriate by the Secretary.

''(4) POSITIVE EVALUATIONS.—If an evaluation of a Center is positive, the Secretary may continue to provide financial assistance for the Center—

''(A) in the case of an evaluation occurring in the third year of a Center, through the fifth year of the Center;

''(B) in the case of an evaluation occurring in the fifth year of a Center, through the eighth year of the Center; and

''(C) in the case of an evaluation occurring in the eighth year of a Center, through the tenth year of the Center.

''(5) OTHER THAN POSITIVE EVALUATIONS.—

''(A) PROBATION.—If an evaluation of a Center is other than positive, the Secretary shall put the Center on probation during the period beginning on the date that the Center receives notice under subparagraph (B)(i) and ending on the date that the reevaluation is complete under subparagraph (B)(iii).

''(B) NOTICE AND REEVALUATION.—If a Center receives an evaluation that is other than positive, the evaluation panel or Secretary, as applicable, shall—

''(i) notify the Center of the reason, including any deficiencies in the performance of the Center identified during the evaluation;

''(ii) assist the Center in remedying the deficiencies by providing the Center, not less frequently than once every 3 months, an analysis of the Center, if considered appropriate by the panel or Secretary, as applicable; and

''(iii) reevaluate the Center not later than 1 year after the date of the notice under clause (i).

''(C) CONTINUED SUPPORT DURING PERIOD OF PROBATION.—

''(i) IN GENERAL.—The Secretary may continue to provide financial assistance under subsection (e) for a Center during the probation period.

''(ii) POST PROBATION.—After the period of probation, the Secretary shall not provide any financial assistance unless the Center has received a positive evaluation under subparagraph (B)(iii).

''(6) FAILURE TO REMEDY.—

''(A) IN GENERAL.—If a Center fails to remedy a deficiency or to show significant improvement in performance before the end of the probation period under paragraph (5), the Secretary shall conduct a competition to select an operator for the Center under subsection (h).

''(B) TREATMENT OF CENTERS SUBJECT TO NEW COMPETITION.—Upon the selection of an operator for a Center under subsection (h), the Center shall be considered a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of this subsection and subsection (h)(1) shall start anew.

''(h) REAPPLICATION COMPETITION FOR FINANCIAL ASSISTANCE AFTER 10 YEARS.—

''(1) IN GENERAL.—If an eligible entity has operated a Center under this section for a period of 10 consecutive years, the Secretary shall conduct a competition to select an eligible entity to operate the Center in accordance with the process plan under subsection (i).

''(2) INCUMBENT ELIGIBLE ENTITIES.—An eligible entity that has received financial assistance under this section for a period of 10 consecutive years and that the Secretary determines is in good standing shall be eligible to compete in the competition under paragraph (1).

''(3) TREATMENT OF CENTERS SUBJECT TO REAPPLICATION COMPETITION.—Upon the selection of an operator for a Center under paragraph (1), the Center shall be considered a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of subsection (g) shall start anew.

''(i) PROCESS PLAN.—Not later than 180 days after the date of the enactment of the American Innovation and Competitiveness Act, the Secretary shall implement and submit to Congress a plan for how the Institute will conduct an evaluation, competition, and reapplication competition under this section.

''(j) OPERATIONAL REQUIREMENTS.—

''(1) PROTECTION OF CONFIDENTIAL INFORMATION OF CENTER CLIENTS.—The following information, if obtained by the Federal Government in connection with an activity of a Center or the Program, shall be exempt from public disclosure under section 552 of title 5, United States Code:

''(A) Information on the business operation of any participant in the Program or of a client of a Center.

''(B) Trade secrets of any client of a Center.

''(k) OVERSIGHT BOARDS.—

''(1) IN GENERAL.—As a condition on receipt of financial assistance for a Center under subsection (e), an eligible entity shall establish a board to oversee the operations of the Center.

''(2) STANDARDS.—

''(A) IN GENERAL.—The Director shall establish appropriate standards for each board described under paragraph (1).

''(B) CONSIDERATIONS.—In establishing the standards, the Director shall take into account the type and organizational structure of an eligible entity.

''(C) REQUIREMENTS.—The standards shall address—

''(i) membership;

''(ii) composition;

''(iii) term limits;

''(iv) conflicts of interest; and

''(v) such other requirements as the Director considers necessary.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—Each board established under paragraph (1) shall be composed of members as follows:

''(i) The membership of each board shall be representative of stakeholders in the region in which the Center is located.

''(ii) A majority of the members of the board shall be selected from among individuals who own or are employed by small or medium-sized manufacturers.

''(B) LIMITATION.—A member of a board established under paragraph (1) may not serve on more than 1 board established under that paragraph.

''(4) BYLAWS.—

''(A) IN GENERAL.—Each board established under paragraph (1) shall adopt and submit to the Director bylaws to govern the operation of the board.

''(B) CONFLICTS OF INTEREST.—Bylaws adopted under subparagraph (A) shall include policies to minimize conflicts of interest, including such policies relating to disclosure of relationships and recusal as may be necessary to minimize conflicts of interest.

''(l) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Program, the Secretary and Director may also accept funds from other Federal departments and agencies and from the private sector under section 2(c)(7) of this Act (15 U.S.C. 272(c)(7)), to be available to the extent provided by appropriations Acts, for the purpose of strengthening United States manufacturing.

''(m) MEP ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established within the Institute a Manufacturing Extension Partnership Advisory Board.

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—

''(i) IN GENERAL.—The MEP Advisory Board shall consist of not fewer than 10 members appointed by the Director and broadly representative of stakeholders.

''(ii) REQUIREMENTS.—Of the members appointed under clause (i)—

''(I) at least 2 members shall be employed by or on an advisory board for a Center;

''(II) at least 5 members shall be from United States small businesses in the manufacturing sector; and

''(III) at least 1 member shall represent a community college.

''(iii) LIMITATION.—No member of the MEP Advisory Board shall be an employee of the Federal Government.

''(B) TERM.—Except as provided in subparagraph (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

''(C) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

''(D) SERVING CONSECUTIVE TERMS.—Any person who has completed 2 consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the 1-year period following the expiration of the second such term.

''(3) MEETINGS.—The MEP Advisory Board shall—

''(A) meet not less than biannually; and

''(B) provide to the Director—

''(i) advice on the activities, plans, and policies of the Program;

''(ii) assessments of the soundness of the plans and strategies of the Program; and

''(iii) assessments of current performance against the plans of the Program.

''(4) FACA APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.

''(5) ANNUAL REPORT.—

''(A) IN GENERAL.—At a minimum, the MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to Congress not later than 30 days after the submission to Congress of the President's annual budget under section 1105 of title 31, United States Code.

''(B) CONTENTS.—The report shall address the status of the Program and describe the relevant sections of the programmatic planning document and updates thereto transmitted to Congress by the Director under subsections (c) and (d) of section 23 (15 U.S.C. 278i).

''(n) SMALL MANUFACTURERS.—

''(1) EVALUATION OF OBSTACLES.—As part of the Program, the Director shall—

''(A) identify obstacles that prevent small manufacturers from effectively competing in the global market;

''(B) implement a comprehensive plan to train the Centers to address the obstacles identified in paragraph (2); and

''(C) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to the obstacles identified in paragraph (2).

''(2) DEVELOPMENT OF OPEN ACCESS RESOURCES.—As part of the Program, the Secretary shall develop open access resources that address best practices related to inventory sourcing, supply chain management, manufacturing techniques, available Federal resources, and other topics to further the competitiveness and profitability of small manufacturers.''.

(c) COMPETITIVE AWARDS PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 25 the following:

''SEC. 25A. COMPETITIVE AWARDS PROGRAM.

''(a) ESTABLISHMENT.—The Director shall establish within the Hollings Manufacturing Extension Partnership under section 25 (15 U.S.C. 278k) and section 26 (15 U.S.C. 278l) a program of competitive awards among participants described in subsection (b) of this section for the purposes described in subsection (c).

''(b) PARTICIPANTS.—Participants receiving awards under this section shall be Centers, or a consortium of Centers.

''(c) PURPOSE, THEMES, AND REIMBURSEMENT.—

''(1) PURPOSE.—The purpose of the program established under subsection (a) is to add capabilities to the Hollings Manufacturing Extension Partnership, including the development of projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Hollings Manufacturing Extension Partnership, the MEP Advisory Board, other Federal agencies, and small and medium-sized manufacturers.

''(2) THEMES.—The Director may identify 1 or more themes for a competition carried out under this section, which may vary from year to year, as the Director considers appropriate after assessing the needs of manufacturers and the success of previous competitions.

''(3) REIMBURSEMENT.—Centers may be reimbursed for costs incurred by the Centers under this section.

''(d) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require in consultation with the MEP Advisory Board.

''(e) SELECTION.—

''(1) PEER REVIEW AND COMPETITIVELY AWARDED.—The Director shall ensure that awards under this section are peer reviewed and competitively awarded.

''(2) GEOGRAPHIC DIVERSITY.—The Director shall endeavor to have broad geographic diversity among selected proposals.

''(3) CRITERIA.—The Director shall select applications to receive awards that the Director determines will achieve 1 or more of the following:

''(A) Improve the competitiveness of industries in the region in which the Center or Centers are located.

''(B) Create jobs or train newly hired employees.

''(C) Promote the transfer and commercialization of research and technology from institutions of higher education, national laboratories or other federally funded research programs, and nonprofit research institutes.

''(D) Recruit a diverse manufacturing workforce, including through outreach to underrepresented populations, including individuals identified in section 33 or section 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a, 1885b).

''(E) Such other result as the Director determines will advance the objective set forth in section 25(c) (15 U.S.C. 278k) or in section 26 (15 U.S.C. 278l).

''(f) PROGRAM CONTRIBUTION.—Recipients of awards under this section shall not be required to provide a matching contribution.

''(g) GLOBAL MARKETPLACE PROJECTS.—In making an award under this section, the Director, in consultation with the MEP Advisory Board and the Secretary, may take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace.

''(h) DURATION.—The duration of an award under this section shall be for not more than 3 years.

''(i) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 25 (15 U.S.C. 278k).''.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the MEP Advisory Board (as defined in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k)), shall submit to the appropriate committees of Congress a report analyzing—

(A) the effectiveness of the changes in the cost share to Centers under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(B) the engagement in services and the characteristics of services provided by 2 types of Centers, including volume and type of service; and

(C) whether the cost-sharing ratio has any effect on the services provided by either type of Center.

(2) INDEPENDENT ASSESSMENT.—

(A) IN GENERAL.—Not later than 3 years after the date of submission of the report under paragraph (1), the Director of NIST shall contract with an independent organization to perform an assessment of the implementation of the reapplication competition process.

(B) CONSULTATION.—The independent organization performing the assessment under subparagraph (A) may consult with the MEP Advisory Board (as defined in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k)).

(3) COMPARISON OF CENTERS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress a report providing information on the first and second years of operations for Centers (as defined in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k)) operating from new competitions or recompetition as compared to longstanding Centers.

(B) CONTENTS.—The report shall provide detail on the engagement in services provided by Centers and the characteristics of services provided, including volume and type of services, so that the appropriate committees of Congress can evaluate whether the cost-sharing ratio has an effect on the services provided at Centers.

(e) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 2199(3) of title 10, United States Code, is amended—

(A) by striking ''regional center'' and inserting ''manufacturing extension center'';

(B) by inserting ''and best business practices'' before ''referred''; and

(C) by striking ''25(a)'' and inserting ''25(b)''.

(2) ENTERPRISE INTEGRATION INITIATIVE.—Section 3(a) of the Enterprise Integration Act of 2002 (15 U.S.C. 278g-5(a)) is amended by inserting ''Hollings'' before ''Manufacturing Extension Partnership''.

(3) ASSISTANCE TO STATE TECHNOLOGY PROGRAMS.—Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)) is amended by striking ''Centers program created'' and inserting ''Hollings Manufacturing Extension Partnership''.

(f) SAVINGS PROVISIONS.—Notwithstanding the amendments made by subsections (a) and (b) of this section, the Secretary of Commerce may carry out section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) as that section was in effect on the day before the date of enactment of this Act, with respect to existing grants, agreements, cooperative agreements, or contracts, and with respect to applications for such items that are received by the Secretary prior to the date of enactment of this Act.

(g) PATENT RIGHTS.—The provisions of chapter 18 of title 35, United States Code, shall apply, to the extent not inconsistent with section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) and section 25 of that Act, to the promotion of technology from research by Centers under those sections, except for contracts for such specific technology extension or transfer services as may be specified by the Director of NIST or under other law.

TITLE VI—INNOVATION AND TECHNOLOGY TRANSFER

SEC. 601. INNOVATION CORPS.

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

(1) The National Science Foundation Innovation Corps (referred to in this section as the ''I-Corps'') was established to foster a national innovation ecosystem by encouraging institutions, scientists, engineers, and entrepreneurs to identify and explore the innovation and commercial potential of National Science Foundation-funded research well beyond the laboratory.

(2) Through I-Corps, the Foundation invests in entrepreneurship and commercialization education, training, and mentoring that can ultimately lead to the practical deployment of technologies, products, processes, and services that improve the Nation's competitiveness, promote economic growth, and benefit society.

(3) By building networks of entrepreneurs, educators, mentors, institutions, and collaborations, and supporting specialized education and training, I-Corps is at the leading edge of a strong, lasting foundation for an American innovation ecosystem.

(4) By translating federally funded research to a commercial stage more quickly and efficiently, programs like the I-Corps

create new jobs and companies, help solve societal problems, and provide taxpayers with a greater return on their investment in research.

(5) The I-Corps program model has a strong record of success that should be replicated at all Federal science agencies.

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

(1) commercialization of federally funded research can improve the Nation's competitiveness, grow the economy, and benefit society;

(2) I-Corps is a useful tool in promoting the commercialization of federally funded research by training researchers funded by the Foundation in entrepreneurship and commercialization;

(3) I-Corps should continue to build a network of entrepreneurs, educators, mentors, and institutions and support specialized education and training;

(4) researchers other than those funded by the Foundation may also benefit from the education and training described in paragraph (3); and

(5) I-Corps should continue to promote a strong innovation system by investing in and supporting female entrepreneurs through mentorship, education, and training because they are historically underrepresented in entrepreneurial fields.

(c) I-CORPS PROGRAM.—

(1) IN GENERAL.—In order to promote a strong, lasting foundation for the national innovation ecosystem and increase the positive economic and social impact of federally funded research, the Director of the Foundation shall set forth eligibility requirements and carry out a program to award grants for entrepreneurship and commercialization education, training, and mentoring.

(2) EXPANSION OF I-CORPS.—

(A) IN GENERAL.—The Director—

(i) shall encourage the development and expansion of I-Corps and other training programs that focus on professional development, including education in entrepreneurship and commercialization; and

(ii) may establish an agreement with another Federal science agency—

(I) to make researchers, students, and institutions funded by that agency eligible to participate in the I-Corps program; or

(II) to assist that agency with the design and implementation of its own program that is similar to the I-Corps program.

(B) PARTNERSHIP FUNDING.—In negotiating an agreement with another Federal science agency under subparagraph (A)(ii), the Director shall require that Federal science agency to provide funding for—

(i) the training for researchers, students, and institutions selected for the I-Corps program; and

(ii) the locations that Federal science agency designates as regional and national infrastructure for science and engineering entrepreneurship.

(3) FOLLOW-ON GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director, in consultation with the Director of the Small Business Innovation Research Program, shall make funds available for competitive grants, including to I-Corps participants, to help support—

(i) prototype or proof-of-concept development; and

(ii) such activities as the Director considers necessary to build local, regional, and national infrastructure for science and engineering entrepreneurship.

(B) LIMITATION.—Grants under subparagraph (A) shall be limited to participants with innovations that because of the early stage of development are not eligible to participate in a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

(4) STATE AND LOCAL PARTNERSHIPS.—The Director may engage in partnerships with State and local governments, economic development organizations, and nonprofit organizations to provide access to the I-Corps program to support entrepreneurship education and training for researchers, students, and institutions under this subsection.

(5) REPORTS.—The Director shall submit to the appropriate committees of Congress a biennial report on I-Corps program efficacy, including metrics on the effectiveness of the program. Each Federal science agency participating in the I-Corps program or that implements a similar program under paragraph (2)(A) shall contribute to the report.

(6) DEFINITIONS.—In this subsection, the terms ''Small Business Innovation Research Program'' and ''Small Business Technology Transfer Program'' have the meanings given those terms in section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 602. TRANSLATIONAL RESEARCH GRANTS.

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

(1) commercialization of federally funded research may benefit society and the economy; and

(2) not-for-profit organizations support the commercialization of federally funded research by providing useful business and technical expertise to researchers.

(b) COMMERCIALIZATION PROMOTION.—The Director of the Foundation shall continue to award grants on a competitive, merit-reviewed basis to eligible entities to promote the commercialization of federally funded research results.

(c) USE OF FUNDS.—Activities supported by grants under this section may include—

(1) identifying Foundation-sponsored research and technologies that have the potential for accelerated commercialization;

(2) supporting prior or current Foundation-sponsored investigators, institutions of higher education, and non-profit organizations that partner with an institution of higher education in undertaking proof-of-concept work, including development of prototypes of technologies that are derived from Foundation-sponsored research and have potential market value;

(3) promoting sustainable partnerships between Foundation-funded institutions, industry, and other organizations within academia and the private sector with the purpose of accelerating the transfer of technology;

(4) developing multi-disciplinary innovation ecosystems which involve and are responsive to specific needs of academia and industry; and

(5) providing professional development, mentoring, and advice in entrepreneurship, project management, and technology and business development to innovators.

(d) ELIGIBILITY.—

(1) IN GENERAL.—The following organizations may be eligible for grants under this section:

(A) Institutions of higher education.

(B) Public or nonprofit technology transfer organizations.

(C) A nonprofit organization that partners with an institution of higher education.

(D) A consortia of 2 or more of the organizations described under subparagraphs (A) through (C).

(2) LEAD ORGANIZATIONS.—Any eligible organization under paragraph (1) may apply as a lead organization.

(e) APPLICATIONS.—An eligible entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

SEC. 603. OPTICS AND PHOTONICS TECHNOLOGY INNOVATIONS.

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

(1) The 1998 National Research Council Report, ''Harnessing Light'' presented a comprehensive overview on the importance of optics and photonics to various sectors of the United States economy.

(2) In 2012, in response to increased coordination and investment by other nations, the National Research Council released a follow up study recommending a national photonics initiative to increase collaboration and coordination among United States industry, Federal and State government, and academia to identify and further advance areas of photonics critical to regaining United States competitiveness and maintaining national security.

(3) Publicly-traded companies focused on optics and photonics in the United States enable more than $3 trillion in revenue annually.

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

(1) optics and photonics research and technologies promote United States global competitiveness in industry sectors, including telecommunications and information technology, energy, healthcare and medicine, manufacturing, and defense;

(2) Federal science agencies, industry, and academia should seek partnerships with each other to develop basic research in optics and photonics into more mature technologies and capabilities; and

(3) each Federal science agency, as appropriate, should—

(A) survey and identify optics and photonics-related programs within that Federal science agency and share results with other Federal science agencies for the purpose of generating multiple applications and uses;

(B) partner with the private sector and academia to leverage knowledge and resources to maximize opportunities for innovation in optics and photonics;

(C) explore research and development opportunities, including Federal and private sector-sponsored internships, to ensure a highly trained optics and photonics workforce in the United States;

(D) encourage partnerships between academia and industry to promote improvement in the education of optics and photonics technicians at the secondary school level, undergraduate level, and 2-year college level, including through the Foundation's Advanced Technological Education program; and

(E) assess existing programs and explore alternatives to modernize photonics laboratory equipment in undergraduate institutions in the United States to facilitate critical hands-on learning.

SEC. 604. UNITED STATES CHIEF TECHNOLOGY OFFICER.

(a) SHORT TITLE.—This section may be cited as the ''United States Chief Technology Officer Act''.

(b) IN GENERAL.—Section 203 the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6612) is amended—

(1) by inserting ''(b) ASSOCIATE DIRECTORS.—'' before ''The President is authorized'' and indenting appropriately;

(2) by inserting ''(a) IN GENERAL.—'' before ''There shall be'' and indenting appropriately; and

(3) by adding at the end the following:

''(c) CHIEF TECHNOLOGY OFFICER.—Subject to subsection (b), the President is authorized to designate 1 of the Associate Directors under that subsection as a United States Chief Technology Officer.''.

SEC. 605. NATIONAL RESEARCH COUNCIL STUDY ON TECHNOLOGY FOR EMERGENCY NOTIFICATIONS ON CAMPUSES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into an arrangement with the National Research Council to conduct and complete a study to identify and review technologies employed at institutions of higher education to provide notifications to students, faculty, and other personnel during emergency situations in accordance with law.

(b) CONTENTS.—The study shall address—

(1) the timeliness of notifications provided by the technologies during emergency situations;

(2) the durability of the technologies in delivering the notifications to students, faculty, and other personnel; and

(3) the limitations exhibited by the technologies to successfully deliver the notifications not more than 30 seconds after the institution of higher education transmits the notifications.

(c) REPORT REQUIRED.—Not later than 1 year after the date that the National Research Council enters into the arrangement under subsection (a), the Director of the Office of Science and Technology Policy shall submit to Congress a report on the study, including recommendations for addressing any limitations identified under subsection (b)(3).

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to H.R. 6438, an act to extend the waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals; dated December 9, 2016.

NOMINATIONS DISCHARGED

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the Commerce Committee be discharged and the Senate proceed to the consideration of PN1894 through PN1899 and PN1831, that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table with no intervening action or debate, that no further motions be in order, that any statements related to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271(E):

To be lieutenant commander

Stephen J. Albert
Elroy S. Allen
Kirsten M. Ambors-Casey
Juan C. Avila
Kenji R. Awamura
Charles J. Bare
Dustin G. Barker
Todd C. Batten
Caroline B. Bell
Zachary C. Bender
James C. Bennett
Jonathan P. Benvenuto
Jason L. Berger
Nicole L. Blanchard
Simon G. Blanco
Jordan T. Boghosian
Christopher A. Bonner
Chad M. Brook
Christine S. Brown
Bryan P. Brownlee
Mark W. Burgner
William J. Burwell
Kristen M. Byers
Nelson W. Cable
Nolan V. Cain
Kristen B. Caldwell
Gregory S. Carr
Jason R. Carrillo
Kyle M. Carter
Kyra M. Chin-Dykeman
Erin H. Chlum
Bradley R. Clemons
Megan K. Clifford
Robert D. Cole, Jr.
Roberto C. Concepcion
Jason A. Condon
Kevin H. Connell
Rebecca M. Corson
James D. Couch
Brian A. Crimmel
Bryan S. Crook
Lane P. Cutler
Kathryn R. Cyr
Steven T. Davies
Rebecca W. Dearkin
Michael A. Deal
Daniel J. Deangelo
Andrew B. Dennelly
Amanda W. Denning
Amanda M. Dipietro
Anna K. Dixon
Timothy W. Dolan
Kelli M. Dougherty
Leslie M. Downing
Stephen J. Drauszewski
Michael J. Dubinsky
Quinton L. Dubose
Andrew S. Dunlevy
Elisa F. Dykman
Ronald Easley
Erica L. Elfguinn
Patricia C. Elliston
Denny A. Ernster
Bryce G. Ettestad
Jason E. Evans
Daniel J. Every
Amanda L. Fahrig
Diana Ferguson
Jamison R. Ferriell
Traci-Ann Fiammetta
Michael L. Flint
John M. Forster
Edward K. Forys
Rebecca A. Fosha
Michelle M. Foster
James T. Freeman
Jeffrey A. Fry
Nicholas A. Galati
Victor J. Galgano
Rven T. Garcia
Micah N. Gentile
Zachery J. Geyer
Mario G. Gil
David M. Gilbert
David S. Gonzalez
Eliezer Gonzalez
Lee R. Gorlin
Robert D. Gorman
Andrew M. Grantham
Christopher F. Greenough
Patrick J. Grizzle
Sean T. Groark
Michael B. Groncki II
Ian C. Groom
Anthony J. Guido
Matthew C. Haddad
Brian M. Hall
Ian Hanna
Eric C. Hanson
Kevan P. Hanson
Brent L. Hardgrave
Stephen A. Hart
Lisa G. Hartley
Jason L. Hathaway
Kelly L. Haupt
Joseph S. Heal
Terrance L. Herdliska
Matthew R. Herring
Jennifer L. Hertzler
John D. Hess
Jerod M. Hitzel
Stefanie J. Hodgdon
James M. Hodges
Jonathan W. Hofius
Zachary D. Huff
Steven W. Hulse
Matthew C. Hunt
Bryson C. Jacobs
Raymond M. Jamros
Sarah M. Janaro
David L. Janney
Andrew B. Jantzen
Chelsea A. Kalil
Abigail H. Kawada
Caroline D. Kearney
Gary G. Kim
Min H. Kim
Gretal G. Kinney
David B. Komar
Brittani J. Koroknay
Kevin K. Koski
Matthew M. Kroll
Sarah A. Krolman
Nicholas R. Kross
Brownie J. Kuk
Celina H. Ladyga
Jonathan W. Ladyga
Leo C. Lake
Jonathan M. Laraia
Dustin T. Lee
Karen M. Lee
Blake K. Leedy
Clinton D. Lemasters
Paul M. Leon
Benjamin S. Leuthold
Aaron B. Leyko
James P. Litzinger
John T. Livingston
Robert J. Lokar
Sean A. Lott
Rachael E. Love
Charles A. Lumpkin
Ryan W. Maca
Steven A. Macias
Robert M. Mackenzie
Issac D. Mahar
Sawyer M. Mann
Marc A. Mares
Christopher H. Martin
Scott A. McBride
Kennith W. McCain
Christopher J. McCann
Scott J. McCann
Jayna G. McCarron
Adam J. McCarthy
Scott H. McGrew
Patrick M. McMahon
Anna C. McNeil
Steven T. Melvin
Hermie P. Mendoza
Megan K. Mervar
Julian M. Middleton
Jeffrey S. Milgate
Michael S. Miller
Frank P. Minopoli
Caitlin H. Mitchell-Wurster
Nathan P. Morello
Karl H. Mueller
Ian J. Mulcahy
Adam L. Mullins
John E. Mundale
Andrew J. Murphy
Joshua C. Murphy
Elizabeth G. Nakagawa

Nikea L. Natteal
Andrew J. Nebl
Jason A. Neiman
David T. Newcomb
Huy D. Nguyen
Bret D. Nichols
Christopher M. Nichols
Eric D. Nielsen
Richard D. Nines
Jeffrey T. Noyes
Robert P. Odonnell
Grace E. Oh
Teresa Z. Ohley
Phillip N. Ortega
Jacob T. Paarlberg
Jarrett S. Parker
Christopher J. Pelar
Neil R. Penso
Kurt W. Pfeffer
Andrew D. Phipps
Jeyar L. Pierce
David A. Pipkorn
Joseph P. Plunkett
Robert S. Poitinger
John P. Poley
Joseph P. Prado
Andrew D. Pritchett
Fredrick D. Pugh
Christopher S. Pulliam
Eric A. Quigley
Alejandro M. Quintero
Thomas J. Rader
Ryan R. Ramos
Peter J. Raneri
Jonathan T. Rebuck
Frank M. Reed III
Howard B. Reiney, Jr.
Sheral A. Richardson
Byron Rios
Callan D. Robbins
Jason W. Roberts
Michelle I. Rosenberg
Michael C. Ross
Mallorie G. Schell
James J. Schock
Daniel A. Schrader
Derek L. Schramel
John Sgarlata, Jr.
Matthew A. Shaffer
Saladin Shelton
Paul C. Simpson
James D. Slapak
Randall J. Slusher
Norma L. Smihal
Colleen M. Smith
Joseph L. Smith
Josh L. Smith
Katie E. Smith
Lauren E. Smoak
Brett L. Sprenger
Kevin L. St. Cin
Paul W. Stepler
Rachel P. Strubel
George R. Suchanek
John P. Suckow
Kathleen M. Sullivan
Amy K. Sung
Matthew M. Swanner
David C. Thompson
Damon Thornton
Jessica S. Thornton
John D. Tomlin
Melvin A. Torres
Christopher N. Toussaint
Cynthia S. Travers
Michael R. Turanitza
Eduardo M. Valdez
Matthew J. Vanginkel
Fausto E. Veras
Michael M. Vickers
Michael A. Viles
Steven M. Volk
John M. Walsh
Todd A. Weimorts
Steven D. Welch
Bruce D. Wells
Mason C.E. Wilcox
Derek D. Wilson
Paul A. Windt
Nicholas A. Woessner
Francis E.S. Wolfe
Jonathan M. Wolstenholme
Robert T. Wright
Victor M. Yaguchi
Miles K. Young
Matthew W. Zinn

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C. section 71:

To be commander

Jennifer L. Adams
Marc H. Akus
David J. Aldous
Nathan W. Allen
Ryan J. Allen
Shameen E. Anthaniowilliams
Mellissa J. Arles
Christopher M. Armstrong
Charles L. Banks, Jr.
Ann M. Bassolino
Kevin M. Beck
Andrew J. Behnke
Robert J. Berry II
Fred S. Bertsch IV
Vanessa Blackmore
William K. Blair
John D. Block
Peter F. Bosma
Ruben E. Boudreaux
Kevin C. Boyd, Jr.
Valerie A. Boyd
Jason P. Brand
William C. Brent, Jr.
Chad R. Brick
Shane D. Bridges
Kevin A. Broyles
Bryan J. Burkhalter
Eric A. Cain
Joseph G. Callaghan
Ian L. Callander
Brian R. Carroll
Paul R. Casey
Eric M. Casper
Jacob L. Cass
Michael P.C. Chien
Michael N. Cost
Justin K. Covert
Melba J. Crisp
Charlene R.T. Criss
Mark W. Crysler
Christopher J. Davis
Karen Denny
Matthew C. Derrenbacher
Michael S. Dipace
Jason D. Dolbeck
Matthew D. Dooris
Christopher Douglas
Keith M. Doxey
Kevin F. Duffy
Jason R. Dunn
Samuel Z. Edwards
Jamie M. Embry
Todd L. Emerson
Daniel J. Everett
Peter M. Evonuk
Brian M. Farmer
Jeffrey P. Ferlauto
Frank J. Florio III
James T. Fogle
George O. Fulenwider III
Patrick J. Gallagher
William J. George
Robert H. Gomez
Dennis D. Good
Evangeline R. Gormley
John A. Goshorn
Andrew P. Grant
Brooke E. Grant
Derrick S. Greer
Steven M. Griffin
William M. Grossman
Jay W. Guyer
Gregory M. Haas
Jeremy M. Hall
Byron H. Hayes
Dorothy J. Hernaez
Robert P. Hill
Jennifer L. Hnatow
Jacob A. Hobson
Morgan T. Holden
Dean E. Horton
Donald K. Isom
Max M. Jenny
Khristopher D. Johns
Christopher L. Jones
Karen S. Jones
Matthew N. Jones
Kevin A. Keenan
Scott R. Kirkland
Aji L. Kirksey
David J. Kowalczyk, Jr.
Donald R. Kuhl
Shawn A. Lansing
Mark L. Lay
Kristina L. Lewis
Paul J. Mangini
Elizabeth L. Massimi
Ryan P. Matson
Eric J. Matthies
Harold L. McCarter
Blake A. McKinney
William A. McKinstry
James M. McLay
James D. McManus
Brad M. McNally
Joseph W. McPherson III
John M.P. McTamney IV
Ronald R. Millspaugh
Marc J. Montemerlo
Jason W. Morgan
Ryan T. Murphy
Michael A. Nalli
Mark R. Neeland
Justin W. Noggle
Martin L. Nossett IV
Anne E. O'Connell
James M. Omara IV
Roger E. Omenhiser, Jr.
Brendan P. Oshea
Joseph B. Parker
Stacia F. Parrott
Christopher M. Pasciuto
Chester A. Passic
Andrew L. Pate
Mark B. Patton
Jeffrey L. Payne
James H. Pershing
Barton L Philpott
Jeffrey J. Pile
Elizabeth T. Platt
Kenneth B. Poole II
Jorge Porto
Mark B. Pototschnik
Leah M. Preston
Amanda M. Ramassini
Libby J. Rasmussen
Jeffrey J. Rasnake
Lisa M. Rice
Matthew Rooney
Michael B. Russell
Jan A. Rybka
Paul Salerno
Evelynn B. Samms
Rachelle N. Samuel
Kevin B. Saunders
Benjamin J. Schluckebier
Timothy L. Schmitz
Deon J. Scott
Kirk C. Shadrick
Brook W. Sherman
Jason S. Smith
Laura J. Smolinski
Joan Snaith
Gabriel J. Somma
Robert E. Stiles
Jessica R. Styron
Robert D. Taylor
James K. Terrell
Emily L. Tharp
Alfred J. Thompson
Lawrence W. Tinstman
David A. Torres

Devin L. Townsend
Christopher A. Treib
Jared S. Trusz
Michael A. Venturella
Matthew J. Walker
William R. Walker
Sara A. Wallace
Tamara S. Wallen
Amber S. Ward
Rodney P. Wert
Stephen E. West
Christopher A. White
Brian R. Willson
William B. Winburn
Tracy L. Wirth
Christopher L. Wright
Brent C. Yezefski
Peter J. Zauner

The following named officers for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be captain

Daryl P. Schaffer
Lisa H. Schulz

The following named officers of the Coast Guard Permanent Commission Teaching Staff for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., sections 189 and 276:

To be captain

David C. Clippinger
Michael J. Corl
Gregory J. Hall
Russell E. Bowman

To be commander

Joseph T. Benin

To be lieutenant commander

Matthew B. Williams

The following named officers for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203(A):

To be captain

Mark E. Ames
Michael G. Barton
Leon D. Dame
Tiffany G. Danko
Stacie L. Fain
Daniel J. Fitzgerald
Joanna K. Hiigel
Jason A. Lehto
Richard E. Neim Jr.
Colleen M. Pak
George W. Petras
Michael A. Spolidoro
Matthew D. Wadleigh

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C. section 271(E):

To be captain

John F. Barresi
Amy M. Beach
Benjamin D. Berg
John M. Branch
Paul Brooks
Bruce C. Brown
Suzanne M. Brown
Marie Byrd
Flip P. Capistrano
Jay Caputo
Clinton S. Carlson
Kevin M. Carroll
Travis L. Carter
John D. Cole
Timothy J. Connors
Eric M. Cooper
John P. Debok
Eric D. Denley
Angelic D. Donovan
Maryellen J. Durley
William G. Dwyer
Matthew Edwards
Michael J. Ennis
Brian D. Falk
Rosemary P. Firestine
Arthur H. Gomez
Amy B. Grable
Holly R. Harrison
Mark E. Hiigel
Patrick M. Hilbert
Todd M. Howard
Richard E. Howes
Michael A. Hudson
Mark A. Jackson
Scott L. Johnson
Eric P. King
Shawn S. Koch
Sherman M. Lacey
William A. Lewin
Ralph R. Little
Vivianne Louie
Michael C. Macmillan
James D. Marquez
Craig J. Massello
Joseph T. Mcgilley
Adam B. Morrison
Prince A. Neal
Timothy M. Newton
Jeffrey W. Novak
Louie C. Parks, Jr.
Jose A. Pena
Michael R. Roschel
Gregory C. Rothrock
James B. Rush
Jason H. Ryan
Michael Schoonover, Jr.
Mark J. Shepard
Jason E. Smith
Sampson C. Stevens
Scott A. Stoermer
Jeffrey S. Swanson
Roxanne Tamez
Gregory L. Thomas
Richter L. Tipton
Roberto H. Torres
Karrie C. Trebbe
Jacqueline M. Twomey
Mark B. Walsh

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(e):

To be rear admiral (lower half)

Capt. Melvin W. Bouboulis
Capt. Donna L. Cottrell
Capt. Michael J. Johnston
Capt. Eric C. Jones
Capt. Michael P. Ryan

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 658; that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) William J. Galinis

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of Calendar Nos. 7, 591, 653, 699, 773, 739, 740, 741, and 772; that the Senate vote on the nominations en bloc without intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session without any intervening action or debate.

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

Thereupon, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. Is there any further debate on the nominations?

If not, the question is, Will the Senate advise and consent to the nominations en bloc?

The nominations were confirmed en bloc as follows:

IN THE DEPARTMENT OF LABOR

Adri Davin Jayaratne, of Michigan, to be an Assistant Secretary of Labor.

IN THE FEDERAL DEPOSIT INSURANCE CORPORATION

Jay Neal Lerner, of Illinois, to be Inspector General, Federal Deposit Insurance Corporation.

EXECUTIVE OFFICE OF THE PRESIDENT

Andrew Mayock, of Illinois, to be Deputy Director for Management, Office of Management and Budget.

DEPARTMENT OF COMMERCE

Peggy E. Gustafson, of Maryland, to be Inspector General, Department of Commerce.

DEPARTMENT OF TRANSPORTATION

Ann Begeman, of South Dakota, to be a Member of the Surface Transportation Board for a term expiring December 31, 2020.

STATE JUSTICE INSTITUTE

John D. Minton, Jr., of Kentucky, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2019. (Reappointment)

POSTAL REGULATORY COMMISSION

Mark D. Acton, of Kentucky, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2022. (Reappointment)

Robert G. Taub, of New York, to be a Commissioner of the Postal Regulatory Commission for a term expiring October 14, 2022. (Reappointment)

DEPARTMENT OF STATE

Kamala Shirin Lakhdhir, of Connecticut, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

LEGISLATIVE SESSION

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

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

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

REPORTING AUTHORITY

Mr. BOOZMAN. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Tuesday, December 20, from 9:30 a.m. to 11:30 a.m.

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

ORDER FOR PRINTING OF SENATE DOCUMENTS

Mr. BOOZMAN. Mr. President, I ask unanimous consent that there be printed as a Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to retiring Members of the 114th Congress, and an additional Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to the President of the Senate, JOE BIDEN, and that Members have until Tuesday, December 20, to submit such tributes.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, and in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the reappointment of the following individual to serve as a member of the United States-China Economic Security Review Commission: Dennis Shea of Virginia, for a term beginning January 1, 2017 and expiring December 31, 2018.

The Chair announces, on behalf of the President pro tempore, pursuant to Public Law 114–125, upon the recommendation of the chairman and ranking member of the Committee on Finance and the chairman and ranking member of the Committee on Banking, Housing and Urban Affairs, the appointment of the following individuals to serve as members of the Advisory Committee on International Exchange Rate Policy: Mark A. Calabria of Virginia, John Cochrane of California, and Thea Lee of the District of Columbia.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE CERTAIN CORRECTIONS IN THE ENROLLMENT OF S. 2943

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 179, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 179) directing the Secretary of the Senate to make certain corrections in the enrollment of S. 2943.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 179) was agreed to.

PROVIDING ARSENAL INSTALLATION REUTILIZATION AUTHORITY

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the committee on Armed Services be discharged from further consideration of S. 3336 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3336) to provide arsenal installation reutilization authority.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Ernst amendment No. 5128 be agreed to, the bill, as amended, be considered read a third time and passed, that the title amendment No. 5129 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 amendment (No. 5128) was agreed to, as follows:

(Purpose: To improve the bill)

On page 1, strike lines 3 and 4 and insert the following:

SECTION 1. INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.

On page 1, line 6, strike ''arsenal, the Secretary concerned'' and insert ''arsenal, depot, or plant, the Secretary of the Army''.

On page 2, line 4, insert '', depot, or plant'' after ''arsenal''.

On page 2, line 8, insert '', depot, or plant'' after ''arsenal''.

On page 2, line 12, insert '', depot, or plant'' after ''arsenal''.

On page 2, line 17, strike ''Secretary concerned'' and insert ''Secretary of the Army''.

On page 2, line 21, insert '', depot, or plant'' after ''arsenal''.

On page 4, line 3, insert '', DEPOT, OR PLANT'' after ''ARSENAL''.

On page 4, line 5, insert '', depot, or plant'' after ''arsenal''.

On page 4, line 6, strike ''Department of the Defense'' and insert ''Army''.

The bill (S. 3336), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3336

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

SECTION 1. INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.

(a) MODIFIED AUTHORITY.—In the case of a military manufacturing arsenal, depot, or plant, the Secretary of the Army may authorize leases and contracts under section 2667 of title 10, United States Code, for a term of up to 25 years, notwithstanding subsection (b)(1) of such section, if the Secretary determines that a lease or contract of that duration will promote the national defense or be in the public interest for the purpose of—

(1) helping to maintain the viability of the military manufacturing arsenal, depot, or plant and any military installations on which it is located;

(2) eliminating, or at least reducing, the cost of Government ownership of the military manufacturing arsenal, depot, or plant, including the costs of operations and maintenance, the costs of environmental remediation, and other costs; and

(3) leveraging private investment at the military manufacturing arsenal, depot, or plant through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the preceding purposes.

(b) DELEGATION AND REVIEW PROCESS.—

(1) IN GENERAL.—The Secretary of the Army may delegate the authority provided by this section to the commander of the major subordinate command of the Army that has responsibility for the military manufacturing arsenal, depot, or plant or, if part of a larger military installation, the installation as a whole. The commander may approve a lease or contract under such authority on a case-by-case basis or a class basis.

(2) REVIEW PERIOD.—Any lease or contract that is approved utilizing the delegation authority under paragraph (1) is subject to a 90-day hold period so that the Army real property manager may review the lease or contract pursuant to paragraph (3).

(3) DISPOSITION OF REVIEW.—If the Army real property manager disapproves of a contract or lease submitted for review under paragraph (2), the agreement shall be null and void upon transmittal by the real property manager to the delegating authority of a written disapproval, including a justification for such disapproval, within the 90-day hold period. If no such disapproval is transmitted within the 90-day hold period, the agreement shall be deemed approved.

(4) APPROVAL OF REVISED AGREEMENT.—If, not later than 60 days after receiving a disapproval under paragraph (3), the delegating authority submits to the Army real property manager a new contract or lease that addresses the Army real property manager's concerns outlined in such disapproval, the new contract or lease shall be deemed approved unless the Army real property manager transmits to the delegating authority a disapproval of the new contract or lease within 30 days of such submission.

(c) MILITARY MANUFACTURING ARSENAL, DEPOT, OR PLANT DEFINED.—In this section, the term ''military manufacturing arsenal, depot, or plant'' means a Government-owned, Government-operated defense plant of the Army that manufactures weapons, weapon components, or both.

(d) SUNSET.—The authority under this section shall terminate at the close of September 30, 2019.

(Purpose: To amend the title)

Amend the title so as to read: ''A bill to provide installation reutilization authority for arsenals, depots, and plants.''.

AUTHORIZING THE SECRETARY OF THE TREASURY TO INCLUDE ALL FUNDS WHEN ISSUING CERTAIN GEOGRAPHIC TARGETING ORDERS

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 5602 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5602) to amend title 31, United States Code, to authorize the Secretary of the Treasury to include all funds when issuing certain geographic targeting orders, and for other purposes.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Shelby-Brown substitute amendment No. 5127 be agreed to, the bill, as amended, be considered read a third time.

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

The amendment (No. 5127) in the nature of a substitute was agreed to.

(The amendment is printed in the RECORD of December 5, 2016, under ''Text of Amendments.'')

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

The bill was read the third time.

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

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

The bill (H.R. 5602), as amended, was passed.

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

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

THE CALENDAR

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 675 through 683.

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

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

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

SPECIAL WARFARE OPERATOR MASTER CHIEF PETTY OFFICER (SEAL) LOUIS ''LOU'' J. LANGLAIS POST OFFICE BUILDING

The bill (H.R. 3218) to designate the facility of the United States Postal Service located at 1221 State Street, Suite 12, Santa Barbara, California, as the ''Special Warfare Operator Master Chief Petty Officer (SEAL) Louis 'Lou' J. Langlais Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

RICHARD ALLEN CABLE POST OFFICE

The bill (H.R. 4887) to designate the facility of the United States Postal Service located at 23323 Shelby Road in Shelby, Indiana, as the ''Richard Allen Cable Post Office,'' was ordered to a third reading, was read the third time, and passed.

LEONARD MONTALTO POST OFFICE BUILDING

The bill (H.R. 5150) to designate the facility of the United States Postal Service located at 3031 Veterans Road West in Staten Island, New York, as the ''Leonard Montalto Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

ARMY FIRST LIEUTENANT DONALD C. CARWILE POST OFFICE BUILDING

The bill (H.R. 5309) to designate the facility of the United States Postal Service located at 401 McElroy Drive in Oxford, Mississippi, as the ''Army First Lieutenant Donald C. Carwile Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

E. MARIE YOUNGBLOOD POST OFFICE

The bill (H.R. 5356) to designate the facility of the United States Postal Service located at 14231 TX–150 in Coldspring, Texas, as the ''E. Marie Youngblood Post Office,'' was ordered to a third reading, was read the third time, and passed.

ZAPATA VETERANS POST OFFICE

The bill (H.R. 5591) to designate the facility of the United States Postal Service located at 810 N US Highway 83 in Zapata, Texas, as the ''Zapata Veterans Post Office,'' was ordered to a third reading, was read the third time, and passed.

OFFICER JOSEPH P. CALI POST OFFICE BUILDING

The bill (H.R. 5676) to designate the facility of the United States Postal Service located at 6300 N. Northwest Highway in Chicago, Illinois, as the ''Officer Joseph P. Cali Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

ABNER J. MIKVA POST OFFICE BUILDING

The bill (H.R. 5798) to designate the facility of the United States Postal Service located at 1101 Davis Street in Evanston, Illinois, as the ''Abner J. Mikva Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

SEGUNDO T. SABLAN AND CNMI FALLEN MILITARY HEROES POST OFFICE BUILDING

The bill (H.R. 5889) to designate the facility of the United States Postal Service located at 1 Chalan Kanoa VLG in Saipan, Northern Mariana Islands, as the ''Segundo T. Sablan and CNMI Fallen Military Heroes Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

GOVERNMENT OF THE UNITED STATES OF AMERICA AND GOVERNMENT OF THE KINGDOM OF NORWAY NUCLEAR ENERGY ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 704, S. 8.

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

The senior assistant legislative clerk read as follows:

A bill (S. 8) 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.

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

Mr. BOOZMAN. Mr. President, I further 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. 8) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 8

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

SECTION 1. APPROVAL OF 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.

(a) IN GENERAL.—Notwithstanding the provisions for congressional consideration of a proposed agreement for cooperation in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), 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, done at Washington June 11, 2016, may be brought into effect on or after the date of the enactment of this Act, as if all the requirements in such section for consideration of such agreement had been satisfied, subject to subsection (b).

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

RESPONSE ACT OF 2016

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

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

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

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

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

PREVENTING ANIMAL CRUELTY AND TORTURE ACT

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

Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

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

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

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

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

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

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. REVISION OF SECTION 48.

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

''§ 48. Animal crushing

''(a) OFFENSES.—

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

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

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

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

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

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

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

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

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

''(d) EXCEPTIONS.—

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

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

''(B) the slaughter of animals for food;

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

''(D) medical or scientific research;

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

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

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

''(A) a law enforcement agency; or

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

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

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

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

''(f) DEFINITIONS.—In this section—

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

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

''(A) depicts animal crushing; and

''(B) is obscene; and

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

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

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

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

''48. Animal crushing.''.

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

FEDERAL LAW ENFORCEMENT TRAINING CENTERS REFORM AND IMPROVEMENT ACT OF 2015

FEDERAL LAW ENFORCEMENT TRAINING CENTERS REFORM AND IMPROVEMENT ACT OF 2016

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

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

The clerk will report the bills by title.

The senior assistant legislative clerk read as follows:

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

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

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

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

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

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

AMENDMENT NO. 5171

(Purpose: To improve the bill)

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

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

''(B) maximizes opportunities for small business participation;

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

AMENDMENT NO. 5170

(Purpose: To improve the bill)

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

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

''(B) maximizes opportunities for small business participation;

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

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

The bill was read the third time.

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

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

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

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

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

S. 2781

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

SECTION 1. SHORT TITLE.

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

SEC. 2. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.

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

''SEC. 884. FEDERAL LAW ENFORCEMENT TRAINING CENTERS.

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

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

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

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

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

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

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

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

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

''(A) fully complies with—

''(i) Federal law;

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

''(iii) Department acquisition management directives; and

''(B) maximizes opportunities for small business participation;

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

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

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

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

''(d) TRAINING RESPONSIBILITIES.—

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

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

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

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

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

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

''(4) STRATEGIC PARTNERSHIPS.—

''(A) IN GENERAL.—The Director may—

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

''(ii) coordinate with the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department and with private sector stakeholders, including critical infrastructure owners and operators, to provide training pertinent to improving coordination, security, and resiliency of critical infrastructure.

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

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

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

''(7) PARTNER ORGANIZATION EXPENSES REQUIREMENTS.—

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

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

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

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

''(8) PROVISION OF NON-FEDERAL TRAINING.—

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

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

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

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

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

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

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

''(A) Athletic and related activities.

''(B) Short-term medical services.

''(C) Chaplain services.

''(11) AUTHORITY TO HIRE FEDERAL ANNUITANTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) purchase employee and student uniforms; and

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

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

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

''(g) DEFINITIONS.—In this section:

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

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

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

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

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

''(6) FEDERAL AGENCY.—The term 'Federal agency' means—

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

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

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

''(D) the Government Printing Office;

''(E) the United States Capitol Police;

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

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

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

''(8) LOCAL.—The term 'local' means—

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

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

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

''(10) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

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

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

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

''Sec. 884. Federal Law Enforcement Training Centers.''.

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

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

GAO MANDATES REVISION ACT OF 2016

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

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

The senior assistant legislative clerk read as follows:

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

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

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

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

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

MARINE DEBRIS ACT AMENDMENTS OF 2016

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

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

The senior assistant legislative clerk read as follows:

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Debris Act Amendments of 2016''.

SEC. 2. NOAA MARINE DEBRIS PROGRAM.

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

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5)(C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) work with other Federal agencies to develop outreach and education strategies to address both land- and sea-based sources of marine debris; and

''(7) work with the Department of State and other Federal agencies to promote international action to reduce the incidence of marine debris.''.

SEC. 3. INCLUSION OF DEPARTMENT OF STATE ON THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.

Section 5(b) of the Marine Debris Act (33 U.S.C. 1954(b)) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) the Department of State; and''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended to read as follows:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for each fiscal year 2017 through 2021—

''(1) to the Administrator for carrying out sections 3, 5, and 6, $10,000,000, of which no more than 10 percent may be for administrative costs; and

''(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, $2,000,000, of which no more than 10 percent may be used for administrative costs.''.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Sullivan amendment at the desk be agreed to, the committee-reported 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. 5172) was agreed to, as follows:

(Purpose: To authorize the Administrator of the National Oceanic and Atmospheric Administration to assist with cleanup and response required by severe marine debris events)

At the appropriate place, insert the following:

SEC. 3. ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended by adding at the end the following new subsection:

''(d) ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.—

''(1) IN GENERAL.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.

''(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

''(A) to assist in the cleanup and response required by the severe marine debris event; or

''(B) such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

''(3) FEDERAL SHARE.—The Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.''.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to learn about, and find solutions to, the contributions of such countries to marine debris in the world's oceans;

(2) carry out studies to determine—

(A) the primary means by which solid waste enters the oceans;

(B) the manner in which waste management infrastructure can be most effective in preventing debris from reaching the oceans;

(C) the long-term economic impacts of marine debris on the national economies of each country set out in paragraph (1) and on the global economy; and

(D) the economic benefits of decreasing the amount of marine debris in the oceans;

(3) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to conclude one or more new international agreements—

(A) to mitigate the risk of land-based marine debris contributed by such countries reaching an ocean; and

(B) to increase technical assistance and investment in waste management infrastructure, if the President determines appropriate; and

(4) consider the benefits and appropriateness of having a senior official of the Department of State serve as a permanent member of the Interagency Marine Debris Coordinating Committee established under section 5 of the Marine Debris Act (33 U.S.C. 1954).

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 3086), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3086

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 ''Marine Debris Act Amendments of 2016''.

SEC. 2. NOAA MARINE DEBRIS PROGRAM.

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

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5)(C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) work with other Federal agencies to develop outreach and education strategies to address both land- and sea-based sources of marine debris; and

''(7) work with the Department of State and other Federal agencies to promote international action to reduce the incidence of marine debris.''.

SEC. 3. ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended by adding at the end the following new subsection:

''(d) ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.—

''(1) IN GENERAL.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.

''(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

''(A) to assist in the cleanup and response required by the severe marine debris event; or

''(B) such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

''(3) FEDERAL SHARE.—The Federal share of the cost of any activity carried out under the authority of this subsection shall not exceed 75 percent of the cost of that activity.''.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to learn about, and find solutions to, the contributions of such countries to marine debris in the world's oceans;

(2) carry out studies to determine—

(A) the primary means by which solid waste enters the oceans;

(B) the manner in which waste management infrastructure can be most effective in preventing debris from reaching the oceans;

(C) the long-term economic impacts of marine debris on the national economies of each country set out in paragraph (1) and on the global economy; and

(D) the economic benefits of decreasing the amount of marine debris in the oceans;

(3) work with representatives of foreign countries that produce the largest amounts of unmanaged municipal solid waste that reaches the ocean to conclude one or more new international agreements—

(A) to mitigate the risk of land-based marine debris contributed by such countries reaching an ocean; and

(B) to increase technical assistance and investment in waste management infrastructure, if the President determines appropriate; and

(4) consider the benefits and appropriateness of having a senior official of the Department of State serve as a permanent member of the Interagency Marine Debris Coordinating Committee established under section 5 of the Marine Debris Act (33 U.S.C. 1954).

SEC. 5. INCLUSION OF DEPARTMENT OF STATE ON THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.

Section 5(b) of the Marine Debris Act (33 U.S.C. 1954(b)) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) the Department of State; and''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended to read as follows:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for each fiscal year 2017 through 2021—

''(1) to the Administrator for carrying out sections 3, 5, and 6, $10,000,000, of which no more than 10 percent may be for administrative costs; and

''(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, $2,000,000, of which no more than 10 percent may be used for administrative costs.''.

DEPARTMENT OF VETERANS AFFAIRS BONUS TRANSPARENCY ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 3112 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3112) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit an annual report regarding performance awards and bonuses awarded to certain high-level employees of the Department of Veterans Affairs.

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

Mr. BOOZMAN. 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 (S. 3112) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3112

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 ''Department of Veterans Affairs Bonus Transparency Act of 2016''.

SEC. 2. ANNUAL REPORT ON PERFORMANCE AWARDS AND BONUSES AWARDED TO CERTAIN HIGH-LEVEL EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 714. Annual report on performance awards and bonuses awarded to certain high-level employees

''(a) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives a report that contains, for the most recent fiscal year ending before the submittal of the report, a description of the performance awards and bonuses awarded to Regional Office Directors of the Department, Directors of Medical Centers of the Department, and Directors of Veterans Integrated Service Networks.

''(b) ELEMENTS.—Each report submitted under subsection (a) shall include the following with respect to each performance award or bonus awarded to an individual described in such subsection:

''(1) The amount of each award or bonus.

''(2) The job title of the individual awarded the award or bonus.

''(3) The location where the individual awarded the award or bonus works.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 713 the following new item:

''714. Annual report on performance awards and bonuses awarded to certain high-level employees.''.

DANIEL L. KINNARD VA CLINIC

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 960 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 960) to designate the Department of Veterans Affairs community-based outpatient clinic in Newark, Ohio, as the Daniel L. Kinnard VA Clinic.

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

Mr. BOOZMAN. 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. 960) was ordered to a third reading, was read the third time, and passed.

APOLLO 11 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2726, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 2726) to require the Secretary of the Treasury to mint commemorative coins in recognition of the 50th anniversary of the first manned landing on the Moon.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

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

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

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

The bill (H.R. 2726) was passed.

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

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

SEC SMALL BUSINESS ADVOCATE ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3784 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3784) to amend the Securities Exchange Act of 1934 to establish an Office of the Advocate for Small Business Capital Formation and a Small Business Capital Formation Advisory Committee, and for other purposes.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the 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 (H.R. 3784) was ordered to a third reading, was read the third time, and passed.

SIDNEY OSLIN SMITH, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 4618 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4618) to designate the Federal building and United States courthouse located at 121 Spring Street SE in Gainesville, Georgia, as the ''Sidney Oslin Smith, Jr. Federal Building and United States Courthouse.''

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

Mr. BOOZMAN. 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. 4618) was ordered to a third reading, was read the third time, and passed.

BOTTLES AND BREASTFEEDING EQUIPMENT SCREENING ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 5065 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5065) to direct the Administrator of the Transportation Security Administration to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the 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. 5065) was ordered to a third reading, was read the third time, and passed.

UNITED STATES-ISRAEL ADVANCED RESEARCH PARTNERSHIP ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5877, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 5877) to amend the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to promote cooperative homeland security research and antiterrorism programs relating to cybersecurity, and for other purposes.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the 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. 5877) was ordered to a third reading, was read the third time, and passed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be discharged from further consideration of S. Res. 335 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 335) supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft.

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

Mr. BOOZMAN. Mr. President, I further 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. 335) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of December 15, 2015, under ''Submitted Resolutions.'')

INCREASING THE DEPARTMENT OF VETERANS AFFAIRS ACCOUNTABILITY TO VETERANS ACT OF 2015

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 290 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 290) to amend title 38, United States Code, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Moran substitute amendment 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. 5173) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 290), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

JEFF MILLER AND RICHARD BLUMENTHAL VETERANS HEALTH CARE AND BENEFITS IMPROVEMENT ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6416, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 6416) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent to have printed in the RECORD the Joint Explanatory Statement in relation to H.R. 6416, the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016.

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

JOINT EXPLANATORY STATEMENT FOR H.R. 6416, THE JEFF MILLER AND RICHARD BLUMENTHAL HEALTH CARE AND BENEFITS IMPROVEMENT ACT OF 2016

H.R. 6416 reflects a Compromise Agreement reached by the Committee on Veterans' Affairs of the Senate and House of Representatives on the following bills introduced during the 114th Congress: S. 244, S. 425 as amended, S. 1203 as amended, S. 1731 as amended, S. 2921, S. 3021, S. 3438 as amended, H.R. 272, H.R. 421 as amended, H.R. 627, H.R. 675 as amended, H.R. 677 as amended, H.R. 1313, H.R. 1338 as amended, H.R. 1384, H.R. 1607 as amended, H.R. 1769 as amended, H.R. 1994 as amended, H.R. 2256 as amended, H.R. 2360 as amended, H.R. 2915 as amended, H.R. 3016 as amended, H.R. 3106 as amended, H.R. 3216, H.R. 3715 as amended, H.R. 4011, H.R. 4150 as amended, H.R. 4757 as amended, H.R. 5047, H.R. 5099 as amended, H.R. 5229 as amended, H.R. 5286, and H.R. 5526.

S. 425 as amended was ordered favorably reported out of the Committee on Veterans' Affairs of the Senate on December 9, 2015, and was reported out on December 7, 2016; S. 1203 as amended passed the Senate on November 10, 2015; S. 1731 as amended passed the Senate on October 29, 2015; S. 2921, which incorporated provisions derived from numerous House and Senate bills listed above, was introduced on May 11, 2016, and was reported out of the Committee on Veterans' Affairs of the Senate on May 16, 2016; S. 3438 as amended passed the Senate on November 29, 2016; H.R. 675 as amended passed the House on July 28, 2015; H.R. 677 as amended passed the House on February 9, 2016; H.R. 1313 passed the House on May 18, 2015; H.R. 1338 as amended passed the House on November 16, 2015; H.R. 1384 passed the House on November 16, 2015; H.R. 1607 as amended passed the House on July 27, 2015; H.R. 1769 as amended was reported out of the Committee on Veterans' Affairs of the House on May 24, 2016; H.R. 1994 as amended passed the House on July 29, 2015; H.R. 2256 as amended passed the House on July 21, 2015; H.R. 2360 as amended passed the House on February 9, 2016; H.R. 2915 as amended passed the House on February 9, 2016; H.R. 3016 as amended passed the House on February 9, 2016; H.R. 3106 as amended passed the House on February 9, 2016; H.R. 3216 passed the House on September 26, 2016; H.R. 3715 as amended passed the House on May 23, 2016; H.R. 4150 as amended was reported out of the Committee on Veterans' Affairs of the House on November 14, 2016; H.R. 4757 as amended passed the House on November 29, 2016; H.R. 5047 passed the House on November 30, 2016; H.R. 5099 as amended was reported out of the Committee on Veterans' Affairs of the House on November 14, 2016; and H.R. 5229 as amended passed the House on May 23, 2016.

The Committees have prepared the following explanation of H.R. 6416 to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document,

except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—DISABILITY COMPENSATION MATTERS

EXPEDITED PAYMENT OF SURVIVORS' BENEFITS

Current Law

Section 5101 of title 38, United States Code (hereinafter, ''U.S.C.''), requires a claimant to file a formal claim as a condition of receiving Department of Veterans Affairs (hereinafter, ''VA'' or ''the Department'') benefits.

Senate Bill

Section 301 of S. 2921 would amend section 5101 of title 38, U.S.C., to authorize VA to pay benefits under chapter 13 (dependency and indemnity compensation) and chapter 15 (pension) and sections 2302 (funeral expenses), 2307 (burial benefits), and 5121 (accrued benefits) of title 38, U.S.C., to a survivor of a veteran who has not filed a formal claim if VA determines that the record contains sufficient evidence to establish the survivor's entitlement to those benefits. For purposes of establishing an effective date under section 5110 of title 38, U.S.C., the earlier of the following dates would be treated as the date of receipt of the survivor's application for benefits: the date the survivor or the survivor's representative notifies VA of the veteran's death through a death certificate or other relevant evidence that establishes entitlement to survivors' benefits or the head of any other department or agency of the Federal Government notifies VA of the veteran's death. These changes would apply with respect to claims for benefits based on a death occurring on or after the date of enactment. The Secretary of Veterans Affairs would be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on benefits paid pursuant to this authority.

House Bill

Section 5 of H.R. 677 as amended generally contains the same provisions as the Senate Bill, except that, for purposes of establishing an effective date under section 5110 of title 38, U.S.C., the earlier of the following dates would be treated as the date of receipt of the survivor's application for benefits: the date the survivor or the survivor's representative notifies VA of the veteran's death through a death certificate or relevant medical evidence indicating that the death was due to a service-connected or compensable disability or the head of any other department or agency of the Federal Government notifies VA of the veteran's death.

Compromise Agreement

Section 101 of the Compromise Agreement follows the language in the Senate Bill.

BOARD OF VETERANS' APPEALS VIDEO HEARINGS

Current Law

Under current law, section 7107(d) of title 38, U.S.C., an individual who appeals to the Board of Veterans' Appeals (hereinafter, ''Board'') may request a hearing at the Board's location in Washington, DC, or at a VA facility outside of Washington, DC (a field hearing). Further, under section 7107(e) of title 38, U.S.C., VA may provide equipment so that hearings outside of the Washington, DC, area can be conducted through video teleconference technology with Board members located in DC. If VA has made that technology available, the Chairman of the Board may allow appellants the opportunity to participate in a hearing using video teleconference technology, rather than having an in-person hearing with a Board member.

Senate Bill

Section 303 of S. 2921 would amend section 7107 of title 38, U.S.C., to provide that, for purposes of scheduling a hearing at the earliest possible date, the Board would determine the location and type of hearing to be conducted. It would further provide that an appellant may request a different location or type of hearing and the Board must grant such a request, as well as ensure the hearing is scheduled at the earliest possible date without any undue delay or other prejudice to the appellant. Amended section 7107 of title 38, U.S.C., would further provide that any hearing conducted through picture and voice transmission must be conducted in the same manner as, and must be considered the equivalent of, a personal hearing.

House Bill

Section 10 of H.R. 677 as amended is substantively identical to the provision in the Senate Bill.

Compromise Agreement

Section 102 of the Compromise Agreement follows the language in both bills.

Requirement that Secretary of Veterans Affairs publish the average time required to adjudicate early-filed and later-filed appeals

Current Law

Under current law, section 7105(b) of title 38, U.S.C., a claimant has 1 year to file a Notice of Disagreement after the date on which VA mails notice of an initial decision on a claim for benefits.

Senate Bill

Section 306 of S. 2921 would require VA, on an on-going basis, to make available to the public the average length of time it takes for VA to adjudicate a timely appeal and the average length of time it takes VA to adjudicate an untimely appeal. This requirement would take effect 1 year after enactment and would apply until 3 years after enactment. VA would be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on whether publication of that data has had an effect on the number of timely appeals that are filed. This section would define a ''timely'' appeal for these purposes as meaning an appeal filed not more than 180 days after the date VA mails notice of the initial decision and an ''untimely'' appeal as meaning an appeal filed more than 180 days after VA mails notice of the initial decision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 103 of the Compromise Agreement follows the language in the Senate Bill, except that it would use the phrase ''early-filed'' to describe appeals filed not more than 180 days after the date VA mails notice of the initial decision and ''later-filed'' to describe appeals filed more than 180 days after VA mails notice of the initial decision.

Comptroller General review of claims processing performance of regional offices of Veterans Benefits Administration

Current Law

Current law contains no relevant provisions.

Senate Bill

Section 307 of S. 2921 would require the Government Accountability Office (hereinafter, ''GAO'') to complete a review of VA's regional offices in order to help the Veterans Benefits Administration achieve more consistent performance in the processing of claims for disability compensation. The review must be completed by not later than 15 months after the date that is 270 days after the date of enactment. GAO would be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the results of that review.

House Bill

Section 14 of H.R. 677 as amended would establish a commission or task force to evaluate the backlog of claims at VA, including analyzing the most effective means to quickly and accurately resolve claims and options to improve the process.

Compromise Agreement

Section 104 of the Compromise Agreement follows the language in the Senate Bill.

Report on staffing levels at regional offices of Department of Veterans Affairs under National Work Queue

Current Law

Current law contains no relevant provisions.

Senate Bill

Section 310 of S. 2921 would require VA, not later than 15 months after enactment, to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the criteria and procedures that VA will use to determine appropriate staffing levels at the regional offices while using the National Work Queue for the distribution of claims processing work.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 105 of the Compromise Agreement follows the language in the Senate Bill.

Inclusion in annual budget submission of information on capacity of Veterans Benefits Administration to process benefits claims.

Current Law

Under current law, section 1105(a) of title 31, U.S.C., the President is required to submit to Congress an annual budget.

Senate Bill

Section 309 of S. 2921 would require VA to include in its annual budget submission information on the capacity of the Veterans Benefits Administration to process claims for VA benefits, including an estimate of the average number of claims for benefits that a single full-time equivalent employee can process in a year (excluding claims completed during mandatory overtime), based on a time and motion study and such other information as the Secretary of Veterans Affairs considers appropriate; a description of the actions VA will take to improve the processing of claims; and an assessment of the actions VA identified in the previous year that would be taken to improve claims processing and the effects of those actions. This requirement would apply with respect to the budget submitted for fiscal year 2017 and any fiscal year thereafter.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 106 of the Compromise Agreement follows the language in the Senate Bill, except that it would apply with respect to any fiscal year after fiscal year 2018.

REPORT ON PLANS OF SECRETARY OF VETERANS AFFAIRS TO REDUCE INVENTORY OF NON-RATING WORKLOAD; SENSE OF CONGRESS REGARDING MONDAY MORNING WORKLOAD REPORT

Current Law

Current law contains no relevant provision.

Senate Bill

Section 312 of S. 2921 would require VA, not later than 120 days after enactment, to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report that details VA's plans to reduce the inventory of work items listed in the Monday Morning Workload Report under End

Products 130 (Dependency—compensation), 137 (Dependency—pension), 173 (Predecisional hearings), 290 (Misc. determinations), 400 (Correspondence), 600 (Due process—compensation), 607 (Due process—pension), 690 (Cost of Living Adjustments and Social Security number verification), 930 (Review, including quality assurance), and 960 (Correction of errors).

Section 313 of S. 2921 would express the sense of Congress that VA should include in its Monday Morning Workload Report additional information about fully-developed claims and appeals.

House Bill

The House Bills contain no comparable provisions.

Compromise Agreement

Section 107 of the Compromise Agreement follows the language in the Senate Bill.

ANNUAL REPORT ON PROGRESS IN IMPLEMENTING VETERANS BENEFITS MANAGEMENT SYSTEM

Current Law

Current law contains no relevant provision.

Senate Bill

Section 311 of S. 2921 would require VA to submit reports to Congress annually on the progress in implementing the Veterans Benefits Management System (hereinafter, ''VBMS''). The report would include an assessment of the current functionality of VBMS, recommendations submitted to VA by employees involved in claims processing for legislative or administrative action considered appropriate to improve the processing of claims, and recommendations submitted to VA by veterans service organizations who use VBMS for legislative or administrative action considered appropriate to improve the system. The reporting requirement would sunset 3 years after enactment.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 108 of the Compromise Agreement follows the language in the Senate Bill.

IMPROVEMENTS TO AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS

Current Law

Under section 504 of Public Law 104–275, VA was authorized to conduct a pilot program to use mandatory funding to provide compensation and pension medical examinations through the use of contractors. Under section 704 of Public Law 108–183, VA is authorized to use appropriated funds to obtain compensation and pension medical examinations by contractors. Currently, a physician providing an evaluation under these authorities must be licensed in the state or territory in which the examination takes place.

Senate Bill

Section 304 of S. 2921 would modify these authorities to provide that, notwithstanding any law regarding the licensure of physicians, a physician described below may conduct an examination pursuant to a contract entered into under the authority granted in Public Law 104–275 or Public Law 108–183 at any location in any state, the District of Columbia, or a Commonwealth, territory, or possession of the United States, so long as the examination is within the scope of the authorized duties under such contract. This new authority would apply to a physician who has a current license to practice the health care profession of the physician, is performing authorized duties for VA pursuant to a contract for compensation and pension examinations, and is not barred from practicing his or her health care profession in any state, the District of Columbia, or a Commonwealth, territory, or possession of the United States.

House Bill

Section 11 of H.R. 677 as amended contains language substantively identical to the Senate Bill.

Compromise Agreement

Section 109 of the Compromise Agreement follows the language in both bills.

INDEPENDENT REVIEW OF PROCESS BY WHICH DEPARTMENT OF VETERANS AFFAIRS ASSESSES IMPAIRMENTS THAT RESULT FROM TRAUMATIC BRAIN INJURY FOR PURPOSES OF AWARDING DISABILITY COMPENSATION

Current Law

Current law contains no relevant provision.

Senate Bill

S. 244 would require VA to enter into an agreement with the Institute of Medicine of the National Academies to perform a comprehensive review of examinations furnished by VA to individuals who submit claims for compensation for traumatic brain injury to assess their cognitive impairments.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 110 of the Compromise Agreement generally follows the language in the Senate Bill, except that it would require a study to encompass all potential residuals of traumatic brain injury and includes technical changes.

REPORTS ON CLAIMS FOR DISABILITY COMPENSATION

Current Law

Under current law, section 5100 of title 38, U.S.C., the term ''claimant'' means ''any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.''

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Sections 3 and 4 of H.R. 677 as amended would define the term formal claim and require VA to submit to Congress quarterly reports on formal and informal claims.

Compromise Agreement

Section 111 of the Compromise Agreement would require VA to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on VA's policies with respect to the processing of reasonably raised unrelated claims and would require VA, annually for 5 years, to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on complete and incomplete claims for disability compensation submitted to VA.

SENSE OF CONGRESS REGARDING AMERICAN VETERANS DISABLED FOR LIFE

Current Law

Current law contains no relevant provision.

Senate Bill

Section 314 of S. 2921 would express the sense of Congress appreciating the service of men and women disabled due to service in the Armed Forces, supporting the annual recognition of such American veterans who are disabled for life, and encouraging the American people to honor such veterans each year.

House Bill

Section 17 of H.R. 677 as amended contains language substantively identical to the Senate Bill.

Compromise Agreement

Section 112 of the Compromise Agreement follows the language in the Senate Bill with an updated estimate of the number of veterans living with service-connected disabilities.

SENSE OF CONGRESS ON SUBMITTAL OF INFORMATION RELATING TO CLAIMS FOR DISABILITIES INCURRED OR AGGRAVATED BY MILITARY SEXUAL TRAUMA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 315 of S. 2921 would express the sense of Congress that VA should submit to Congress information on claims for disability compensation based on post-traumatic stress disorder alleged to have been incurred or aggravated by military sexual trauma.

House Bill

Section 2 of H.R. 1607 as amended would require VA to submit to Congress annual reports on claims for disability compensation based on a mental health condition alleged to have been incurred or aggravated by military sexual trauma.

Compromise Agreement

Section 113 of the Compromise Agreement would express the sense of Congress that VA should submit to Congress information on claims for disability compensation based on a mental health condition alleged to have been incurred or aggravated by military sexual trauma.

TITLE II—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

EXTENSION OF TEMPORARY INCREASE IN NUMBER OF JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Current Law

Under section 7253(a) of title 38, U.S.C., the United States Court of Appeals for Veterans Claims (hereinafter, ''Veterans Court'') was originally authorized to be composed of not more than seven judges. In 2001, the Veterans Court was temporarily expanded from seven to nine authorized judges for the period spanning January 2002 through August 2005 by Public Law 107–103. In 2008, the Veterans Court was again expanded from seven to nine authorized judges until January 2013 by Public Law 110–389.

Senate Bill

Section 701 of S. 2921 would amend section 7253, U.S.C., to expand the number of authorized judges at the Veterans Court to nine through January 1, 2021. It also would require the chief judge of the Veterans Court to report to Congress not later than June 30, 2020, on the temporary expansion, including an assessment on the effect of the expansion to ensure appeals are handled in a timely manner, a description of the types of ways in which the complexity levels of appeals may vary based on appellants' eras of service, and a recommendation on whether the number of judges should be adjusted at the end of the expansion time.

House Bill

Section 201 of H.R. 675 as amended would expand the number of authorized judges at the Veterans Court to nine through January 1, 2020.

Compromise Agreement

Section 201 of the Compromise Agreement generally follows the language in the Senate Bill.

LIFE INSURANCE PROGRAM RELATING TO JUDGES OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Current Law

Under chapter 87 of title 5, U.S.C., certain Federal employees are eligible to purchase Federal Employees' Group Life Insurance. Section 604(a)(5) of title 28, U.S.C., provides that the Administrative Office of the United States Courts will pay for certain judges age 65 and older any increase in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999.

Senate Bill

Section 702 of S. 2921 generally mirrors the House Bill except that it specifies that the Veterans Court would pay for the post–1999 increases.

House Bill

Section 203 of H.R. 675 as amended would amend section 7281 of title 38, U.S.C., to provide that the government would be required to pay for any post–1999 increases in the life insurance premiums for judges of the Veterans Court who are age 65 and older.

Compromise Agreement

Section 202 of the Compromise Agreement follows the language in the Senate Bill.

VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY

Current Law

Under section 7297 of title 38, U.S.C., a judge of the Veterans Court may elect to pay for a survivor annuity that would be paid to the judge's surviving spouse upon the death of the judge.

Senate Bill

Section 703 of S. 2921 contains language that mirrors the House Bill.

House Bill

Section 204 of H.R. 675 as amended would authorize a covered judge to purchase, in three-month increments, up to an additional year of service credit for each year of Federal judicial service completed. A covered judge is defined as: (1) a judge in regular active service; (2) a retired judge who is recall-eligible; or (3) a retired judge who would be recall-eligible but for meeting the aggregate recall service requirements under section 7257(b)(3) of title 38, U.S.C., or is permanently disabled as described by section 7257(b)(4) of title 38, U.S.C.

Compromise Agreement

Section 203 of the Compromise Agreement follows the language in both bills.

SELECTION OF CHIEF JUDGE OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Current Law

Under current law, section 7253(d) of title 38, U.S.C., the chief judge of the Veterans Court is the judge in regular active service who is senior in commission among judges who has served for at least 1 year as a judge and who has not previously served as chief judge. The chief judge serves for a term of 5 years or until the judge turns 70 years old, whichever occurs first.

Senate Bill

Section 704 of S. 2921 would amend section 7253(d), U.S.C., to add a prerequisite that a judge also must have at least 3 years remaining in his or her term of office in order to serve as the chief judge. It would also specify that, if there is no judge who meets all of the criteria to serve as chief judge, the chief judge will be the judge in regular active service who is senior in commission, has not previously served as chief judge, and either has 3 years remaining or has served for at least 1 year as a judge. If no judge meets those criteria, the chief judge would be the judge most senior in commission who has not previously served as chief judge. These changes would apply with respect to selection of a chief judge occurring on or after January 1, 2020.

House Bill

Section 206 of H.R. 675 as amended would revise the qualifications for the chief judge of the Veterans Court. This section would require that the chief judge: (1) be 64 years of age and under; (2) have at least 3 years remaining in term of office; and (3) have not previously served as chief judge. In any case in which there is no judge of the Veterans Court who meets all of these requirements, the judge of the Veterans Court in regular active service who is senior in commission and has not served previously as chief judge and has either served for at least 1 year as a judge of the court or is 64 years of age and under and has at least 3 years remaining in term of office, would act as the chief judge.

Compromise Agreement

Section 204 of the Compromise Agreement follows the language in the Senate Bill.

TITLE III—BURIAL BENEFITS AND OTHER MATTERS

EXPANSION OF ELIGIBILITY FOR HEADSTONES, MARKERS, AND MEDALLIONS

Current Law

Current law, section 2306 of title 38, U.S.C., requires VA to provide, upon request, a headstone or marker for the grave of an eligible individual in a private cemetery. VA may also provide, upon request, a medallion signifying the status of the deceased as a veteran, to be affixed to the privately purchased headstone or marker of the deceased in lieu of providing a government-furnished headstone or marker. This medallion is only available for the headstone or marker of an individual who dies on or after November 1, 1990.

Senate Bill

Section 801 of S. 2921 would amend section 2306(d)(4) of title 38, U.S.C., to specify that medallions may be provided for deceased individuals who served in the Armed Forces on or after April 6, 1917, in lieu of a government furnished headstone or marker.

House Bill

Section 2 of H.R. 677 as amended is substantively identical to section 801 of S. 2921. Section 1 of H.R. 4757 as amended adds a new paragraph (5) to section 2306(d) of title 38, U.S.C., requiring VA to provide a headstone, marker, or medallion signifying the deceased's status as a medal of honor recipient when furnishing a headstone, marker, or medallion for placement in a private cemetery.

Compromise Agreement

Section 301 of the Compromise Agreement follows the language in the House Bills and combines section 2 of H.R. 677 as amended with section 1 of H.R. 4757 as amended.

EXPANSION OF PRESIDENTIAL MEMORIAL CERTIFICATE PROGRAM

Current Law

Section 112 of title 38, U.S.C., authorizes a program to honor the memory of deceased veterans with honorable discharges and persons who died in active military, naval, or air service by providing a Presidential certificate to surviving family and friends.

Senate Bill

The Senate Bills contain no comparable provisions.

House Bill

Section 2 of H.R. 4757 as amended would amend section 112 of title 38, U.S.C., by adding eligible groups of individuals from paragraphs (2), (3), and (7) of section 2402(a) of title 38, U.S.C.

Compromise Agreement

Section 302 of the Compromise Agreement replaces all eligibility criteria in section 112 of title 38, U.S.C., with eligibility based on a reference to paragraphs (1), (2), (3), and (7) of section 2402(a) of that title.

DEPARTMENT OF VETERANS AFFAIRS STUDY ON MATTERS RELATING TO BURIAL OF UNCLAIMED REMAINS OF VETERANS IN NATIONAL CEMETERIES

Current Law

Under section 2302 of title 38, U.S.C., VA may pay for the reimbursement of the costs of a burial receptacle when a deceased veteran has no next of kin nor sufficient resources to furnish the burial receptacle. Section 2414 of that title requires VA to collect information from the local medical examiner, funeral director, or other responsible entity on whether or not the veteran was cremated and what steps were taken to ensure the deceased veteran had no next of kin.

Senate Bill

Section 804 of S. 2921 would require VA to complete a study on matters relating to the interment of unclaimed remains of veterans in national cemeteries and submit a report to Congress on the findings of the study. The study would include the scope of related issues including the estimated number of unclaimed remains, effectiveness of VA procedures to work with persons or entities in custody of unclaimed remains, and an assessment of state and local laws affecting VA's ability to inter unclaimed remains. This section would take effect 1 year after enactment and the report would be required 1 year after it takes effect.

House Bill

Section 2 of H.R. 1338 as amended is substantively identical to the Senate Bill in the requirements of the study. The House Bill does not delay the effective date of the provision after enactment.

Compromise Agreement

Section 303 of the Compromise Agreement follows the language in the Senate Bill.

STUDY ON PROVISION OF INTERMENTS IN VETERANS' CEMETERIES DURING WEEKENDS

Current Law

Chapter 24 of title 38, U.S.C., establishes the National Cemetery Administration, directs the Secretary of Veterans Affairs to administer the national cemeteries, and authorizes VA to provide aid to states and tribal organizations for the establishment, expansion, and improvement of veterans' cemeteries.

Senate Bill

The Senate Bills contain no comparable provisions.

House Bill

H.R. 3715 as amended would amend section 2404 of title 38, U.S.C., to direct VA to permit interments in national cemeteries and state veterans' cemeteries during weekends other than Federal holiday weekends at the request of the veteran's next of kin. VA would be required to notify an individual requesting interment of a veteran of the opportunity to request a weekend interment.

Compromise Agreement

Section 304 of the Compromise Agreement would require VA to conduct a study on the feasibility and the need for providing increased interment options on weekends. The study would need to include information about requests for weekend burials over the past 10 years as well as a comparison of practices related to weekend burials at non-VA cemeteries. VA would be required to complete the study and provide a report to Congress within 180 days of enactment. Honoring

as veterans certain persons who performed service in the Reserve components of the Armed Forces.

Current Law

Under current law, section 101(2) of title 38, U.S.C., for purposes of determining eligibility for benefits administered by VA, a veteran is defined as ''a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.'' As such, a member of the Reserve components who is eligible for retirement pay, or in receipt of retired pay, who did not have qualifying active duty service, is not recognized as a veteran for purposes of eligibility for certain VA benefits.

Senate Bill

Section 701 of S. 1203 as amended would recognize the service of certain individuals in the Reserve components of the Armed Forces by honoring them as veterans. This section, in a non-codified provision, would honor as a veteran those individuals who are entitled under chapter 1223 of title 10, U.S.C., to retired pay for irregular service or who would be entitled to retired pay, but for age. Those who are honored as ''veterans'' under this section would not be entitled to any VA benefit by reason of such recognition.

House Bill

H.R. 1384 would amend title 38, U.S.C., to honor as a veteran those individuals who are entitled under chapter 1223 of title 10, U.S.C., to retired pay for irregular service or who would be entitled to retired pay, but for age. Those who are honored as ''veterans'' under this section would not be entitled to any VA benefit by reason of such recognition.

Compromise Agreement

Section 305 of the Compromise Agreement follows the language in the Senate Bill.

TITLE IV—EDUCATIONAL ASSISTANCE AND VOCATIONAL REHABILITATION

CLARIFICATION OF ELIGIBILITY FOR MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP

Current Law

Section 3311(b)(9) of title 38, U.S.C., as amended by section 701(d) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note), authorizes educational assistance to the surviving spouse and child of an active duty servicemember who dies in the line of duty on or after September 11, 2001. The delimitation date for use of this benefit by a surviving spouse is 15 years from the date of death of the active duty servicemember.

Senate Bill

Section 401 of S. 2921 would amend section 3317 of title 38, U.S.C., to allow Fry Scholarship recipients to participate in the Yellow Ribbon Program. It would also amend section 701(d) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146) to treat deaths of servicemembers that occurred between September 11, 2001, and December 31, 2005, as if they had occurred on January 1, 2006, for purposes of that section. The changes made by section 401 would apply to terms of study beginning on or after January 1, 2015.

House Bill

Section 302 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 401 of the Compromise Agreement includes the provision amending section 701(d) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146) to treat deaths of servicemembers that occurred between September 11, 2001, and December 31, 2005, as if they had occurred on January 1, 2006, for purposes of that section. It does not include the provision amending section 3317 of title 38, U.S.C., to allow Fry Scholarship recipients to participate in the Yellow Ribbon Program.

APPROVAL OF COURSES OF EDUCATION AND TRAINING FOR PURPOSES OF THE VOCATIONAL REHABILITATION PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Subchapter I of chapter 36 of title 38, U.S.C., provides criteria under which a course of education or training may be approved or disapproved for the use of veterans educational assistance. Assistance provided under the Vocational Rehabilitation and Employment program is not subject to these same criteria.

Senate Bill

Section 404 of S. 2921 amends section 3104(b) of title 38, U.S.C., to require, to the maximum extent practicable, that an education or training program pursued under Vocational Rehabilitation and Employment must be an approved course for purposes of the Montgomery GI Bill or the Post-9/11 GI Bill. Section 404 would grant the Secretary of Veterans Affairs authority to waive this new requirement. This section would take effect 1 year after the provision's enactment.

House Bill

Section 303 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 402 of the Compromise Agreement follows the language in both bills.

AUTHORITY TO PRIORITIZE VOCATIONAL REHABILITATION SERVICES BASED ON NEED

Current Law

Section 3104 of title 38, U.S.C., describes the services and assistance that VA may provide under the Vocational Rehabilitation and Employment program. It does not include authority for VA to prioritize the provision of these services to veterans.

Senate Bill

Section 405 of S. 2921 would add a new subsection to section 3104 of title 38, U.S.C., granting the Secretary of Veterans Affairs the authority to prioritize the provision of Vocational Rehabilitation and Employment services to veterans. The Secretary would be authorized to consider the disability rating, employment handicap, qualification for an independent living program, income, and any other appropriate factor in establishing priority. The Secretary would be required to submit a plan to Congress no later than 90 days prior to any planned change in prioritizing services.

House Bill

Section 304 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 403 of the Compromise Agreement follows the language in both bills.

REPORTS ON PROGRESS OF STUDENTS RECEIVING POST-9/11 EDUCATIONAL ASSISTANCE

Current Law

Current law requires educational and training institutions to report to VA the enrollment of students receiving VA educational assistance, to include changes to enrollments within a term and completion of the educational objective.

Senate Bill

Section 410 of S. 2921 would require educational institutions to submit an annual report to VA not later than 1 year after enactment on the academic progress of students for whom it receives payments under the Post-9/11 GI Bill. The Secretary of Veterans Affairs would be required to include this information in the annual report to Congress on the Post-9/11 GI Bill.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 404 of the Compromise Agreement follows the language in the Senate Bill.

RECODIFICATION AND IMPROVEMENT OF ELECTION PROCESS FOR POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM

Current Law

The Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252) established the process by which individuals may elect from multiple educational assistance programs for which they are eligible the one they wish to use. The election is irrevocable.

Senate Bill

Section 406 of S. 2921 would codify in a redesignated section 3325 of title 38, U.S.C., the provisions now found in section 5003(c) of Public Law 110–252 and would add a provision to that new section providing that, in the case of an individual who on or after January 1, 2016, submits to VA an election of which education program to use that VA determines is clearly against the interests of the individual or who fails to make an election, VA may make an alternative election on behalf of the individual that VA determines is in the best interests of the individual. This section would also require VA to promptly notify the veteran of such alternate election and allow the veteran 30 days to modify the election.

House Bill

Section 305 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 405 of the Compromise Agreement follows the language of both bills.

WORK-STUDY ALLOWANCE

Current Law

Current law, section 3485 of title 38, U.S.C., authorizes VA to pay a work-study allowance to individuals receiving VA educational assistance if they meet certain enrollment requirements and work for up to 25 hours per week at an approved VA work-study location in a VA facility or educational institution.

Senate Bill

Section 407 of S. 2921 would amend section 3485 of title 38, U.S.C., to provide an additional period of 5 years, from June 30, 2016, to June 30, 2021, during which a student may receive a work-study allowance for performing outreach services for a State approving agency, providing hospital and domiciliary care and medical treatment to veterans in a State home, or performing an activity relating to the administration of a national cemetery or a state veterans' cemetery.

House Bill

Section 308 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 406 of the Compromise Agreement follows the language in both bills, except that the 5-year period would run from June 30, 2017, to June 30, 2022.

CENTRALIZED REPORTING OF VETERAN ENROLLMENT BY CERTAIN GROUPS, DISTRICTS, AND CONSORTIUMS OF EDUCATIONAL INSTITUTIONS

Current Law

Current law, section 3684 of title 38, U.S.C., requires educational and training institutions to report to VA the enrollment of students receiving VA educational assistance

and to certify their compliance with the requirements of approval for VA educational assistance in order to receive payments.

Senate Bill

Section 421 of S. 2921 would modify section 3684 of title 38, U.S.C., so that an ''educational institution'' for purposes of reporting to VA enrollments in education programs would include a group, district, or consortium of separately accredited educational institutions located in the same state that are organized in a manner that facilitates the centralized reporting of enrollments in the group, district, or consortium of institutions.

House Bill

Section 401 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 407 of the Compromise Agreement follows the language in both bills.

ROLE OF STATE APPROVING AGENCIES

Current Law

Under current law, section 3672 of title 38, U.S.C., certain types of education courses meeting criteria in chapter 36 of title 38, U.S.C., are deemed approved for the use of VA educational assistance.

Senate Bill

Section 423 of S. 2921 would amend section 3672 of title 38, U.S.C., so that an education program would be deemed approved for purposes of VA education benefits only if a State approving agency determines that the program meets the deemed-approved criteria. It would also modify section 3675 of title 38, U.S.C., so that a program that is not subject to approval under section 3672 of title 38, U.S.C., may be approved by a State approving agency or VA acting in the role of a State approving agency when the criteria for approval of accredited programs at for-profit institutions are met.

House Bill

Section 403 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 408 of the Compromise Agreement follows the language in both bills.

MODIFICATION OF REQUIREMENTS FOR APPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS OF PROGRAMS DESIGNED TO PREPARE INDIVIDUALS FOR LICENSURE OR CERTIFICATION

Current Law

Current law, sections 3675 and 3676 of title 38, U.S.C., lists a number of requirements for accredited and non-accredited education and training programs to be approved for VA educational assistance, including for licensure and certification programs.

Senate Bill

Section 425 of S. 2921 would amend chapter 36 of title 38, U.S.C., to require both accredited and non-accredited programs that are designed to prepare an individual for licensure or certification in a state to meet any instructional curriculum licensure or certification requirements of the state in order to be approved for purposes of VA education benefits. It would also require programs designed to prepare an individual for employment pursuant to standards developed by a board or agency of a state in an occupation that requires approval or licensure to be approved or licensed by the board or agency of the state in order to be approved for purposes of VA education benefits. It would also require that any course of education designed to prepare a student for licensure to practice law be accredited by a recognized party. It would add a new subsection (f) to section 3676 of title 38, U.S.C., providing that the Secretary of Veterans Affairs would be authorized to waive either of those requirements in certain circumstances and would add specific criteria for disapproving such courses in section 3679 of title 38, U.S.C. This section would not apply to individuals continuously enrolled in a course if that course is later disapproved pursuant to this section.

House Bill

H.R. 2360 as amended contains similar language to the Senate Bill, but lacks the language specifying the requirements apply to courses preparing for licensure to practice law and to standard college degree programs at accredited public or not-for-profit educational institutions.

Compromise Agreement

Section 409 of the Compromise Agreement follows the language in the Senate Bill.

CRITERIA USED TO APPROVE COURSES

Current Law

Current law, section 3676 of title 38, U.S.C., requires non-accredited courses to meet a number of criteria in order to be approved for VA educational assistance. Included in these are any additional criteria as may be deemed necessary by the State approving agency.

Senate Bill

Section 424 of S. 2921 would modify section 3676 of title 38, U.S.C., so that additional criteria may be required only if the Secretary, in consultation with the State approving agency and pursuant to regulations prescribed to carry out this requirement, determines that the additional criteria are necessary and treat public, private, and proprietary for-profit educational institutions equitably. Section 424 would modify section 3675 of title 38, U.S.C., so that accredited courses must also meet those additional criteria to be approved.

House Bill

Section 404 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 410 of the Compromise Agreement follows the language in both bills.

COMPLIANCE SURVEYS

Current Law

Section 3693 of title 38, U.S.C., requires VA to conduct compliance surveys of institutions that enroll eligible veterans in education programs approved for VA educational assistance. VA must conduct compliance surveys each year for institutions enrolling 300 or more eligible veterans or offering courses other than standard college degrees.

Senate Bill

Section 426 of S. 2921 would amend section 3693 of title 38, U.S.C., to provide that VA generally must conduct an annual compliance survey of educational institutions and training establishments offering approved courses if at least 20 veterans or other VA beneficiaries are enrolled in its courses; VA must design the compliance survey to ensure that institutions or establishments and approved courses are in compliance with all applicable provisions of chapters 30 through 36 of title 38, U.S.C.; VA must survey each institution or establishment not less than once during every 2-year period; VA must assign not fewer than one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required; and VA must, in consultation with State approving agencies, annually determine the parameters of the surveys and not later than September 1 of each year make available to the State approving agencies a list of educational institutions and training establishments that will be surveyed during the fiscal year following the date of making the list available.

House Bill

Section 405 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 411 of the Compromise Agreement follows the language in both bills.

MODIFICATION OF REDUCTION IN REPORTING FEE MULTIPLIERS FOR PAYMENTS BY SECRETARY OF VETERANS AFFAIRS TO EDUCATIONAL INSTITUTIONS

Current Law

Current law, section 3684 of title 38, U.S.C., directs VA to pay educational institutions a fee for each educational assistance beneficiary whose enrollment the institution certifies to VA. The current fees are $9 or $12 per student depending on whether or not the school receives an assistance payment in care of the beneficiary.

Senate Bill

Section 902 of S. 2921 would change the rates of the reporting fees that are paid to educational institutions beginning on September 26, 2016. The rates would change from $9 and $13 per student to $8 and $12 per student until September 25, 2025.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 412 of the Compromise Agreement would change the rates of the reporting fees to $6 and $12 per student through September 25, 2017. From September 26, 2017, to September 25, 2026, the reporting fees would be paid at a rate of $7 and $12 per student.

COMPOSITION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION

Current Law

Current law, section 3692 of title 38, U.S.C., requires VA to include veterans who are representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, the post-Vietnam era, and the Persian Gulf War when forming the Veterans' Advisory Committee on Education.

Senate Bill

The Senate Bills contain no relevant provision.

House Bill

The House Bills contain no relevant provision.

Compromise Agreement

Section 413 of the Compromise Agreement includes language from a VA legislative proposal that would amend section 3692(a) of title 38, U.S.C., to modify the requirements on the composition of the Veterans' Advisory Committee on Education. The current requirement to include veterans representing specific conflict eras, such as World War II, Korea, and Vietnam, would be replaced with a more flexible requirement to include veterans representing those who have used, are using, or may in the future use VA educational assistance benefits.

SURVEY OF INDIVIDUALS USING THEIR ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER THE EDUCATIONAL ASSISTANCE PROGRAMS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 427 of S. 2921 would require VA to contract with a non-government entity to

conduct a survey of individuals who are using or have used VA educational benefits. The survey would have to be contracted within 9 months of enactment, provided to the Committee on Veterans' Affairs of the Senate and House of Representatives at least 30 days in advance of data collection, completed within 6 months, and conducted by electronic means. The survey would include demographic information, opinion on effectiveness of transition assistance programs, and resources used to decide on a program of education and which education benefit to use, among other survey requirements. VA would be required to report to the Committee on Veterans' Affairs of the Senate and House of Representatives on the findings of this survey within 90 days of its completion.

House Bill

Section 406 of H.R. 3016 as amended is substantively identical to the Senate Bill.

Compromise Agreement

Section 414 of the Compromise Agreement follows the language in both bills.

DEPARTMENT OF VETERANS AFFAIRS PROVISION OF INFORMATION ON ARTICULATION AGREEMENTS BETWEEN INSTITUTIONS OF HIGHER LEARNING

Current Law

Current law, section 3697A of title 38, U.S.C., directs VA to provide educational and vocational counseling to veterans within 1 year of separation from the military and to other eligible individuals using VA educational assistance.

Senate Bill

The Senate Bills contain no similar provisions.

House Bill

H.R. 5047 would require VA counselors providing educational or vocational counseling under section 3697A of title 38, U.S.C., to provide, as part of that counseling, information on articulation agreements at each educational institution in which the individual is interested. VA must also include information on articulation agreements when it provides a certification of eligibility for educational assistance.

Compromise Agreement

Section 415 of the Compromise Agreement follows the language in the House Bill.

RETENTION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE DURING CERTAIN ADDITIONAL PERIODS OF ACTIVE DUTY

Current Law

Current law, sections 16131 and 16133 of title 10, U.S.C., allows used entitlement to the Montgomery GI Bill-Selected Reserves to be retained by an individual when their enrollment is interrupted by orders to active duty under certain sections of title 10, U.S.C.

Senate Bill

Section 408 of S. 2921 would add 10 U.S.C. 12304a and 12304b to the list of authorities in 10 U.S.C. 16131 and 16133 under which a reservist may regain lost payments and lost entitlement for the Montgomery GI Bill-Selected Reserve education program when that activation authority prevented the reservist from completing his or her studies.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 416 of the Compromise Agreement follows the language in the Senate Bill.

TECHNICAL AMENDMENT RELATING TO IN-STATE TUITION RATE FOR INDIVIDUALS TO WHOM ENTITLEMENT IS TRANSFERRED UNDER ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE

Current Law

Current law, section 3679 of title 38, U.S.C., as amended by section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note), requires VA to disapprove any program in which a veteran within 3 years of separation or their dependent using transferred education benefits is charged more than the in-state tuition rate charged to residents of the state for that same program.

Senate Bill

Section 428 of S. 2921 would amend section 3679(c)(2)(B) of title 38, U.S.C., to specify that a covered individual includes someone using education benefits transferred to them under section 3319 of title 38, U.S.C., when the person who transferred benefits is a veteran within 3 years of separation from active duty or a member of the uniformed services described in section 3319(b) of title 38, U.S.C. Under this section, VA must disapprove courses in which these covered individuals are charged more than the in-state tuition rate charged to residents of the state for the same program. This change would apply with courses and terms beginning after July 1, 2017.

House Bill

Section 408 of H.R. 3016 as amended is similar to the language in the Senate Bill but would require disapproval when the in-state tuition rate is not applied for any individual using transferred education benefits under section 3319 of title 38, U.S.C., without regard to how many years have passed since the veteran's military separation.

Compromise Agreement

Section 417 of the Compromise Agreement follows the language in the Senate Bill.

STUDY ON THE EFFECTIVENESS OF VETERANS TRANSITION EFFORTS

Current Law

Current law, section 1144 of title 10, U.S.C., requires the Departments of Defense, Veterans Affairs, Homeland Security, and Labor to provide transition assistance training to transitioning members of the Armed Forces.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

H.R. 5229 as amended would require VA, in coordination with the Departments of Defense and Labor, to conduct a study evaluating military transition assistance programs with emphasis on their effectiveness for certain groups of minority veterans. VA would be required to report to Congress its findings and any recommendations within 18 months of enactment. The House Bill would also prohibit the authorization of additional funds to carry out these requirements.

Compromise Agreement

Section 418 of the Compromise Agreement follows the language in the House Bill.

TITLE V—SMALL BUSINESS AND EMPLOYMENT MATTERS

MODIFICATION OF TREATMENT UNDER CONTRACTING GOALS AND PREFERENCES OF DEPARTMENT OF VETERANS AFFAIRS

Current Law

Under current law, section 8127 of title 38, U.S.C., if the death of a veteran causes a small business to be less than 51 percent owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights shall be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans. The current transition period from the date of the veteran's death is the earliest of the following dates: the date on which the surviving spouse remarries; the date on which the surviving spouse relinquishes an ownership interest in the small business concern; or the date that is 10 years after the date of the veteran's death.

Current law only applies to a surviving spouse of a veteran with a service-connected disability rated as 100 percent disabling or who dies as a result of a service-connected disability.

Senate Bill

Sections 501 and 502 of S. 1203 as amended would modify the ownership requirements for small business contracts and preferences. In the case of a veteran who dies as a result of a service-connected disability with a 100 percent rating, the surviving spouse would also be allowed to assume control of the business for 10 years after the date of the veteran's death. For a veteran who passes away with less than 100 percent disability, who does not die of a service-connected disability, a transition period of 3 years after the veteran's death would be authorized.

House Bill

H.R. 1313 is substantively identical to the Senate Bill.

Compromise Agreement

Section 501 of the Compromise Agreement follows the language in both bills.

LONGITUDINAL STUDY OF JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

Current Law

Current law, section 4103A of title 38, U.S.C., provides intensive services for veterans with significant barriers to employment to meet their employment needs and facilitate placements.

Senate Bill

Section 502 of S. 2921 would add section 4115 to chapter 41 of title 38, U.S.C., which would require the Secretary of Labor to contract with a non-government entity to conduct a 5-year longitudinal study of job counseling, training, and placement service for veterans. The study would collect information relating to length of military service, disability, unemployment, income levels, home ownership, use of job counseling and training services, and demographic information. The Secretary would report the findings to Congress by not later than July 1 of each year for the 5-year period and include in the report the number of job fairs attended by One-Stop Career Center employees where they had contact with veterans and the number of veterans contacted at each job fair.

House Bill

Section 502 of H.R. 3016 as amended is substantively similar to the Senate Bill but would not require the study or inclusion of job fairs attended by One-Stop Career Center employees.

Compromise Agreement

Section 502 of the Compromise Agreement follows the language in the Senate Bill.

LIMITATION ON ADMINISTRATIVE LEAVE FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS

Current Law

Current law places no restrictions on administrative leave.

Senate Bill

Section 124 of S. 2921 would restrict the ability of the Secretary of Veterans Affairs to place employees on administrative leave for no more than 14 days in a given year. The Secretary may waive the limitation but would be required to provide the Committee on Veterans' Affairs of the Senate and House of Representatives a detailed explanation for extending the administrative leave. The explanation would be required to include the position and location where the individual is employed. Not later than 30 days after the end of each fiscal year, the Secretary would also be required to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report listing the position of each employee of the Department (if any) who has been placed on administrative leave for a period longer than 14 business days during such fiscal year.

House Bill

Section 7 of H.R. 1994 as amended is similar to the Senate Bill, except that it would require the Secretary of Veterans Affairs to also report the name of any individual who was placed on administrative leave for longer than 14 days to the Committee on Veterans' Affairs of the Senate and House of Representatives. The House Bill also would not require an additional report from the Secretary at the end of each fiscal year of each individual placed on administrative leave for a time that is greater than 14 days in the prior fiscal year.

Compromise Agreement

Section 503 of the Compromise Agreement follows the language in the House Bill, except that it would not require the Secretary to provide any individual's name who is placed on administrative leave for a time that is greater than 14 days and would only require the Secretary to report an individual's job title, pay grade, and location.

REQUIRED COORDINATION BETWEEN DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING WITH STATE DEPARTMENTS OF LABOR AND VETERANS AFFAIRS

Current Law

Current law, section 4103 of title 38, U.S.C., directs the Department of Labor to assign directors of veterans' employment and training to each state.

Senate Bill

Section 501 of S. 2921 would require the Department of Labor's director of veterans' employment and training for each state to coordinate their activities with the state agencies for labor and veterans affairs. Section 501 would take effect 1 year after the enactment date.

House Bill

The House Bills contain no similar provisions.

Compromise Agreement

Section 504 of the Compromise Agreement follows the language in the Senate Bill.

TITLE VI—HEALTH CARE MATTERS

SUBTITLE A—MEDICAL CARE

REQUIREMENT FOR ADVANCE APPROPRIATIONS FOR THE MEDICAL COMMUNITY CARE ACCOUNT OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 117 of title 38, U.S.C., provides for the advance appropriations of certain VA appropriations accounts. Providing appropriations in advance ensures that medical care and certain benefits continue if annual appropriations bills or a continuing resolution to provide funding are not signed into law before the end of the fiscal year. Public Law 114–41, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015, provided a new appropriations account to fund medical care that is not provided at a VA facility.

Senate Bill

Section 274 of S. 2921 would provide for the advance appropriation of funding for the Medical Community Care Appropriations account.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 601 of the Compromise Agreement follows the language in the Senate Bill.

IMPROVED ACCESS TO APPROPRIATE IMMUNIZATIONS FOR VETERANS

Current Law

Section 1701 of title 38, U.S.C., provides definitions for medical care and hospital care. To promote health and prevent diseases among veterans, VA delivers preventive health services, which includes providing immunizations against infectious diseases. Recommendations on immunizations for adults are made by the Advisory Committee on Immunization Practices, an entity that advises the Secretary of the Department of Health and Human Services and is supported by the Centers for Disease Control and Prevention. That advisory committee publishes an immunization schedule for adults.

Senate Bill

Section 201 of S. 2921 would amend section 1701 of title 38, U.S.C., to clarify that the term ''preventive health services'' encompasses immunizations against infectious diseases, including each immunization on the recommended adult immunization schedule at the time such immunization is indicated on that schedule. The section would also require VA to report to the Committee on Veterans' Affairs of the Senate and House of Representatives on programs conducted the previous fiscal year to ensure veterans have access to the recommended immunizations. Section 201 would also ensure that a veteran would not receive an immunization that the veteran does not wish to receive.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the language in the Senate Bill.

PRIORITY OF MEDAL OF HONOR RECIPIENTS IN HEALTH CARE SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 1705 of title 38, U.S.C., provides for eligibility for the VA health care system. Medal of honor recipients are eligible to be enrolled in the VA healthcare system under priority group three and are required to pay applicable VA copayments for certain care.

Senate Bill

Section 203 of S. 2921 would increase medal of honor recipients from priority group three to priority group one in the VA health care system. Medal of honor recipients would be elevated to the highest priority group within the Veterans Health Administration and would not be required to pay co-payments for care they received.

House Bill

Section 102 of H.R. 3016 as amended contains an identical provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the language in both bills.

REQUIREMENT THAT DEPARTMENT OF VETERANS AFFAIRS COLLECT HEALTH-PLAN CONTRACT INFORMATION FROM VETERANS

Current Law

Public Law 114–223 restricts VA's use of fiscal year 2017 funding for the provision of hospital care, nursing home care, or medical services under chapter 17 of title 38, U.S.C., for non-service connected disabilities under section 1729(a)(2) of title 38, U.S.C., unless the veteran has provided third-party reimbursement information.

Senate Bill

Section 241 of S. 2921 would amend title 38, U.S.C., and add a new section 1705A. This section would require VA to collect from individuals information on health-plan contracts and would allow VA to take any action necessary to collect the information. In addition, this section would denote that the Secretary may not deny services to an individual if he or she fails to provide this information.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 604 of the Compromise Agreement follows the Senate Bill.

MENTAL HEALTH TREATMENT FOR VETERANS WHO HAVE SERVED IN CLASSIFIED MISSIONS

Current Law

Section 7301 of title 38, U.S.C., established within the Veterans Health Administration of the Department of Veterans Affairs the primary function to provide complete medical and hospital services for the medical care and treatment of veterans. Section 1701 of title 38, U.S.C., defines ''hospital care'' to include ''mental health services, consultation, professional counseling, marriage and family counseling.''

Senate Bill

Section 212 of S. 2921 would amend title 38, U.S.C., by adding a new section, 1720H, to direct VA to establish standards and procedures in consultation with the Department of Defense to ensure that veterans who participated in classified missions or served in sensitive units may access mental health care in a manner that fully accommodates their obligation to not improperly disclose classified information.

House Bill

Section 3 of H.R. 2915 as amended contains an identical provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the language in the Senate and House Bills.

EXAMINATION AND TREATMENT BY DEPARTMENT OF VETERANS AFFAIRS FOR EMERGENCY MEDICAL CONDITIONS AND WOMEN IN LABOR

Current Law

Current law contains no relevant provisions.

Senate Bill

Section 246 of S. 2921 would add a new section, 1784A, to title 38, U.S.C., to require any VA facility with an emergency department to provide stabilizing care in the form of an examination or treatment for an emergency medical condition for any individual who is on the campus of the hospital and requests treatment or has a request for treatment made on his/her behalf.

House Bill

Section 2 of H.R. 3216 would add a new section 1730B to title 38, U.S.C., to require a VA facility with an emergency department to provide stabilizing care to an enrolled veteran in the form of examination or treatment for an emergent medical condition for

a veteran that requests treatment or a treatment request is made by an individual acting on behalf of the veteran.

Compromise Agreement

Section 606 of the Compromise Agreement follows the language in the Senate Bill. It is the intent of Congress that VA obtain other health insurance information from individuals receiving care under this provision consistent with the authority in section 604 of the Compromise Agreement.

SUBTITLE B—VETERANS HEALTH ADMINISTRATION

TIME PERIOD COVERED BY ANNUAL REPORT ON READJUSTMENT COUNSELING SERVICE

Current Law

Section 7309 of title 38, U.S.C., requires the Readjustment Counseling Service (hereinafter, ''RCS'') to submit an annual report covering the activities of the RCS for the preceding calendar year.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 611 of the Compromise Agreement contains a new provision that would amend section 7309 of title 38, U.S.C., to change the time period covered by the annual report to include the activities of the RCS in the preceding fiscal year.

ANNUAL REPORT ON VETERANS HEALTH ADMINISTRATION AND FURNISHING OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE

Current Law

Title 38, U.S.C., contains a number of requirements for VA to submit reports to Congress regarding the Department's activities.

Senate Bill

Section 248 of S. 2921 would amend title 38, U.S.C., by adding a new section, 7330B, which would require VA to submit an annual report to Congress regarding the provision of hospital care, medical services, and nursing home care by the Veterans Health Administration. An annual report would be due not later than March 1 of each year from 2018 through 2022.

House Bill

Section 2 of H.R. 2256 as amended contains an identical provision.

Compromise Agreement

Section 612 of the Compromise Agreement follows the language in the Senate and House Bills.

EXPANSION OF QUALIFICATIONS FOR LICENSED MENTAL HEALTH COUNSELORS OF THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE DOCTORAL DEGREES

Current Law

Section 7402(b)(11) of title 38, U.S.C., authorizes the appointment in the Veterans Health Administration of licensed professional mental health counselors (hereinafter, ''LPMHC'') provided the LPMHCs hold a master's degree in mental health counseling.

Senate Bill

Section 214 of S. 2921 would amend section 7402(b)(11) of title 38, U.S.C., to expand the qualifications for an individual to be appointed as a VA licensed professional mental health counselor to include individuals with a doctoral degree in mental health counseling.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 613 of the Compromise Agreement follows the language in the Senate Bill.

MODIFICATION OF HOURS OF EMPLOYMENT FOR PHYSICIANS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 7423(a) of title 38, U.S.C., establishes the hours that are used to determine whether an employee is a full-time employee. A full-time employee is one who works 80 hours over a 2 week period.

Senate Bill

Section 221 of S. 2921 would amend section 7423(a) of title 38, U.S.C., to provide an exception to the requirement that the hours of employment for a full-time VA physician or physician assistant must consist of not less than 80 hours in a biweekly pay period. Specifically, VA may modify the hours of employment for a full-time physician or physician assistant to be more or less than 80 hours in a biweekly pay period if the total hours for the employee does not exceed 2,080 hours in a calendar year.

House Bill

Section 2 of H.R. 4150 as amended would amend section 7423(a) of title 38, U.S.C., to provide an exception to the requirement that the hours of employment for a full-time physician or physician assistant must consist of not less than 80 hours in a pay period. Section 2 would also ban the accrual of overtime because of the modification of the hours of employment.

Compromise Agreement

Section 614 of the Compromise Agreement amends section 7423(a) of title 38, U.S.C., to provide an exception to the requirement that the hours of employment for a full-time physician must consist of not less than 80 hours in a pay period, on the condition that the physician provides VA with an advance written notice. It is the intent of Congress that the advance written notice required by this section be a one-time notice to VA that the physician is willing to modify his or her hours of employment as needed to ensure proper staffing at the Department.

REPEAL OF COMPENSATION PANELS TO DETERMINE MARKET PAY FOR PHYSICIANS AND DENTISTS

Current Law

Section 7431 of title 38, U.S.C., establishes a pay system for VA physicians and dentists. The section also mandates that a panel comprised of physicians or dentists make recommendations on market pay for physicians or dentists.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 4 of H.R. 5526 would amend section 7431 of title 38, U.S.C., to repeal the requirement that physician or dental compensation panels be considered when setting market pay for physicians or dentists.

Compromise Agreement

Section 615 of the Compromise Agreement follows the language in the House Bill.

CLARIFICATION REGARDING LIABILITY FOR BREACH OF AGREEMENT UNDER DEPARTMENT OF VETERANS AFFAIRS EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

Current Law

Section 7671 of title 38, U.S.C., authorizes VA to carry out the Employee Incentive Scholarship Program as a tool to recruit and retain health professionals. This program provides education and training scholarships for qualified Veterans Health Administration employees. Under section 7675 of title 38, U.S.C., program participants are liable for the amount which was paid to them or on their behalf if they fail to maintain appropriate academic standing, are dismissed for disciplinary reasons from the educational institution, voluntarily terminate the education or training prior to completion, fail to meet licensure requirements, or if the participant is a part-time student who fails to maintain VA employment while enrolled in a training course.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 616 of the Compromise Agreement would amend section 7675 of title 38, U.S.C., to include full-time students as among VA Employee Incentive Scholarship participants liable for the amount which was paid to them or on their behalf, in the event the participant fails to maintain VA employment.

EXTENSION OF PERIOD FOR INCREASE IN GRADUATE MEDICAL EDUCATION RESIDENCY POSITIONS AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

The Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 7302 note) requires the Secretary of Veterans Affairs to increase the number of graduate medical education residency positions by 1,500 residency slots during the 5 year period that began 1 year after enactment of Public Law 113–146.

Senate Bill

Section 223 of S. 2921 would amend the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 7302 note) to allow VA an additional 5 years to increase the number of graduate medical education residency positions at medical facilities of VA by 1,500 positions. It would also extend for 5 years the requirement that VA submit an annual report to the Committee on Veterans' Affairs of the Senate and House of Representatives on graduate medical education residency positions at VA medical facilities.

House Bill

H.R. 4011 contains an identical provision.

Compromise Agreement

Section 617 of the Compromise Agreement is identical to both the House and Senate provisions.

REPORT ON PUBLIC ACCESS TO RESEARCH BY DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 7303 of title 38, U.S.C., requires VA to carry out a program of medical research in connection with the provision of medical care and treatment to veterans in order to more effectively carry out the primary function of the Veterans Health Administration to contribute to the Nation's knowledge about disease and disability.

Senate Bill

Section 296 of S. 2921 would provide that, not later than 180 days and 1 year after enactment, VA must submit a report on increasing public access to scientific publications and digital data from research funded by VA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 618 of the Compromise Agreement follows the language in the Senate Bill.

AUTHORIZATION OF CERTAIN MAJOR MEDICAL FACILITY PROJECTS OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 8104(a)(2) of title 38, U.S.C., requires statutory authorization for all VA major medical facility construction projects.

Senate Bill

S. 3438 as amended would authorize the Secretary of Veterans Affairs to carry out a major medical facility project in Reno, Nevada, and Long Beach, California.

House Bill

The House Bills contain no comparable provisions.

Compromise Agreement

Section 619 of the Compromise Agreement follows the language in the Senate Bill.

SUBTITLE C—TOXIC EXPOSURE

DEFINITIONS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 281 of S. 2921 would define the terms Armed Forces, descendant, toxic exposure, and veteran for purposes of this subtitle.

House Bill

Section 2 of H.R. 1769 and section 301 of H.R. 5286 would define the terms Armed Force, descendant, exposed, exposure, toxic substance, and veteran for purposes of this subtitle.

Compromise Agreement

Section 631 of the Compromise Agreement follows the language in the Senate Bill.

NATIONAL ACADEMY OF MEDICINE ASSESSMENT ON RESEARCH RELATING TO THE DESCENDANTS OF INDIVIDUALS WITH TOXIC EXPOSURE

Current Law

Current law contains no relevant provision.

Senate Bill

Section 282 of S. 2921 would require that, not later than 180 days after enactment, the Secretary of Veterans Affairs enter into an agreement with the National Academy of Medicine (hereinafter, ''NAM'') to conduct an assessment on scientific research relating to the descendants of individuals with toxic exposure. If an agreement cannot be entered into, the Secretary must seek to enter into such an agreement with another appropriate organization.

Section 282 would require that the assessment include review of the scientific literature regarding toxicological and epidemiological research on descendants of individuals with toxic exposure; an assessment of areas requiring further study; and an assessment of the scope and methodology required to conduct adequate research including the types of individuals to be studied, the number of veterans and descendants to be studied, alternatives for participation, amount of time and resources needed, and the appropriate Federal agencies needed to participate. Section 282 also would require the establishment of categories, including definitions for each category, to be used in assessing the evidence that a particular health condition is related to toxic exposure and an analysis of the feasibility of conducting scientific research, the value and relevance of the information that could result from the research, and the feasibility and advisability of assessing additional information held by a Federal agency that may be sensitive. The assessment also would include the identification of a research entity or entities with expertise in conducting research on health conditions of descendants of individuals with toxic exposure and the ability to conduct the recommended research.

Not later than 2 years after entering into an agreement, section 282 would require the organization to provide a report that includes the results of the assessment conducted regarding the scope and methodology required to conduct adequate research and a determination regarding whether the results of such assessment indicate that it is feasible to conduct further research, including an explanation of the basis for determination. Not later than 90 days after receiving the results of the assessment and determination, the Secretary of Veterans Affairs must submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a certification of the understanding of the Secretary regarding the feasibility of conducting further research regarding health conditions of descendants of veterans with toxic exposure.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 632 of the Compromise Agreement follows the language in the Senate Bill.

ADVISORY BOARD ON RESEARCH RELATING TO HEALTH CONDITIONS OF DESCENDANTS OF VETERANS WITH TOXIC EXPOSURE WHILE SERVING IN THE ARMED FORCES

Current Law

Current law contains no relevant provision.

Senate Bill

Section 283 of S. 2921 would require that, unless the Secretary of Veterans Affairs certifies that it is not feasible to conduct further research, not later than 180 days after receiving the assessment from the NAM, the Secretary establish an advisory board to advise the Secretary in the selection of a research entity or entities, advise the entity or entities in conducting research and advise the Secretary with respect to the activities of the entity or entities. The advisory board would consist of 13 voting members with not less than two members of organizations with tax exempt status, two descendants of veterans with toxic exposure, and seven health professionals, scientists or academics with expertise in research. It is the intent of the Senate that the Secretary select health professionals, scientists, or academics to serve on the advisory board that are highly qualified in their respective fields and have peer-reviewed published work. The advisory board would advise the Secretary in the selection of a research entity or entities, advise the entity and assess the activities of the entity in conducting research, develop a research strategy for the entity or entities, advise the Secretary with respect to the activities of the entity or entities, submit recommendations for the annual report, and meet not less frequently than semiannually with the Secretary and representatives of the entity or entities.

House Bill

Section 4 of H.R. 1769 and section 303 of H.R. 5286 would require that, within 180 days of enactment, VA establish an advisory board to oversee and assess the National Center established under section 3 of H.R. 1769 and section 302 of H.R. 5286. It would require that, within 120 days of enactment, the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, the Director of the National Institute of Environmental Health Sciences, and other heads of Federal agencies as the Secretary determines appropriate select no less than 13 voting members with not less than three members of organizations with tax exempt status, not less than one descendant of a veteran exposed to toxic substances who has manifested a structural or functional birth defect or a health condition that is related to the toxic exposure, or a parent or child of that descendant, not less than six health professionals, scientists, or academics who are not employees of the Federal Government and have expertise in research. The Secretary may select additional members from among social workers and advocates for veterans or members of the Armed Forces who are not employees of the Federal Government and nonvoting members who are employees of the Federal Government with expertise in research. The advisory board would meet quarterly with the National Center, review the annual report submitted by the National Center and advise the Secretary with respect to the National Center's work and issues related to the health conditions of descendants of veterans exposed to toxic substances, including any determinations or recommendations that the advisory board may have with respect to the feasibility and advisability of the Department providing health care services to descendants. No later than 1 year after the establishment of the advisory board and not less than 1 year thereafter, the board would be required to submit a report with recommendations for administrative and legislative action to the Committee on Veterans' Affairs of the Senate and House of Representatives and to the Secretary.

Compromise Agreement

Section 633 of the Compromise Agreement follows the language in the Senate Bill, as well as the intent expressed by the Senate.

RESEARCH RELATING TO HEALTH CONDITIONS OF DESCENDANTS OF VETERANS WITH TOXIC EXPOSURE WHILE SERVING IN THE ARMED FORCES

Current Law

Current law contains no relevant provision.

Senate Bill

Section 284 of S. 2921 would require, unless the Secretary certifies that it is not feasible to conduct further research, not later than 1 year after receiving the results and determination from the NAM, the Secretary to enter into an agreement with one or more research entities to conduct research on health conditions of descendants of veterans with toxic exposure while serving as members of the Armed Forces.

The research entity or entities would assess, using the categories established in section 282, the extent to which a health condition of a descendant of a veteran is related to toxic exposure of the veteran while serving as a member of the Armed Forces. The entity would be allowed to study individuals as identified in the assessment in section 282, which includes veterans with toxic exposure and the descendants of those veterans. The Senate encourages the research entity, as feasible, to examine the role of epigenetics on male reproduction as it relates to toxic exposure among veterans. The Secretary of Defense and the Secretary of Veterans Affairs would be required to make available to the research entity records held by VA, the Department of Defense, the Armed Forces, or any other Federal agency, as appropriate, that the research entity determines are necessary. The Secretaries would jointly establish a mechanism for access.

Not later than 1 year after commencing the research, and not later than September 30 each year thereafter, the research entity would, in consultation with the advisory board, submit to the Secretary and the Committee on Veterans' Affairs of the Senate

and House of Representatives a report on the functions of the research entity during the preceding year. The report would include a summary of the research efforts, a description of any findings made, and recommendations for administrative or legislative action made by the advisory board, which may include recommendations for further research. Upon request from any 501(c)(19) tax exempt organization, the Secretary may transmit to the organization a copy of the report.

House Bill

Section 3 of H.R. 1769 and section 302 of H.R. 5286 would require that, no later than 1 year after enactment, the Secretary of Veterans Affairs select, in consultation with the advisory board established under section 4 of H.R. 1769 and section 303 of H.R. 5286, a VA medical center to serve as the national center for research on the diagnosis and treatment of health conditions of descendants of individuals exposed to toxic substances while serving as a member of the Armed Forces that are related to such exposure. The National Center must be selected from among VA's medical centers with expertise in diagnosing and treating functional and structural birth defects, or expertise in caring for individuals exposed to toxic substances and diagnosing and treating any health conditions resulting from such exposure or medical centers that are affiliated with research medical centers or teaching hospitals with such expertise. The Center would be required to study individuals that are a descendant of a member of the Armed Forces and such member was exposed to a toxic substance while serving as a member of the Armed Forces and such descendant is afflicted with a health condition that is related to the exposure of such member to such toxic substance and individuals that were exposed to a toxic substance while serving as a member of the Armed Forces and are afflicted with a health condition that is related to the exposure. Not less than once a year, the National Center must submit to Congress and the advisory board a report that includes the research efforts that have been completed during that year, and efforts that are ongoing as of the date of submittal of the report.

Section 5 of H.R. 1769 and section 305 of H.R. 5286 would require the Secretary of Defense to conduct a declassification review to determine what information may be made publicly available relating to any known incident in which no less than 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability that a specialist in the field of occupational medicine has determined to be credibly associated with that toxic substance. To the extent possible and consistent with national security, the Secretary would be required to make publicly available the information declassified following the review.

Section 5 of H.R. 1769 and section 305 of H.R. 5286 would require the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services and the Secretary of Defense, to conduct a national outreach and education campaign directed toward members of the Armed Forces, veterans, and their family members to communicate (1) information on incidents of exposure of members of the Armed Forces to toxic substances, health conditions resulting from such exposure, and the potential long-term effects of such exposure on the individuals exposed to those substances and the descendants of those individuals and (2) information on the National Center established under section 302 for individuals eligible to participate in studies conducted at the National Center.

Compromise Agreement

Section 634 of the Compromise Agreement follows the language in the Senate Bill, as well as the intent expressed by the Senate.

TITLE VII—HOMELESSNESS MATTERS

SUBTITLE A—ACCESS OF HOMELESS VETERANS TO BENEFITS

EXPANSION OF DEFINITION OF HOMELESS VETERAN FOR PURPOSES OF BENEFITS UNDER THE LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS

Current Law

Section 2002 of title 38, U.S.C., defines ''homeless veteran,'' for purposes of eligibility for VA homeless programs, as the term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (section 11302(a) of title 42, U.S.C.). Congress amended the McKinney-Vento Homeless Assistance Act in 2009 to include homeless individuals or families fleeing their residence as a result of domestic or other life-threatening situations. VA's definition of homeless veteran has not been updated to reflect this change.

Senate Bill

Section 601 of S. 2921 would amend section 2002 in title 38, U.S.C., so that the VA definition of homeless would include those individuals described in section 11302(b) of title 42, U.S.C., such as those fleeing domestic violence.

Section 4 of S. 1731 as amended would define veteran for purposes of certain VA programs, including the Grant and Per Diem (hereinafter, ''GPD'') program and the Supportive Services for Very-Low Income Veteran Families (hereinafter, ''SSVF'') program, as a person who served in the active military, naval, or air service, regardless of length of service, and who was discharged or released. This would not include a person who received a dishonorable discharge or a discharge by reason of a general court martial.

House Bill

Section 1 of H.R. 272 and section 3 of H.R. 2256 as amended would amend section 2002 in title 38, U.S.C., so that the VA definition of homeless would include those individuals described in section 11302(b) of title 42, U.S.C., such as those fleeing domestic violence. The House Bills are similar to section 601 of S. 2921. The House Bills contain no comparable provision to section 4 of S. 1731 as amended.

Compromise Agreement

Section 701(1) of the Compromise Agreement follows the language in both the Senate and House Bills. Section 701(2) follows the language in the Senate Bill.

AUTHORIZATION TO FURNISH CERTAIN BENEFITS TO HOMELESS VETERANS WITH DISCHARGES OR RELEASES UNDER OTHER THAN HONORABLE CONDITIONS

Current Law

Section 5303 of title 38, U.S.C., requires that individuals be barred from receiving VA benefits under certain conditions.

Senate Bill

Section 3 of S. 1731 as amended would amend section 5303 of title 38, U.S.C., to exempt homeless veterans from being disqualified from receiving services through VA's GPD program and SSVF program as a result of a discharge or dismissal from the Armed Forces under conditions other than honorable, except for discharge by reason of a general court-martial.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 702 of the Compromise Agreement follows the language in the Senate Bill.

WAIVER OF MINIMUM PERIOD OF CONTINUOUS ACTIVE DUTY IN ARMED FORCES FOR CERTAIN BENEFITS FOR HOMELESS VETERANS

Current Law

Section 5303A of title 38, U.S.C., requires veterans who entered into service after September 7, 1980, to have completed the shorter of 24 months of continuous active duty or the full period for which the veteran was called to active duty to be eligible for VA health benefits. Section 5303A of title 38, U.S.C., includes a number of exceptions to this requirement.

Senate Bill

Section 2 of S. 1731 as amended would amend section 5303A(b)(3) of title 38, U.S.C., to include among the exceptions to the minimum period of continuous active duty service requirement, homeless veterans eligible for VA's GPD program and SSVF program.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 703 of the Compromise Agreement follows the language in the Senate Bill.

TRAINING OF PERSONNEL OF THE DEPARTMENT OF VETERANS AFFAIRS AND GRANT RECIPIENTS

Current Law

Section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans. Section 2044 of title 38, U.S.C., requires VA to provide financial assistance to eligible entities to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing.

Senate Bill

Section 5 of S. 1731 as amended would require VA to provide training and education on the implementation of this title and the amendments made by this subtitle to VA staff supporting or administering VA homeless programs and recipients of grants or other funding to carry out the GPD or SSVF program.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 704 of the Compromise Agreement follows the language in the Senate Bill.

REGULATIONS

Current Law

Current law contains no relevant provisions.

Senate Bill

Section 7 of S. 1731 as amended would require VA to prescribe regulations not later than 270 days after the date of enactment to ensure that VA is in compliance with this title and the amendments made by this subtitle.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 705 of the Compromise Agreement follows the language in the Senate Bill.

EFFECTIVE DATE

Current Law

Current law contains no relevant provisions.

Senate Bill

Section 8 of S. 1731 as amended would require that this subtitle and amendments made by the subtitle apply to individuals

seeking VA homeless benefits under chapter 20 of title 38, U.S.C., before, on, and after the date of enactment.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 706 of the Compromise Agreement follows the language in the Senate Bill. The intent of Congress is that those previously found ineligible for services through VA's GPD and SSVF programs would have the opportunity to receive a new review for eligibility should they still need services from either of those programs.

SUBTITLE B—OTHER HOMELESSNESS MATTERS

INCREASED PER DIEM PAYMENTS FOR TRANSITIONAL HOUSING ASSISTANCE THAT BECOMES PERMANENT HOUSING FOR HOMELESS VETERANS

Current Law

Current law, section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans. The per diem payment, which is set at a maximum of $43.32 per day, per veteran housed, is calculated based on the daily cost of care, but may not exceed the rate paid to State homes for domiciliary care.

Senate Bill

Section 602 of S. 2921 would amend section 2012(a)(2) of title 38, U.S.C., to increase the maximum per diem rate for homeless veteran service providers participating in the Transition in Place program to compensate for an increase in operational costs. Section 602 would also authorize the per diem rate VA provides to certain entities that provide services to homeless veterans to exceed the rate paid to State homes in the case of services provided to a homeless veteran who is placed in housing that will become permanent housing upon termination of those services (transition-in-place). In those cases, the maximum per diem would be 150 percent of the State home rate.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 711 of the Compromise Agreement follows the language in the Senate Bill.

PROGRAM TO IMPROVE RETENTION OF HOUSING BY FORMERLY HOMELESS VETERANS AND VETERANS AT RISK OF BECOMING HOMELESS

Current Law

Current law, section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans.

Senate Bill

Section 604 of S. 2921 would amend title 38, U.S.C., to redesignate current section 2013 as 2014 and insert a new section 2013 to require VA to carry out a program to increase housing stability and retention by providing grants to community organizations that provide case management to formerly homeless veterans. These organizations should include those that are successfully providing or have successfully provided transitional housing services under sections 2012 or 2016 of title 38, U.S.C. This section would require the Secretary of Veterans Affairs to give grant provision priority to an organization that voluntarily stops receiving per diem payments and converts an existing transitional housing facility into a permanent housing facility. This section would also require VA to submit a report to Congress within 1 year of enactment to assess the new program.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 712 of the Compromise Agreement follows the language in the Senate Bill.

ESTABLISHMENT OF NATIONAL CENTER ON HOMELESSNESS AMONG VETERANS

Current Law

Current law contains no relevant provisions.

Senate Bill

Subsection (a) of section 606 of S. 2921 would add a new section 2067 to title 38, U.S.C., to codify the existing National Center on Homelessness Among Veterans (hereinafter, ''NCHAV''). This would require the Secretary of Veterans Affairs to oversee a center that operates independently of other VA homelessness programs. Subsection (a) of new section 2067 of title 38, U.S.C., would require that the NCHAV implement the following functions: carry out and promote research into the causes of and contributing factors to veteran homelessness; assess the effectiveness of VA programs to meet the needs of homeless veterans; identify and disseminate best practices with regard to housing stabilization, income support, employment assistance, community partnerships, and other matters as the Secretary deems appropriate; integrate evidence-based best practices, policies, and programs into VA programs for homeless veterans and ensure VA staff and community partners are effectively able to implement them; and serve as a resource center for all research and training activities carried out by VA, Federal entities, and community partners to promote the exchange of information with respect to veteran homelessness.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 713 of the Compromise Agreement follows the language in the Senate Bill.

REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS TO ASSESS COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS

Current Law

Section 2012 of title 38, U.S.C., requires VA to award grants and provide per diem payments to public and non-profit private entities operating transitional housing facilities and supportive services programs for veterans.

Senate Bill

Section 610 of S. 2921 would require VA to assess and measure the capacity of GPD programs, including how well they achieve their stated goals at the national level, placements in permanent housing and employment, and increases in the regular income of participants in the programs. In conducting the required assessment, VA should develop and use tools to examine the capacity of the programs at the national and local levels. The section would also require VA to utilize information collected under this section to set specific goals to ensure the GPD programs are effectively serving homeless veterans, to assess whether the programs are meeting the specific goals, to inform funding allocations for the programs, and to improve the referral of homeless veterans to GPD programs. VA would be required to submit a report to the Committee on Veterans' Affairs of the Senate and House of Representatives on the assessment and include recommendations for legislative and administrative actions for improving the programs.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 714 of the Compromise Agreement follows the language in the Senate Bill.

REPORT ON OUTREACH RELATING TO INCREASING THE AMOUNT OF HOUSING AVAILABLE TO VETERANS

Current Law

Current law contains no relevant provisions.

Senate Bill

Section 611 of S. 2921, in a freestanding provision, would require the Secretary of Veterans Affairs to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report describing and assessing VA outreach to realtors, landlords, property management companies, and developers to educate them about the housing needs of veterans as well as the benefits of having veterans as tenants.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 715 of the Compromise Agreement follows the language in the Senate Bill, except that it would require the report to also be submitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Financial Services Committee of the House of Representatives.

TITLE VIII—OTHER MATTERS

DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION REFORMS

Current Law

Section 8104(a)(2) of title 38, U.S.C., requires statutory authorization for all VA major medical facility construction projects and requires VA to notify the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives prior to obligating any unobligated amounts in the Construction, Major Projects account that are a direct result of bid savings from a major construction project.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 2 of H.R. 3106 as amended would require the use of industry standards, standard designs, and best practices for VA medical facility construction projects; require VA to ensure that relevant employees have ongoing professional training and development regarding industry standards and best practices; prohibit VA from obligating/expending funds for advance planning or design for any super construction project until 60 days after congressional notification; prohibit VA from obligating funds for a major medical facility project/super construction project by more than 10 percent of the amount approved by law without congressional approval; prohibit VA from using bid savings amounts/funds for other than their original purpose before 30 days after notifying the Committees on Veterans' Affairs and Appropriations of the House of Representatives and the Senate unless each committee approves the obligation; require VA to report to the Committees on Veterans' Affairs and Appropriations of the House of Representatives and the Senate on the use of bid savings; require quarterly reports on super construction projects; and require VA to complete a master plan for each VA medical facility.

Section 3 of H.R. 3106 as amended would create, within VA's Office of the Inspector General, an Assistant Inspector General for

Construction to conduct, supervise, and coordinate audits, evaluations, and investigations into the planning, design, contracting, execution, and construction of VA facilities and infrastructure.

Compromise Agreement

Section 801 of the Compromise Agreement follows the language in the House Bill.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

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

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

The bill (H.R. 6416) was passed.

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

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

COMBAT-INJURED VETERANS TAX FAIRNESS ACT OF 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5015, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 5015) to restore amounts improperly withheld for tax purposes from severance payments to individuals who retired or separated from service in the Armed Forces for combat-related injuries, and for other purposes.

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

Mr. BOOZMAN. 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. 5015) was ordered to a third reading, was read the third time, and passed.

RESOLUTIONS SUBMITTED TODAY

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 635, S. Res. 636, S. Res. 637, S. Res. 638, and S. Res. 639.

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

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

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Oregon.

UNANIMOUS CONSENT REQUEST—H.R. 5456

Mr. WYDEN. Mr. President, in just a few minutes, because it is very late or very early, if one might characterize the hour of the morning, I will be offering a unanimous consent request to pass Calendar No. 527, H.R. 5456, the Family First Prevention Services Act.

Just to give a short description of this bill, there has been an enormous amount of bipartisan effort and good will to enact this legislation that many policy experts consider the most significant improvement in child welfare policy in decades.

In the other body, the legislation passed unanimously, and there was superb work done by Chairman BRADY, the Speaker, Congressman RYAN, VERN BUCHANAN. There was a whole host of colleagues on the Democratic side, SANDY LEVIN, LLOYD DOGGETT, and Leader PELOSI, a whole host of Members and enormous effort. You had the leadership, the Ways and Means Committee. They came together and passed the legislation unanimously.

The reason they did is, 500 organizations, groups representing children and pediatricians and the Catholic bishops, the Children's Defense Fund, all came together. They said the current policy today with respect to vulnerable children just defies common sense. In effect, you cannot get help to the families when it really is most critical.

When a family member or parent, for example, is dealing with drug abuse or mental health or a challenge where, if they were able to get a modest amount of assistance, the family could come together again and be healthy, the youngster would be able to stay in the home. Very often, in these kinds of instances, a grandparent or an uncle, if we made some modest changes in Federal policy, could step up as well—something I feel very strongly about having written the kinship care law a number of years ago to reward grandparents, aunts, and uncles when they could meet the strict standards for qualifying to take care of a youngster in these circumstances.

Chairman HATCH, Chairman GRASSLEY, and many of our senior Members have worked very hard with me and our colleague Senator BENNET from Colorado, who has devoted an enormous amount of attention to the needs of youngsters. I have been on the floor tonight really for the last 5 or 6 hours trying to resolve remaining concerns.

Now, we had a hotline months and months ago on this bill, and there really wasn't much reaction at the outset, and finally there were three Members who had concerns, and we moved to address them. Chairman BRADY has been particularly gracious on the other side of the Capitol, saying if a State needed more time, if there were questions with respect to whether they could meet some of the criteria, he was open to giving them that kind of additional time.

I will tell my colleagues: I told my constituents this fall that probably nothing is more important to me than to come back here and pursue what I call principled bipartisanship. Bipartisanship is not about taking each other's bad ideas. Anybody can do that. That is a piece of cake. Principled bipartisanship is about taking good ideas from both sides of the aisle.

For example, I know that with the Presiding Officer, there was a question about the type of providers in his home State that might be eligible for this service. So we said we had heard from a number of conservatives that they wanted to make sure that one type of provider over another wasn't favored. So we said all of the providers can participate as long as they meet the quality standards. That was essentially a conservative concept.

We had a number on our side of the aisle who wanted to make sure there really were wrap-around services for these kinds of families. There is good foster care. Nobody has ever said that is not the case. But we know that Federal policy shouldn't create an incentive to rip these families apart. It should create incentives to keep families together.

So I wanted to come tonight and make one more appeal to pass what is, according to many of the most authoritative experts of child welfare, the most significant improvement in child welfare law in decades.

There are no objections on our side of the aisle. This is the second time I brought up this unanimous consent request, and no Senator has come to the floor on the other side of the aisle to raise an objection in terms of policy and substance. Frankly, I wish that somebody would, because I think we could accommodate them. Because of the graciousness of Chairman BRADY, the Republican chair on the other side, I think we could accommodate them. But no Senator has come now, for the second time this week, to actually offer a substantive objection.

So if you want what I call principled bipartisanship, which is what Chairman HATCH, Chairman GRASSLEY, Chairman BRADY—so many colleagues on both sides of the aisle have been working for—we have to have colleagues who will come and actually voice their substantive objection. I am making it clear again tonight that if anyone on the other side of the aisle has a substantive objection, my guess is we could resolve it, because there has been a lot of goodwill on both sides. But if people won't come and make a substantive objection, then it is hard to know what might satisfy them and allow us to proceed with this very important child welfare reform.

So I want it understood that I am going to prosecute this case of improving the lives of these vulnerable youngsters and these families for as long as I have the honor to represent Oregon in the Senate. I think this is what public service is supposed to be all about. I will continue to work in a bipartisan way. I think that is how we tackle the big issues, the big challenges facing our country. Nobody really has enough votes to have it all their way. Certainly, if you want a policy that you can sustain, it has to be bipartisan.

So we are going to stay at this until we get it done.

With that in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 527, H.R. 5456, the Family First Prevention Services Act, that the Wyden substitute amendment be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. BOOZMAN. Mr. President, I do not personally object to this bill, but on behalf of Senator ENZI, I object.

The PRESIDING OFFICER. Objection is heard.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:56 a.m., recessed subject to the call of the Chair and reassembled at 3:35 a.m. when called to order by the Presiding Officer (Mr. TILLIS).

The PRESIDING OFFICER. The Senator from Ohio.

RECOGNIZING THE DEATH OF JOHN GLENN, FORMER SENATOR FOR THE STATE OF OHIO AND THE FIRST INDIVIDUAL FROM THE UNITED STATES TO ORBIT THE EARTH

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 640, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 640) recognizing the death of John Glenn, former Senator for the State of Ohio and the first individual from the United States to orbit the Earth.

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

Mr. PORTMAN. 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 with no intervening action or debate.

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

The resolution (S. Res. 640) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. PORTMAN. Mr. President, I appreciate the fact that the Senate has just adopted a resolution honoring John Glenn. In fact, if you look at this resolution, at the end of it, it indicates that the adjournment today will be an adjournment in further respect to the memory of the late John Glenn. I appreciate the fact that the Senate has done that as well.

I spoke on the floor yesterday regarding my friend John Glenn, and my colleague SHERROD BROWN and I have introduced this resolution. Senator BROWN also spoke with regard to John Glenn's incredible life history. This is a true icon whom we have lost, sadly, this week at the age of 95.

He was a true hero in so many respects. Long before he was an astronaut, he was a hero as a marine aviator. He actually flew 59 combat missions in World War II. He also flew combat missions in the Korean war and was highly decorated. After that, he was a test pilot. In fact, he broke the transcontinental speed record as a test pilot before becoming an astronaut.

As an astronaut, we all know the story of Friendship 7, a capsule about the size of two or three of these desks. You can see it at the Air and Space Museum. He somehow was able to get inside of this capsule and orbit the Earth at a time when the United States was in a space race with the Soviet Union, and his splashing down in the Atlantic Ocean off the coast of the Caribbean was considered to be a major change in terms of the U.S. positioning on space and our ability to show that yes, U.S. technology and innovation could work.

He then came to the U.S. Congress to speak to a joint session of Congress. Imagine that. At age 40, you have an astronaut speaking to a joint session—something normally reserved for heads of state.

He then was successful in business and decided that he actually would want to try his hand in politics. After his military service, he decided to try public service and of course became a Senator from the State of Ohio. I had the honor, and I am humbled, to be in the seat he once held.

A couple of weeks ago, I called Senator Glenn to ask him to walk down this aisle with me on January 3 of next year in just a few weeks while I was being sworn in for the second time in his seat. I will say he was not just reelected, he was reelected with resounding numbers. At the end of the day, he ended up being the longest serving U.S. Senator ever in the history of our State.

After this amazing career in the military, as an astronaut, and then serving in the Senate, he ended up being the longest representative ever from the Buckeye State. What an amazing guy.

After he left, he went to the Ohio State University and asked if they would like to start a leadership institute to encourage public service called the Glenn Institute, and it later became the Glenn School. I actually taught there. Before running for the U.S. Senate, I taught four courses there; I co-taught with a wonderful professor there at the Glenn School. I also joined the board of advisors at John Glenn's request, and I am still on that board. In fact, we had a meeting in October, only about 6 weeks ago, where John Glenn presided. He chaired the meeting, as he always does. He was in good humor. He was energetic. He was energized about a new project—a leadership institute for young legislators to help encourage even more people to not just get into public service but to gain the skills to be better public servants. That is what really excited him.

I had the privilege of getting to know him through the work we did also in the U.S. Senate and in the House of Representatives. I was in the House, he was in the Senate. One of the passions he had was to ensure that we had good government in this country, and that included not having the Federal Government send unfunded mandates down to the State and local governments. So I was the House author on the Republican side, he was the Senate author on the Democratic side, and that legislation was passed to curb unfunded mandates and went to the desk of President Clinton for signature. I got to be in the Rose Garden with Senator Glenn for that signing ceremony. What an honor to be with him. He was a guy who was willing to take on tasks like that, even when, perhaps, it wasn't as popular in his party as it was in ours.

So I stand here today as someone who has benefited from the model of service that he has shown our country. I will say, too, that my wife Jane and I benefited from the model Annie Glenn and John Glenn have shown. I believe they were married for 76 years, and they knew each other when they were children. Never was Annie Glenn far from his side—an incredible woman in her own right, a brave and courageous woman who overcame some obstacles in her life that became very public. Her stuttering, and her ability to get over that disability, gave hope to so many people. Young people particularly all over the country continue to look to Annie Glenn as a great hero. But Annie Glen was not just at his side; they were partners in everything, and she was the indispensable partner.

Our condolences today from the entire U.S. Senate to Annie Glenn, to the Glenn family, whom he loved so dearly, and to our State of Ohio, which has lost a true icon, a true American hero.

Tom Wolfe wrote a book called ''The Right Stuff.'' John Glenn was one of those Friendship astronauts who were part of the right stuff. Today, as we adjourn, we pay tribute to John Glenn, who had the right stuff and who showed

us how someone, as a public servant, can make a difference and encourage others to do the same.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 3:43 a.m., recessed subject to the call of the Chair and reassembled at 6:22 a.m. when called to order by the Presiding Officer (Mr. TILLIS).

The PRESIDING OFFICER. The Senator from Ohio.

HONORING IN PRAISE AND REMEMBRANCE THE EXTRAORDINARY LIFE, STEADY LEADERSHIP, AND REMARKABLE, 70–YEAR REIGN OF KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. PORTMAN. Mr. President, we have our work cut out for us this morning.

I start by asking unanimous consent that the Senate proceed to the consideration of Calendar No. 710, S. Con. Res. 57.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable, 70-year reign of King Bhumibol Adulyadej of Thailand.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the Hatch amendment to the preamble be agreed to, the preamble, as amended, 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 concurrent resolution (S. Con. Res. 57) was agreed to.

The amendment (No. 5174) was agreed to, as follows:

(Purpose: To make a correction)

In the 8th whereas clause, strike ''2006'' and insert ''2009''.

S. CON. RES. 57

Whereas His Majesty King Bhumibol Adulyadej enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts, in 1927 while his father was completing his medical studies at Harvard University;

Whereas King Bhumibol Adulyadej ascended to the throne on June 9, 1946, and celebrated his 70th year as King of Thailand in 2016;

Whereas at the time of his death, King Bhumibol Adulyadej was the longest-serving head of state in the world and the longest-reigning monarch in the history of Thailand;

Whereas His Majesty dedicated his life to the well-being of the Thai people and the sustainable development of Thailand;

Whereas His Majesty led by example and virtue with the interest of the people at heart, earning His Majesty the deep reverence of the Thai people and the respect of people around the world;

Whereas His Majesty reached out to the poorest and most vulnerable people of Thailand, regardless of their status, ethnicity, or religion, listened to their problems, and empowered them to take their lives into their own hands;

Whereas in 2006, His Majesty received the first United Nations Human Development Award, recognizing him as the ''Development King'' for the extraordinary contribution of His Majesty to human development;

Whereas His Majesty was recognized internationally in the areas of intellectual property, innovation, and creativity, and in 2009, the World Intellectual Property Organization presented His Majesty with the Global Leadership Award;

Whereas His Majesty was an anchor of peace and stability for Thailand during the turbulent decades of the Cold War;

Whereas His Majesty was always a trusted friend of the United States in advancing a strong and enduring alliance and partnership between the United States and Thailand;

Whereas His Majesty addressed a joint session of Congress on June 29, 1960, during which His Majesty reaffirmed the strong friendship and goodwill between the United States and Thailand;

Whereas the United States and Thailand remain strong security allies, as memorialized in the Southeast Asia Collective Defense Treaty (commonly known as the ''Manila Pact of 1954'') and later expanded under the Thanat-Rusk Communique of 1962;

Whereas for decades, Thailand has hosted the annual Cobra Gold military exercises, the largest multilateral exercises in Asia, to improve regional defense cooperation;

Whereas Thailand has allowed the Armed Forces of the United States to use the Utapao Air Base to coordinate international humanitarian relief efforts;

Whereas President George W. Bush designated Thailand as a major non-NATO ally on December 30, 2003;

Whereas close cooperation and mutual sacrifices in the face of common threats have bound the United States and Thailand together and established a firm foundation for the advancement of a mutually beneficial relationship; and

Whereas, on October 13, 2016, at the age of 88, His Majesty King Bhumibol Adulyadej passed away, leaving behind a lasting legacy for Thailand: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the extraordinary life, steady leadership, and remarkable, 70-year reign of His Majesty King Bhumibol Adulyadej of Thailand;

(2) extends our deepest sympathies to the members of the Royal Family and to the people of Thailand in their bereavement; and

(3) celebrates the alliance and friendship between Thailand and the United States that reflects common interests, a 183-year diplomatic history, and a multifaceted partnership that has contributed to peace, stability, and prosperity in the Asia-Pacific region.

FRANK R. WOLF INTERNATIONAL RELIGIOUS FREEDOM ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 705, H.R. 1150.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 1150) to amend the International Religious Freedom Act of 1998 to improve the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide, and for other purposes.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Frank R. Wolf International Religious Freedom Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings; policy; sense of Congress.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
Sec. 102. Annual Report on International Religious Freedom.
Sec. 103. Training for Foreign Service officers; report.
Sec. 104. Prisoner lists and issue briefs on religious freedom concerns.

TITLE II—NATIONAL SECURITY COUNCIL

Sec. 201. Special Adviser for International Religious Freedom.

TITLE III—PRESIDENTIAL ACTIONS

Sec. 301. Non-state actor designations.
Sec. 302. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 303. Report to Congress.
Sec. 304. Presidential waiver.
Sec. 305. Publication in the Federal Register.

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

Sec. 401. Assistance for promoting religious freedom.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

Sec. 501. Designated Persons List for Particularly Severe Violations of Religious Freedom.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Miscellaneous provisions.
Sec. 602. Clerical amendments.

SEC. 2. FINDINGS; POLICY; SENSE OF CONGRESS.

(a) FINDINGS.—Section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) is amended—

(1) in paragraph (3), by inserting ''The freedom of thought, conscience, and religion is understood to protect theistic and non-theistic beliefs and the right not to profess or practice any religion.'' before ''Governments'';

(2) in paragraph (4), by adding at the end the following: ''A policy or practice of routinely denying applications for visas for religious workers in a country can be indicative of a poor state of religious freedom in that country.''; and

(3) in paragraph (6)—

(A) by inserting ''and the specific targeting of non-theists, humanists, and atheists because of their beliefs'' after ''religious persecution''; and

(B) by inserting ''and in regions where non-state actors exercise significant political power and territorial control'' before the period at the end.

(b) POLICY.—Section 2(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(b)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E);

(2) by striking the matter preceding subparagraph (A), as redesignated, and inserting the following:

''(1) IN GENERAL.—The following shall be the policy of the United States:''; and

(3) by adding at the end the following:

''(2) EVOLVING POLICIES AND COORDINATED DIPLOMATIC RESPONSES.—Because the promotion of international religious freedom protects human rights, advances democracy abroad, and advances United States interests in stability, security, and development globally, the promotion of international religious freedom requires new and evolving policies and diplomatic responses that—

''(A) are drawn from the expertise of the national security agencies, the diplomatic services, and other governmental agencies and non-governmental organizations; and

''(B) are coordinated across and carried out by the entire range of Federal agencies.''.

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

(1) a policy or practice by the government of any foreign country of routinely denying visa applications for religious workers can be indicative of a poor state of religious freedom in that country; and

(2) the United States Government should seek to reverse any such policy by reviewing the entirety of the bilateral relationship between such country and the United States.

SEC. 3. DEFINITIONS.

Section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402) is amended—

(1) by redesignating paragraph (13) as paragraph (16);

(2) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

(3) by inserting after paragraph (9) the following:

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(11) NON-STATE ACTOR.—The term 'non-state actor' means a nonsovereign entity that—

''(A) exercises significant political power and territorial control;

''(B) is outside the control of a sovereign government; and

''(C) often employs violence in pursuit of its objectives.'';

(4) by inserting after paragraph (14), as redesignated, the following:

''(15) SPECIAL WATCH LIST.—The term 'Special Watch List' means the Special Watch List described in section 402(b)(1)(A)(iii).''; and

(5) in paragraph (16), as redesignated—

(A) in subparagraph (A)—

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by inserting after clause (iii) the following:

''(iv) not professing a particular religion, or any religion;''; and

(B) in subparagraph (B)—

(i) by inserting ''conscience, non-theistic views, or'' before ''religious belief or practice''; and

(ii) by inserting ''forcibly compelling non-believers or non-theists to recant their beliefs or to convert,'' after ''forced religious conversion,''.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 101 of the International Religious Freedom Act of 1998 (22 U.S.C. 6411) is amended—

(1) in subsection (b), by inserting '', and shall report directly to the Secretary of State'' before the period at the end;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''responsibility'' and inserting ''responsibilities'';

(ii) by striking ''shall be to advance'' and inserting the following: ''shall be to—

''(A) advance'';

(iii) in subparagraph (A), as redesignated, by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) integrate United States international religious freedom policies and strategies into the foreign policy efforts of the United States.'';

(B) in paragraph (2), by inserting ''the principal adviser to'' before ''the Secretary of State'';

(C) in paragraph (3)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) contacts with nongovernmental organizations that have an impact on the state of religious freedom in their respective societies or regions, or internationally.'';

(D) by redesignating paragraph (4) as paragraph (5); and

(E) by inserting after paragraph (3) the following:

''(4) COORDINATION RESPONSIBILITIES.—In order to promote religious freedom as an interest of United States foreign policy, the Ambassador at Large—

''(A) shall coordinate international religious freedom policies across all programs, projects, and activities of the United States; and

''(B) should participate in any interagency processes on issues in which the promotion of international religious freedom policy can advance United States national security interests, including in democracy promotion, stability, security, and development globally.''; and

(3) in subsection (d), by striking ''staff for the Office'' and all that follows and inserting ''adequate staff for the Office, including full-time equivalent positions and any other temporary staff positions needed to compile, edit, and manage the Annual Report under the direct supervision of the Ambassador at Large, and for the conduct of investigations by the Office and for necessary travel to carry out this Act. The Secretary of State should provide the Ambassador at Large with sufficient funding to carry out the duties described in this section, including, as necessary, representation funds. On the date on which the President's annual budget request is submitted to Congress, the Secretary shall submit an annual report to the appropriate congressional committees that includes a report on staffing levels for the International Religious Freedom Office.''.

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

(1) periodic severe understaffing in the past has hindered the vital work of the International Religious Freedom Office; and

(2) maintaining an adequate staffing level at the Office, such as was in place during fiscal year 2016, is necessary for the Office to carry on its vital work.

SEC. 102. ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) IN GENERAL.—Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''September 1'' and inserting ''May 1'';

(2) in subparagraph (A)—

(A) in clause (iii), by striking ''; and'' and inserting ''as well as the routine denial of visa applications for religious workers;'';

(B) by redesignating clause (iv) as clause (vii); and

(C) by inserting after clause (iii) the following:

''(iv) particularly severe violations of religious freedom in that country if such country does not have a functioning government or the government of such country does not control its territory;

''(v) the identification of prisoners, to the extent possible, in that country pursuant to section 108(d);

''(vi) any action taken by the government of that country to censor religious content, communications, or worship activities online, including descriptions of the targeted religious group, the content, communication, or activities censored, and the means used; and'';

(3) in subparagraph (B), in the matter preceding clause (i)—

(A) by inserting ''persecution of lawyers, politicians, or other human rights advocates seeking to defend the rights of members of religious groups or highlight religious freedom violations, prohibitions on ritual animal slaughter or male infant circumcision,'' after ''entire religions,''; and

(B) by inserting ''policies that ban or restrict the public manifestation of religious belief and the peaceful involvement of religious groups or their members in the political life of each such foreign country,'' after ''such groups,'';

(4) in subparagraph (C), by striking ''A description of United States actions and'' and inserting ''A detailed description of United States actions, diplomatic and political coordination efforts, and other''; and

(5) in subparagraph (F)(i)—

(A) by striking ''section 402(b)(1)'' and inserting ''section 402(b)(1)(A)(ii)''; and

(B) by adding at the end the following: ''Any country in which a non-state actor designated as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act is located shall be included in this section of the report.''.

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

(1) the original intent of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) was to require annual reports from both the Department of State and the Commission on International Religious Freedom to be delivered each year, during the same calendar year, and with at least 5 months separating these reports, in order to provide updated information for policymakers, Members of Congress, and non-governmental organizations; and

(2) given that the annual Country Reports on Human Rights Practices no longer contain updated information on religious freedom conditions globally, it is important that the Department of State coordinate with the Commission to fulfill the original intent of the International Religious Freedom Act of 1998.

SEC. 103. TRAINING FOR FOREIGN SERVICE OFFICERS; REPORT.

(a) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended—

(1) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively;

(2) in subsection (a), by striking ''The Secretary of State'' and inserting ''HUMAN RIGHTS, RELIGIOUS FREEDOM, AND HUMAN TRAFFICKING TRAINING.—The Secretary of State'';

(3) by inserting after subsection (a) the following:

''(a) ADDITIONAL TRAINING.—Not later than the one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, the Director of the George P. Shultz

National Foreign Affairs Training Center shall begin mandatory training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall be a separate, independent, and required segment of each of—

''(1) the A–100 course attended by all Foreign Service officers;

''(2) the courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, and United States strategies for advancing religious freedom, in each receiving country; and

''(3) the courses required of all outgoing deputy chiefs of mission and ambassadors.

''(b) DEVELOPMENT OF CURRICULUM.—In developing curriculum for the training under subsection (b)(2), the Ambassador at Large for International Religious Freedom, on behalf of the Secretary of State and in consultation with the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998, shall develop a curriculum for training United States Foreign Service officers in the scope and strategic value of international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts. The Secretary of State shall ensure the availability of sufficient resources to develop and implement such curriculum.

''(c) INFORMATION SHARING.—The curriculum and training materials developed pursuant to subsections (b) and (c) should be made available to all other Federal agencies.'';

(4) in subsection (e), as redesignated, by striking ''The Secretary of State'' and inserting ''REFUGEES.—The Secretary of State''; and

(5) in subsection (f), as redesignated, by striking ''The Secretary of State'' and inserting ''CHILD SOLDIERS.—The Secretary of State''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the assistance of the Ambassador at Large for International Religious Freedom, and the Director of the Foreign Service Institute, located at the George P. Shultz National Foreign Affairs Training Center, shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that contains a comprehensive plan for undertaking training for Foreign Service officers under section 708 of the Foreign Services Act of 1980, as amended by subsection (a).

SEC. 104. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

Section 108 of the International Religious Freedom Act of 1998 (22 U.S.C. 6417) is amended—

(1) in subsection (b), by striking ''faith,'' and inserting ''activities, religious freedom advocacy, or efforts to protect and advance the universally recognized right to the freedom of religion,'';

(2) in subsection (c), by striking '', as appropriate, provide'' and insert ''make available''; and

(3) by adding at the end the following:

''(d) VICTIMS LIST MAINTAINED BY THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.—

''(1) IN GENERAL.—The Commission shall make publicly available, to the extent possible, online and in official publications, lists of persons it determines are imprisoned or detained, have disappeared, been placed under house arrest, been tortured, or subjected to forced renunciations of faith for their religious activity or religious freedom advocacy by the government of a foreign country that the Commission recommends for designation as a country of particular concern for religious freedom under section 402(b)(1)(A)(ii) or by a non-state actor that the Commission recommends for designation as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and include as much publicly available information as possible on the conditions and circumstances of such persons.

''(2) DISCRETION.—In compiling lists under paragraph (1), the Commission shall exercise all appropriate discretion, including consideration of the safety and security of, and benefit to, the persons who may be included on the lists and the families of such persons.''.

TITLE II—NATIONAL SECURITY COUNCIL

SEC. 201. SPECIAL ADVISER FOR INTERNATIONAL RELIGIOUS FREEDOM.

The position described in section 101(k) of the National Security Act of 1947 (50 U.S.C. 2031(k) should assist the Ambassador at Large for International Religious Freedom to coordinate international religious freedom policies and strategies throughout the executive branch and within any interagency policy committee of which the Ambassador at Large is a member.

TITLE III—PRESIDENTIAL ACTIONS

SEC. 301. NON-STATE ACTOR DESIGNATIONS.

(a) IN GENERAL.—The President, concurrent with the annual foreign country review required under section 402(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A)), shall—

(1) review and identify any non-state actors operating in any such reviewed country or surrounding region that have engaged in particularly severe violations of religious freedom; and

(2) designate, in a manner consistent with such Act, each such non-state actor as an entity of particular concern for religious freedom.

(b) REPORT.—Whenever the President designates a non-state actor under subsection (a) as an entity of particular concern for religious freedom, the President, as soon as practicable after the designation is made, shall submit a report to the appropriate congressional committees that describes the reasons for such designation.

(c) ACTIONS.—The President should take specific actions, when practicable, to address severe violations of religious freedom of non-state actors that are designated under subsection (a)(2).

(d) DEPARTMENT OF STATE ANNUAL REPORT.—The Secretary of State should include information detailing the reasons the President designated a non-state actor as an entity of particular concern for religious freedom under subsection (a) in the Annual Report required under section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)).

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

(1) the Secretary of State should work with Congress and the U.S. Commission on International Religious Freedom—

(A) to create new political, financial, and diplomatic tools to address severe violations of religious freedom by non-state actors; and

(B) to update the actions the President can take under section 405 of the International Religious Freedom Act of 1998 (22 U.S.C. 6445);

(2) governments must ultimately be held accountable for the abuses that occur in their territories; and

(3) any actions the President takes after designating a non-state actor as an entity of particular concern should also involve high-level diplomacy with the government of the country in which the non-state actor is operating.

(f) DETERMINATIONS OF RESPONSIBLE PARTIES.—In order to appropriately target Presidential actions under the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), the President, with respect to each non-state actor designated as an entity of particular concern for religious freedom under subsection (a), shall seek to determine the specific officials or members that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by such non-state actor.

(g) DEFINITIONS.—In this section, the terms ''appropriate congressional committees'', ''non-state actor'', and ''particularly severe violations of religious freedom'' have the meanings given such terms in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), as amended by section 3 of this Act.

SEC. 302. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 402 of the International Religious Freedom Act of 1998 (22 U.S.C. 6442) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—Not later than 90 days after the date on which each Annual Report is submitted under section 102(b), the President shall—

''(i) review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in each such country during the preceding 12 months or longer;

''(ii) designate each country the government of which has engaged in or tolerated violations described in clause (i) as a country of particular concern for religious freedom; and

''(iii) designate each country that engaged in or tolerated severe violations of religious freedom during the previous year, but does not meet, in the opinion of the President at the time of publication of the Annual Report, all of the criteria described in section 3(15) for designation under clause (ii) as being placed on a 'Special Watch List'.''; and

(ii) in subparagraph (C), by striking ''prior to September 1 of the respective year'' and inserting ''before the date on which each Annual Report is submitted under section 102(b)'';

(B) by amending paragraph (3) to read as follows:

''(3) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A)(ii), the President, not later than 90 days after such designation, shall submit to the appropriate congressional committees—

''(i) the designation of the country, signed by the President;

''(ii) the identification, if any, of responsible parties determined under paragraph (2); and

''(iii) a description of the actions taken under subsection (c), the purposes of the actions taken, and the effectiveness of the actions taken.

''(B) REMOVAL OF DESIGNATION.—A country that is designated as a country of particular concern for religious freedom under paragraph (1)(A)(ii) shall retain such designation until the President determines and reports to the appropriate congressional committees that the country should no longer be so designated.''; and

(C) by adding at the end the following:

''(4) EFFECT ON DESIGNATION AS COUNTRY OF PARTICULAR CONCERN.—The presence or absence of a country from the Special Watch List in any given year shall not preclude the designation of such country as a country of particular concern for religious freedom under paragraph (1)(A)(ii) in any such year.''; and

(2) in subsection (c)(5), by striking ''the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection.'' and inserting

''the President shall designate the specific sanction or sanctions that the President determines satisfy the requirements under this subsection and include a description of the impact of such sanction or sanctions on each country.''.

SEC. 303. REPORT TO CONGRESS.

Section 404(a)(4)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6444(a)(4)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iv) the impact on the advancement of United States interests in democracy, human rights, and security, and a description of policy tools being applied in the country, including programs that target democratic stability, economic growth, and counterterrorism.''.

SEC. 304. PRESIDENTIAL WAIVER.

Section 407 of the International Religious Freedom Act of 1998 (22 U.S.C. 6447) is amended—

(1) in subsection (a)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by inserting '', for a single, 180-day period,'' after ''may waive'';

(C) by striking paragraph (1); and

(D) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) ADDITIONAL AUTHORITY.—Subject to subsection (c), the President may waive, for any additional specified period of time after the 180-day period described in subsection (a), the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or a commensurate substitute action) with respect to a country, if the President determines and reports to the appropriate congressional committees that—

''(1) the respective foreign government has ceased the violations giving rise to the Presidential action; or

''(2) the important national interest of the United States requires the exercise of such waiver authority.'';

(4) in subsection (c), as redesignated, by inserting ''or (b)'' after ''subsection (a)''; and

(5) by adding at the end the following:

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

''(1) ongoing and persistent waivers of the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate substitute action) with respect to a country do not fulfill the purposes of this Act; and

''(2) because the promotion of religious freedom is a compelling interest of United States foreign policy, the President, the Secretary of State, and other executive branch officials, in consultation with Congress, should seek to find ways to address existing violations, on a case-by-case basis, through the actions described in section 405 or other commensurate substitute action.''.

SEC. 305. PUBLICATION IN THE FEDERAL REGISTER.

Section 408(a)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6448(a)(1)) is amended by adding at the end the following: ''Any designation of a non-state actor as an entity of particular concern for religious freedom under section 301 of the Frank R. Wolf International Religious Freedom Act and, if applicable and to the extent practicable, the identities of individuals determined to be responsible for violations described in subsection (f) of such section.''.

TITLE IV—PROMOTION OF RELIGIOUS FREEDOM

SEC. 401. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

(a) AVAILABILITY OF ASSISTANCE.—It is the sense of Congress that for each fiscal year that begins on or after the date of the enactment of this Act, the Secretary of State should make available, from amounts available—

(1) sufficient funds for the vigorous promotion of international religious freedom and for projects to advance United States interests in the protection and advancement of international religious freedom, in particular, through grants to groups that—

(A) are capable of developing legal protections or promoting cultural and societal understanding of international norms of religious freedom;

(B) seek to address and mitigate religiously motivated and sectarian violence and combat violent extremism; or

(C) seek to strengthen investigations, reporting, and monitoring of religious freedom violations, including genocide perpetrated against religious minorities; and

(2) sufficient funds for the establishment of an effective Religious Freedom Defense Fund, to be administered by the Ambassador at Large for International Religious Freedom, to provide grants for—

(A) victims of religious freedom abuses and their families to cover legal and other expenses that may arise from detention, imprisonment, torture, fines, and other restrictions; and

(B) projects to help create and support training of a new generation of defenders of religious freedom, including legal and political advocates, and civil society projects which seek to create advocacy networks, strengthen legal representation, train and educate new religious freedom defenders, and build the capacity of religious communities and rights defenders to protect against religious freedom violations, mitigate societal or sectarian violence, or minimize legal or other restrictions of the right to freedom of religion.

(b) PREFERENCE.—It is the sense of Congress that, in providing grants under subsection (a), the Ambassador at Large for International Religious Freedom should, as appropriate, give preference to projects targeting religious freedom violations in countries—

(1) designated as countries of particular concern for religious freedom under section 402(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(b)(1)); or

(2) included on the Special Watch List described in section 402(b)(1)(A)(iii) of the International Religious Freedom Act of 1998, as added by section 302(1)(A)(i) of this Act.

(c) ADMINISTRATION AND CONSULTATIONS.—

(1) ADMINISTRATION.—Amounts made available under subsection (a) shall be administered by the Ambassador at Large for International Religious Freedom.

(2) CONSULTATIONS.—In developing priorities and policies for providing grants authorized under subsection (a), including programming and policy , the Ambassador at Large for International Religious Freedom should consult with other Federal agencies, including the United States Commission on International Religious Freedom and, as appropriate, nongovernmental organizations.

TITLE V—DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM

SEC. 501. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Title VI of the International Religious Freedom Act of 1998 (22 U.S.C. 6471 et seq.) is amended—

(1) by redesignating section 605 as section 606; and

(2) by inserting after section 604 the following:

''SEC. 605. DESIGNATED PERSONS LIST FOR PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

''(a) LIST.—

''(1) IN GENERAL.—The Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and nongovernment experts, shall establish and maintain a list of foreign individuals to whom a consular post has denied a visa on the grounds of particularly severe violations of religious freedom under section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)), or who are subject to financial sanctions or other measures for particularly severe violations of freedom religion.

''(2) REFERENCE.—The list required under paragraph (1) shall be known as the 'Designated Persons List for Particularly Severe Violations of Religious Freedom'.

''(b) REPORT.—

''(1) IN GENERAL.—The Secretary of State shall submit a report to the appropriate congressional committees that contains the list required under subsection (a), including, with respect to each foreign individual on the list—

''(A) the name of the individual and a description of the particularly severe violation of religious freedom committed by the individual;

''(B) the name of the country or other location in which such violation took place; and

''(C) a description of the actions taken pursuant to this Act or any other Act or Executive order in response to such violation.

''(2) SUBMISSION AND UPDATES.—The Secretary of State shall submit to the appropriate congressional committees—

''(A) the initial report required under paragraph (1) not later than 180 days after the date of the enactment of the Frank R. Wolf International Religious Freedom Act; and

''(B) updates to the report every 180 days thereafter and as new information becomes available.

''(3) FORM.—The report required under paragraph (1) should be submitted in unclassified form but may contain a classified annex.

''(4) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Relations of the Senate;

''(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

''(C) the Committee on Foreign Affairs of the House of Representatives; and

''(D) the Committee on Financial Services of the House of Representatives.''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. MISCELLANEOUS PROVISIONS.

Title VII of the International Religious Freedom Act of 1998 (22 U.S.C. 6481 et seq.) is amended by adding at the end the following:

''SEC. 702. VOLUNTARY CODES OF CONDUCT FOR UNITED STATES INSTITUTIONS OF HIGHER EDUCATION OUTSIDE THE UNITED STATES.

''(a) FINDING.—Congress recognizes the enduring importance of United States institutions of higher education worldwide—

''(1) for their potential for shaping positive leadership and new educational models in host countries; and

''(2) for their emphasis on teaching universally recognized rights of free inquiry and academic freedom.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that United States institutions of higher education operating campuses outside the United States or establishing any educational entities with foreign governments, particularly with or in countries the governments of which engage in or tolerate severe violations of religious freedom as identified in the Annual Report, should seek to adopt a voluntary code of conduct for operating in such countries that should—

''(1) uphold the right of freedom of religion of their employees and students, including the

right to manifest that religion peacefully as protected in international law;

''(2) ensure that the religious views and peaceful practice of religion in no way affect, or be allowed to affect, the status of a worker's or faculty member's employment or a student's enrollment; and

''(3) make every effort in all negotiations, contracts, or memoranda of understanding engaged in or constructed with a foreign government to protect academic freedom and the rights enshrined in the United Nations Declaration of Human Rights.

''SEC. 703. SENSE OF CONGRESS REGARDING NATIONAL SECURITY STRATEGY TO PROMOTE RELIGIOUS FREEDOM THROUGH UNITED STATES FOREIGN POLICY.

''It is the sense of Congress that the annual national security strategy report of the President required under section 108 of the National Security Act of 1947 (50 U.S.C. 3043)—

''(1) should promote international religious freedom as a foreign policy and national security priority; and

''(2) should articulate that promotion of the right to freedom of religion is a strategy that—

''(A) protects other, related human rights, and advances democracy outside the United States; and

''(B) makes clear its importance to United States foreign policy goals of stability, security, development, and diplomacy;

''(3) should be a guide for the strategies and activities of relevant Federal agencies; and

''(4) should inform the Department of Defense quadrennial defense review under section 118 of title 10, United States Code, and the Department of State Quadrennial Diplomacy and Development Review.''.

SEC. 602. CLERICAL AMENDMENTS.

The table of contents of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 note) is amended—

(1) by striking the item relating to section 605 and inserting the following:

''Sec. 606. Studies on the effect of expedited removal provisions on asylum claims.'';

(2) by inserting after the item relating to section 604 the following:

''Sec. 605. Designated Persons List for Particularly Severe Violations of Religious Freedom.'';

and

(3) by adding at the end the following:

''Sec. 702. Voluntary codes of conduct for United States institutions of higher education operating outside the United States.

''Sec. 703. Sense of Congress regarding national security strategy to promote religious freedom through United States foreign policy.''.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn, the Corker substitute amendment at the desk be considered, the Corker amendment at the desk be agreed to, the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

(Amendment No. 5175 is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 5176) was agreed to, as follows:

(Purpose: To clarify religious freedom training requirements for Foreign Service officers)

Beginning on page 13, strike line 12 and all that follows through page 16, line 20, and insert the following:

(a) AMENDMENTS TO FOREIGN SERVICE ACT OF 1980.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking ''(a) The Secretary of State'' and inserting the following:

''(a) HUMAN RIGHTS, RELIGIOUS FREEDOM, AND HUMAN TRAFFICKING TRAINING.—

''(1) IN GENERAL.—The Secretary of State''; and

(C) by adding at the end the following:

''(2) RELIGIOUS FREEDOM TRAINING.—

''(A) IN GENERAL.—In carrying out the training required under paragraph (1)(B), the Director of the George P. Shultz National Foreign Affairs Training Center shall, not later than the one year after the date of the enactment of the Frank R. Wolf International Religious Freedom Act, conduct training on religious freedom for all Foreign Service officers, including all entry level officers, all officers prior to departure for posting outside the United States, and all outgoing deputy chiefs of mission and ambassadors. Such training shall be included in—

''(i) the A–100 course attended by all Foreign Service officers;

''(ii) the courses required of every Foreign Service officer prior to a posting outside the United States, with segments tailored to the particular religious demography, religious freedom conditions, and United States strategies for advancing religious freedom, in each receiving country; and

''(iii) the courses required of all outgoing deputy chiefs of mission and ambassadors.

''(B) DEVELOPMENT OF CURRICULUM.—In carrying out the training required under paragraph (1)(B), the Ambassador at Large for International Religious Freedom, in coordination with the Director of the George P. Shultz National Foreign Affairs Training Center and other Federal officials, as appropriate, and in consultation with the United States Commission on International Religious Freedom established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)), shall make recommendations to the Secretary of State regarding a curriculum for the training of United States Foreign Service officers under paragraph (1)(B) on the scope and strategic value of international religious freedom, how violations of international religious freedom harm fundamental United States interests, how the advancement of international religious freedom can advance such interests, how United States international religious freedom policy should be carried out in practice by United States diplomats and other Foreign Service officers, and the relevance and relationship of international religious freedom to United States defense, diplomacy, development, and public affairs efforts. The Secretary of State should ensure the availability of sufficient resources to develop and implement such curriculum.

''(C) INFORMATION SHARING.—The curriculum and training materials developed under this paragraph shall be shared with the United States Armed Forces and other Federal departments and agencies with personnel who are stationed overseas, as appropriate, to provide training on—

''(i) United States religious freedom policies;

''(ii) religious traditions;

''(iii) religious engagement strategies;

''(iv) religious and cultural issues; and

''(v) efforts to counter violent religious extremism.'';

(2) in subsection (b), by striking ''The Secretary of State'' and inserting ''REFUGEES.—The Secretary of State''; and

(3) in subsection (c), by striking ''The Secretary of State'' and inserting ''CHILD SOLDIERS.—The Secretary of State''.

The amendment (No. 5175) in the nature of a substitute, as amended, was agreed to.

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. 1150), as amended, was passed.

ENCOURAGING REUNIONS OF DIVIDED KOREAN AMERICAN FAMILIES

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 711, H. Con. Res. 40.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 40) encouraging reunions of divided Korean American families.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 40) was agreed to.

The preamble was agreed to.

UNITED STATES-CARIBBEAN STRATEGIC ENGAGEMENT ACT OF 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 713, H.R. 4939.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4939) to increase engagement with the governments of the Caribbean region, the Caribbean diaspora community in the United States, and the private sector and civil society in both the United States and the Caribbean, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment 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 ''United States–Caribbean Strategic Engagement Act of 2016''.

SEC. 2. STATEMENT OF POLICY.

Congress declares that it is the policy of the United States to increase engagement with the governments of the Caribbean region and with civil society, including the private sector, in both the United States and the Caribbean, in a concerted effort to—

(1) enhance diplomatic relations between the United States and the Caribbean region;

(2) increase economic cooperation between the United States and the Caribbean region;

(3) support regional economic, political, and security integration efforts in the Caribbean region;

(4) encourage enduring economic development and increased regional economic diversification and global competitiveness;

(5) reduce levels of crime and violence, curb the trafficking of illicit drugs, strengthen the rule of law, and improve citizen security;

(6) improve energy security by increasing access to diverse, reliable, and affordable power;

(7) advance cooperation on democracy and human rights at multilateral fora;

(8) continue support for public health advances and cooperation on health concerns and threats to the Caribbean region; and

(9) expand Internet access throughout the region, especially to countries lacking the appropriate infrastructure.

SEC. 3. STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), shall submit to the appropriate congressional committees a multi-year strategy for United States engagement to support the efforts of interested nations in the Caribbean region that—

(1) identifies Department of State and USAID priorities, in coordination with other executive branch agencies, for United States policy towards the Caribbean region;

(2) outlines an approach to partner with governments of the Caribbean region to improve citizen security, reduce the trafficking of illicit drugs, strengthen the rule of law, and improve the effectiveness and longevity of the Caribbean Basin Security Initiative;

(3) establishes a comprehensive, integrated, multi-year strategy to encourage efforts of the Caribbean region to implement regional and national strategies that improve energy security, by increasing access to all available sources of energy, including by taking advantage of the indigenous energy sources of the Caribbean and the ongoing energy revolution in the United States;

(4) outlines an approach to improve diplomatic engagement with the governments of the Caribbean region, including with respect to key votes on human rights and democracy at the United Nations and the Organization of American States;

(5) Describes how the United States can develop an approach to supporting Caribbean countries in efforts they are willing to undertake with their own resources to diversify their economies;

(6) describes ways to ensure the active participation of citizens of the Caribbean in existing program and initiatives administered by the Department of State's Bureau of Educational and Cultural Affairs; and

(7) reflects the input of other executive branch agencies, as appropriate.

SEC. 4. BRIEFINGS.

The Secretary of State shall offer to the appropriate congressional committees annual briefings that review Department of State efforts to implement the strategy for United States engagement with the Caribbean region in accordance with section 3.

SEC. 5. PROGRESS REPORT.

Not later than 2 years after the submission of the strategy required under section 3, the President shall submit to the appropriate congressional committees a report on progress made toward implementing the strategy.

SEC. 6. REPORTING COST OFFSET.

Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is amended by striking ''the following:'' and all that follows through ''(B) A workforce plan'' and inserting ''a workforce plan''.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CARIBBEAN REGION.—The term ''Caribbean region'' means the Caribbean Basin Security Initiative beneficiary countries.

(3) SECURITY ASSISTANCE.—The term ''security assistance'' has the meaning given such term in section 502B(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(2)).

Mr. PORTMAN. Mr. President, I further ask unanimous consent that the Corker amendment be agreed to, the committee-reported substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; 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 amendment (No. 5177) was agreed to, as follows:

(Purpose: To revise the multi-year strategy requirement regarding diplomatic engagement with Caribbean region governments)

On page 11, beginning on line 3, strike ''with respect to'' and all that follows through line 5 and insert ''with respect to human rights and democracy''.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 4939), as amended, was ordered to a third reading, was read the third time, and passed.

DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CERTAIN CORRECTION IN THE ENROLLMENT OF S. 1635

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 181, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 181) directing the Secretary of the Senate to make a certain correction in the enrollment of S. 1635.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 181) was agreed to.

HOUSE BILLS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills received from the House en bloc: H.R. 4352, H.R. 5099, H.R. 5790, H.R. 6130, H.R. 6323, H.R. 6400, H.R. 6431, H.R. 6450, H.R. 6451, H.R. 6452, and H.R. 6477.

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bills be considered read a third time.

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

FOSTER CARE FOR VETERANS ACT

The bill (H.R. 4352) to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes, was ordered to a third reading and was read the third time.

COMMUNITIES HELPING INVEST THROUGH PROPERTY AND IMPROVEMENTS NEEDED FOR VETERANS ACT OF 2016

The bill (H.R. 5099) to establish a pilot program on partnership agreements to construct new facilities of the Department of Veterans Affairs, was ordered to a third reading and was read the third time.

FEDERAL BUREAU OF INVESTIGATION WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2016

The bill (H.R. 5790) to provide adequate protections for whistleblowers at the Federal Bureau of Investigation, was ordered to a third reading and was read the third time.

Mr. GRASSLEY. Mr. President, for a long time, my friend Senator LEAHY and I have worked hard to improve protections for FBI employees who report waste, fraud, and abuse.

In March 2015, we held a hearing in the Judiciary Committee examining the FBI whistleblower program. That hearing addressed Department of Justice and Government Accountability Office reviews of the program. Both of those reviews found significant problems. The biggest problem is a longstanding loophole the Department created in its interpretation of the statutory protections for FBI whistleblowers. The Department's rules only protect FBI employees who experience reprisal after they report wrongdoing to a handful of offices or individuals. But those rules do not recognize that almost all whistleblowers first report wrongdoing to their immediate supervisor. Then they go up the chain of command. It is just human nature

that, when you spot a problem at work, you tell your boss.

FBI policy even encourages employees to report through their chain of command. Yet under the current rules, those same employees have no remedy if they suffer reprisal for disclosing waste, fraud, or abuse to their boss. According to the Government Accountability Office, in 5 years, roughly one-third of FBI reprisal complaints were dismissed because the employee made the report to the ''wrong person'' in their management chain. It doesn't matter if the original disclosure uncovered actual wrongdoing. If the employee who reported it experiences retaliation, there is nothing they can do about it. Worse, FBI employees are the only employees in the Federal Government without these protections.

Even whistleblowers in the intelligence community, thanks to the President's Policy Directive No. 19, are protected when they make disclosures to their supervisors. But the employees of the FBI have been left behind. The problem stems from an apparent compromise Congress reached in 1978 as part of the Civil Service Reform Act. There were some in the Congress at the time that wanted to exempt the FBI completely from important whistleblower protections.

But this was 1978, only a few years after J. Edgar Hoover's reign over the FBI ended. It had become very clear in those years that the FBI was not immune to abuses of power. So the FBI got its own provision in the U.S. Code, separate from the protections that apply to most other nonmilitary Federal employees. The point was to provide protections similar to those available for other Federal employees.

But, when the Department wrote its rules, it strictly limited the number of people FBI employees could report to. The Department said that it should not protect disclosures to supervisors because that would mean the same people who are prohibited from engaging in reprisal—supervisors—would receive disclosures. But that was not the intent. The whole point of the whistleblower protection laws is to protect the whistleblower from the person who is going to retaliate against them for disclosing waste, fraud, or abuse. That is typically the person who receives their disclosures—which is almost always a direct supervisor.

But the Department's current rules leave those employees out in the cold. The result? As I said, roughly one-third of FBI employee reprisal complaints have been dismissed because they did what FBI policy tells them to do. They reported to their chain of command. This result is absurd and not what Congress intended.

Congress wanted to encourage disclosures of wrongdoing so that problems could be more easily identified and then fixed. How can you fix problems if your employees do not have a logical, safe way to raise them? The answer is that you can't.

Moreover, there are many other federal law enforcement agencies that function under the same whistleblower protections as non-law enforcement agencies. There is no logical reason for the FBI to have unique, separate, and inadequate standards for protecting whistleblower disclosures.

So I and Senator LEAHY drafted the FBI Whistleblower Protection Enhancement Act. The bill amends the FBI whistleblower statute to clarify, once and for all, that FBI whistleblowers are protected for disclosing waste, fraud, and abuse in their chain of command. This change was recommended by the Government Accountability Office in its 2015 review.

It is also supported by the Office of Special Counsel, the Department's Office of the Inspector General, and numerous good government and whistleblower advocacy groups. Even FBI Director James Comey and Attorney General Loretta Lynch have both testified before the Judiciary Committee that disclosures to supervisors should be protected. Now, we passed a version of this bill out of the Judiciary Committee unanimously. That version would have made additional meaningful changes to the FBI whistleblower program.

The bill adopted by the Committee would also have addressed the other problems identified in the Justice Department report and the Government Accountability Office study.

Most importantly, the bill that passed the Committee would have dealt with the lengthy delays in the Department's internal investigation and adjudication process. We also wanted to provide FBI whistleblowers with some relief when the inspector general finds in their favor. That way, FBI would be encouraged to settle cases instead of wasting taxpayer money defending reprisal. We wanted to require the Department to make its decisions on these cases publicly available. That way, the FBI would not be the only party in these cases with access to case precedent.

We also wanted to be sure that FBI employees had opportunities for a fair and independent hearing and the ability to seek relief from a court of appeals. In that case, at least someone outside the Department would be able to hold the Department and the FBI accountable. But, behind the scenes, the FBI and the Justice Department objected to these provisions—although they never provided any official written comment on the bill. They claimed our reforms would jeopardize national security.

But they never, ever said how. In nearly a year, they could not produce one single specific, coherent concern with the process that we developed. They had no response to the fact that classified information has not been an issue in FBI cases. Reprisal complaints generally can be considered without ever addressing classified information. The Department's own rules tell employees not to file classified information as part of the whistleblower program; and there has never been an FBI case that required the consideration of classified information.

The FBI even initially objected to the provision recommended by GAO that would protect disclosures to supervisors. The FBI claimed that their employees' work was too sensitive. But that claim holds no water because employees in the intelligence community are protected for reporting wrongdoing to their supervisors.

Now, we have waited nearly a year for constructive, good-faith feedback on our other reforms, but have received none. And unfortunately, we have not been able to reach a unanimous agreement on those issues this year or obtain time for debate and a vote on the floor. I am very disappointed. However, we still found a way forward on one key provision of this legislation. FBI employees have waited long enough to be protected for the same disclosures as everyone else in the Federal Government. Year after year, decade after decade, so many FBI employees have been retaliated against with no legal recourse.

Well, that ends now. We can keep working together on other, much-needed reforms, and we will. We are not finished with the great work left to do to improve FBI whistleblower protections. Other issues identified by the Government Accountability Office and by the Justice Department itself still need to be addressed.

But with the passage of the amendment to our bill, FBI employees will finally have a remedy if they are retaliated against for reporting waste, fraud, and abuse to their supervisors—just like every other Federal employee in the vast American bureaucracy. I am thankful for the support and hard work of Senator LEAHY on these issues for so many years and for working so closely with me on this legislation. I also am very thankful for Representative CHAFFETZ's leadership on this issue in the House. I know that he and Representatives JEFFRIES and CUMMINGS have been great advocates for this change.

Most of all, I am grateful for the FBI whistleblowers I have worked with over the years, folks like Fred Whitehurst, Jane Turner, Michael German, Robert Kobus, Darin Jones, and so many more. This would never have come to pass without your leadership, persistence, and personal sacrifice. It has been a long road, but it has been a privilege to travel it with you.

We are not done yet. But now, we are one very big step closer.

Mr. LEAHY. Mr. President, whistleblowers play an essential role in providing transparency and accountability in the Federal Government and exposing waste, fraud, and abuse. It is important that all government employees have safe and effective avenues to come forward when they have evidence of wrongdoing, and to encourage them

to come forward they must be afforded protections from retaliation. Unfortunately, under current law, FBI employees who report waste or misconduct are not afforded the same whistleblower protections as all other Federal employees. That is why I worked closely with Senator GRASSLEY to author the FBI Whistleblower Protection Enhancements Act of 2016.

The bill Senator GRASSLEY and I drafted was a comprehensive package. Not only did it extend protections to FBI employees who report waste, fraud, or abuse to supervisors in their chain of command, but it also provided clear guidance on the investigation and adjudication of retaliation claims so that those same employees are not denied whistleblower protections without reason or without opportunity to appeal. Unfortunately, the bill we have passed today has been stripped of many of these worthy reforms. While I am pleased we will finally update the law to provide whistleblower protections for FBI employees who blow the whistle within their chain of command, I am disappointed that the bill we have before of contains only a fraction of the reform that Senator GRASSLEY and I worked so hard to move through the Senate Judiciary Committee.

This is a small but important step forward, but it is not sufficient. The Senate must work to pass comprehensive reform so that FBI employees are able to blow the whistle and not face repercussions for doing so. I hope we can revisit this important issue in the next Congress.

HOLOCAUST EXPROPRIATED ART RECOVERY ACT OF 2016

The bill (H.R. 6130) to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis, was ordered to a third reading and was read the third time.

TIBOR RUBIN VA MEDICAL CENTER

The bill (H.R. 6323) to name the Department of Veterans Affairs health care system in Long Beach, California, the ''Tibor Rubin VA Medical Center,'' was ordered to a third reading and was read the third time.

TO REVISE THE BOUNDARIES OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS IN NEW JERSEY

The bill (H.R. 6400) to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in New Jersey, was ordered to a third reading and was read the third time.

PROMOTING TRAVEL, COMMERCE, AND NATIONAL SECURITY ACT OF 2016

The bill (H.R. 6431) to ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives, was ordered to a third reading and was read the third time.

Mr. LEAHY. Mr. President, Congress has now passed the bipartisan Promoting Travel, Commerce, and National Security Act. In 2015, I hailed the signing of a new agreement between the United States and Canada designed to improve cross-border travel, commerce, and security between our two countries. Since then, there has been legislation introduced in both the Senate and the House to allow for full implementation of that expanded Canada preclearance agreement. Thirty business associations both in the United States and Canada support this legislation, and the U.S. Departments of Homeland Security and Justice fully support its passage.

Let's be clear about one thing: U.S. preclearance operations are already under way, in Canada and elsewhere. Preclearance facilities allow travelers to pass through U.S. Customs and Border Protection, CBP, inspections on foreign soil, prior to traveling to the United States. Preclearance operations relieve congestion at U.S. destination airports, facilitate commerce, save money, and strengthen national security. The United States currently stations CBP officers in select locations in Canada to inspect passengers and cargo bound for the United States before departing Canada. This legislation will pave the way for additional U.S. preclearance facilities in Canada in the marine, land, air and rail sectors. In particular, this legislation will advance important projects in Vermont: the creation of a preclearance facility at Montreal's Central Station, reestablishing train service between Vermont and Montreal; and improvements to air service between Burlington International Airport and Billy Bishop Toronto City Airport.

This legislation will promote two key national goals: enhancing our national security and increasing efficiency for travelers and commercial exchanges. With respect to national security, by placing CBP personnel at the point of departure, screening occurs before a person boards a flight, increasing our ability to prevent those who should not be flying to the United States from doing so. In 2014, preclearance stopped more than 10,000 inadmissible travelers worldwide before they left foreign soil. And with respect to commerce, the United States and Canada enjoy one of the largest bilateral economic relationships in the world, with $1.4 trillion in bilateral trade and investment and two-way trade in goods and services valued at $759 billion in 2014. Each day, more than $1.8 billion in goods and services and nearly 390,000 people cross the U.S.Canadian border. Preclearance helps further facilitate this important economic relationship.

Preclearance is an issue about which both Democrats and Republicans can and do agree. It will enhance border security and stimulate economic growth. I look forward to the President signing this bill into law.

INSPECTOR GENERAL EMPOWERMENT ACT OF 2016

The bill (H.R. 6450) to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes, was ordered to a third reading and was read the third time.

Mr. GRASSLEY. Mr. President, today, the Senate passed the Inspector General Empowerment Act. This is a crucial piece of legislation to enable inspectors general to function independently and to weed out waste, fraud, and abuse within the government. I thank Senator MCCAIN for working with me constructively to resolve the concerns he raised last week and for honoring the agreement we made in December 2015.

Following Senator MCCAIN's objection to my attempt to pass the IG bill by a live UC last Thursday, our staffs met and reached a compromise. We agreed to remove some provisions of the bill related to IG leave policy and IG reporting requirements. Although we disagreed on those provisions, I am glad that we agreed to preserve the most important parts of the bill.

Namely, we preserved the provisions of the bill that provide inspectors general with timely access to all records of the agency that they are charged with overseeing. In addition, the bill contains numerous other provisions that strengthen IG independence and equip IGs with the necessary tools to weed out waste, fraud, and abuse within the Federal Government.

The bill requires the Government Accountability Office to conduct a study on prolonged IG vacancies and to provide recommendations for reducing these vacancies. It exempts IGs from getting computer matching agreements and from complying with the Paperwork Reduction Act, in order to ensure that IGs can obtain information and perform investigations without first obtaining agency approval. It improves the process by which IGs police the conduct of other IGs, to require that investigations are conducted in a more timely fashion. It promotes greater transparency by requiring IGs to report to Congress semiannually on impediments to their work, such as agency interference, reports that are not made otherwise available to the public, and whistleblower retaliation. Finally, it requires IGs to send IG recommendations to the heads of agencies and to Congress and to publicly post reports, unless otherwise prohibited by law.

It is a waste of time and money to have agencies at war with their inspectors general over access to information. The inspectors general need to spend their time identifying and helping agencies eliminate waste, fraud, and abuse—not fighting for access to the information needed to do their job. The bureaucrats need to learn Congress intended for the law to mean exactly what it says.

Unless a provision of law specifically mentions the inspector general and prevents access to certain kinds of documents, then those records should be provided. ''All records'' means ''all records.''

I thank my cosponsors who worked diligently with me over the past year-and-a-half to help this bill pass in the Senate.

Mr. LEAHY. Mr. President, I have long fought to promote transparency and accountability in our Federal Government. From standing up to defend and strengthen the Freedom of Information Act, FOIA, to protecting government whistleblowers, promoting transparency and accountability are among my top priorities. This Congress, Senator Grassley and I joined together to introduce the FBI Whistleblower Protection Act. And today we have again worked together to advance legislation to support inspectors general and ensure accountability. I support the revised IG Empowerment Act and hope it can be signed into law before the end of the year.

Inspectors general play a critical role in promoting government transparency and accountability. They help ensure that Federal agencies and their employees operate efficiently, effectively, and within the scope of the law. The goal of the IG Empowerment Act is to strengthen the Office of Inspectors General and increase their independence, and it is a goal I support. One very important provision would help clarify that IGs should have access to all documents they need to conduct their investigations, audits, and reviews. This is something I agree with. Senator GRASSLEY and I held a bipartisan hearing on this issue and agreed to work together to find a solution to this problem.

While we need to make sure that the IGs have the tools they need to do their job, the Fourth Amendment demands that we not grant administrative subpoena power lightly. Such power should be granted sparingly and be narrowly tailored to protect individuals' civil liberties. The bill we advance today strikes the right balance to support IGs without giving them a blank check to subpoena any individual outside of the government and compel them to testify in person.

We have made good progress in advancing protransparency legislation this year. My bipartisan FOIA Improvement Act with Senator CORNYN was signed into law in July. And just this week, we learned that a dangerous FOIA-related provision in the defense bill was stripped from the conference report. This kind of progress can only be made through bipartisan work and good faith negotiating. I am glad we will make similar progress with the IG Empowerment Act that I hope all Senators will support today.

FEDERAL PROPERTY MANAGEMENT REFORM ACT OF 2016

The bill (H.R. 6451) to improve the Government-wide management of Federal property, was ordered to a third reading and was read the third time.

ENSURING ACCESS TO PACIFIC FISHERIES ACT

The bill (H.R. 6452) to implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes, was ordered to a third reading and was read the third time.

FOREIGN CULTURAL EXCHANGE JURISDICTIONAL IMMUNITY CLARIFICATON ACT

The bill (H.R. 6477) to amend chapter 97 of title 28, United States Code, to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) of such title, was ordered to a third reading and was read the third time.

Mr. PORTMAN. Mr. President, I know of no further debate on the bills en bloc.

The PRESIDING OFFICER. Is there further debate?

If not, the bills having been read the third time, the question is, Shall the bills pass en bloc?

The bills (H.R. 4352, H.R. 5099, H.R. 5790, H.R. 6130, H.R. 6323, H.R. 6400, H.R. 6431, H.R. 6450, H.R. 6451, H.R. 6452, and H.R. 6477) were passed.

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

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

OVERTIME PAY FOR SECRET SERVICE AGENTS ACT OF 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6302, which was received from the House.

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

The senior assistant legislative clerk read as follows:

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

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Johnson 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 amendment (No. 5178) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Overtime Pay for Protective Services Act of 2016''.

SEC. 2. PREMIUM PAY EXCEPTION IN 2016 FOR PROTECTIVE SERVICES.

(a) DEFINITION.—In this section, the term ''covered employee'' means any officer, employee, or agent employed by the United States Secret Service who performs protective services for an individual or event protected by the United States Secret Service during 2016.

(b) EXCEPTION TO THE LIMITATION ON PREMIUM PAY FOR PROTECTIVE SERVICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during 2016, section 5547(a) of title 5, United States Code, shall not apply to any covered employee to the extent that its application would prevent a covered employee from receiving premium pay, as provided under the amendment made by paragraph (2).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 118 of the Treasury and General Government Appropriations Act, 2001 (as enacted into law by section 1(3) of Public Law 106–554; 114 Stat. 2763A–134) is amended, in the first sentence, by inserting ''or, if the employee qualifies for an exception to such limitation under section 2(b)(1) of the Overtime Pay for Protective Services Act of 2016, to the extent that such aggregate amount would exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code'' after ''of that limitation''.

(c) TREATMENT OF ADDITIONAL PAY.—If subsection (b) results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

(1) be considered to be basic pay of the covered employee for any purpose; or

(2) be used in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552 of title 5, United States Code.

(d) AGGREGATE LIMIT.—With respect to the application of section 5307 of title 5, United States Code, the payment of any additional premium pay to a covered employee as a result of subsection (b) shall not be counted as part of the aggregate compensation of the covered employee.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect as if enacted on December 31, 2015.

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. 6302), as amended, was passed.

The amendment (No. 5179) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title to read as follows: ''A bill to provide an increase in premium pay for

protective services during 2016, and for other purposes.''.

MARINE LANCE CORPORAL SQUIRE ''SKIP'' WELLS POST OFFICE BUILDING

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 5612 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5612) to designate the facility of the United States Postal Service located at 2886 Sandy Plains Road in Marietta, Georgia, as the ''Marine Lance Corporal Squire 'Skip' Wells Post Office Building.''

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

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

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

The bill (H.R. 5612) was ordered to a third reading, was read the third time, and passed.

OPEN GOVERNMENT DATA ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 718, S. 2852.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2852) to expand the Government's use and administration of data to facilitate transparency, effective governance, and innovation, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Open, Public, Electronic, and Necessary Government Data Act'' or the ''OPEN Government Data Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; agency defined.
Sec. 3. Rule of construction.
Sec. 4. Federal information policy definitions.
Sec. 5. Requirement for making open and machine-readable the default for Government data.
Sec. 6. Responsibilities of the Office of Electronic Government.
Sec. 7. Data inventory and planning.
Sec. 8. Technology portal.
Sec. 9. Enhanced responsibilities for chief information officers and chief information officers council duties.
Sec. 10. Evaluation of agency analytical capabilities.
Sec. 11. Effective date.

SEC. 2. FINDINGS; AGENCY DEFINED.

(a) FINDINGS.—Congress finds the following:

(1) Federal Government data is a valuable national resource. Managing Federal Government data to make it open, available, discoverable, and useable to the general public, businesses, journalists, academics, and advocates promotes efficiency and effectiveness in Government, creates economic opportunities, promotes scientific discovery, and most importantly, strengthens our democracy.

(2) Maximizing the usefulness of Federal Government data that is appropriate for release rests upon making it readily available, discoverable, and usable—in a word: open. Information presumptively should be available to the general public unless the Federal Government reasonably foresees that disclosure could harm a specific, articulable interest protected by law or the Federal Government is otherwise expressly prohibited from releasing such data due to statutory requirements.

(3) The Federal Government has the responsibility to be transparent and accountable to its citizens.

(4) Data controlled, collected, or created by the Federal Government should be originated, transmitted, and published in modern, open, and electronic format, to be as readily accessible as possible, consistent with data standards imbued with authority under this Act and to the extent permitted by law.

(5) The effort to inventory Government data will have additional benefits, including identifying opportunities within agencies to reduce waste, increase efficiencies, and save taxpayer dollars. As such, this effort should involve many types of data, including data generated by applications, devices, networks, and equipment, which can be harnessed to improve operations, lower energy consumption, reduce costs, and strengthen security.

(6) Communication, commerce, and data transcend national borders. Global access to Government information is often essential to promoting innovation, scientific discovery, entrepreneurship, education, and the general welfare.

(b) AGENCY DEFINED.—In this Act, the term ''agency'' has the meaning given that term in section 3502 of title 44, United States Code, and includes the Federal Election Commission.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to require the disclosure of information or records that are exempt from public disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'').

SEC. 4. FEDERAL INFORMATION POLICY DEFINITIONS.

Section 3502 of title 44, United States Code, is amended—

(1) in paragraph (13), by striking ''; and'' at the end and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

''(16) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

''(17) the term 'Enterprise Data Inventory' means the data inventory developed and maintained pursuant to section 3523;

''(18) the term 'machine-readable' means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

''(19) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

''(20) the term 'nonpublic data asset'—

''(A) means a data asset that may not be made available to the public for privacy, security, confidentiality, regulation, or other reasons as determined by law; and

''(B) includes data provided by contractors that is protected by contract, license, patent, trademark, copyright, confidentiality, regulation, or other restriction;

''(21) the term 'open format' means a technical format based on an underlying open standard that is—

''(A) not encumbered by restrictions that would impede use or reuse; and

''(B) based on an underlying open standard that is maintained by a standards organization;

''(22) the term 'open Government data' means a Federal Government public data asset that is—

''(A) machine-readable;

''(B) available in an open format; and

''(C) part of the worldwide public domain or, if necessary, published with an open license;

''(23) the term 'open license' means a legal guarantee applied to a data asset that is made available to the public that such data asset is made available—

''(A) at no cost to the public; and

''(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting; and

''(24) the term 'public data asset' means a collection of data elements or a data set maintained by the Government that—

''(A) may be released; or

''(B) has been released to the public in an open format and is discoverable through a search of Data.gov.''.

SEC. 5. REQUIREMENT FOR MAKING OPEN AND MACHINE-READABLE THE DEFAULT FOR GOVERNMENT DATA.

(a) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3522. Requirements for Government data

''(a) MACHINE-READABLE DATA REQUIRED.—Government data assets made available by an agency shall be published as machine-readable data.

''(b) OPEN BY DEFAULT.—When not otherwise prohibited by law, and to the extent practicable, Government data assets shall—

''(1) be available in an open format; and

''(2) be available under open licenses.

''(c) OPEN LICENSE OR WORLDWIDE PUBLIC DOMAIN DEDICATION REQUIRED.—When not otherwise prohibited by law, and to the extent practicable, Government data assets published by or for an agency shall be made available under an open license or, if not made available under an open license and appropriately released, shall be considered to be published as part of the worldwide public domain.

''(d) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, non-profit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the agency's public data asset in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law and regulation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, is amended by inserting after the item relating to section 3521 the following:

''3522. Requirements for Government data.''.

(c) EFFECTIVE DATE.—Notwithstanding section 11, the amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(d) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this

Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3522 of title 44, United States Code, as added by subsection (a).

SEC. 6. RESPONSIBILITIES OF THE OFFICE OF ELECTRONIC GOVERNMENT.

(a) COORDINATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT POLICY.—Section 3503 of title 44, United States Code, is amended by adding at the end the following:

''(c) COORDINATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT POLICY.—The Federal Chief Information Officer shall work in coordination with the Administrator of the Office of Information and Regulatory Affairs and with the heads of other offices within the Office of Management and Budget to oversee and advise the Director on Federal information resources management policy.''.

(b) AUTHORITY AND FUNCTIONS OF DIRECTOR.—Section 3504(h) of title 44, United States Code, is amended—

(1) in paragraph (1), by inserting '', the Federal Chief Information Officer,'' after ''the Director of the National Institute of Standards and Technology'';

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon; and

(B) by adding at the end the following:

''(C) oversee the completeness of the Enterprise Data Inventory and the extent to which the agency is making all data collected and generated by the agency available to the public in accordance with section 3523;'';

(3) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(6) coordinate the development and review of Federal information resources management policy by the Administrator of the Office of Information and Regulatory Affairs and the Federal Chief Information Officer.''.

(c) CHANGE OF NAME OF THE OFFICE OF ELECTRONIC GOVERNMENT.—

(1) DEFINITIONS.—Section 3601 of title 44, United States Code, is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(C) by inserting after paragraph (3), as so redesignated, the following:

''(4) 'Federal Chief Information Officer' means the Federal Chief Information Officer of the Office of the Federal Chief Information Officer established under section 3602;''.

(2) OFFICE OF THE FEDERAL CHIEF INFORMATION OFFICER.—Section 3602 of title 44, United States Code, is amended—

*(A) in the heading, by striking ''**Electronic Government**'' and inserting ''**the Federal Chief Information Officer**'';*

(B) in subsection (a), by striking ''Office of Electronic Government'' and inserting ''Office of the Federal Chief Information Officer'';

(C) in subsection (b), by striking ''an Administrator'' and inserting ''a Federal Chief Information Officer'';

(D) in subsection (c), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(E) in subsection (d), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(F) in subsection (e), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(G) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking ''the Administrator shall'' and inserting ''the Federal Chief Information Officer shall''; and

(ii) in paragraph (16), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''; and

(H) in subsection (g), by striking ''the Office of Electronic Government'' and inserting ''the Office of the Federal Chief Information Officer''.

(3) CHIEF INFORMATION OFFICERS COUNCIL.—Section 3603 of title 44, United States Code, is amended—

(A) in subsection (b)(2), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer'';

(B) in subsection (c)(1), by striking ''The Administrator of the Office of Electronic Government'' and inserting ''The Federal Chief Information Officer''; and

(C) in subsection (f)(3), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(4) E–GOVERNMENT FUND.—Section 3604 of title 44, United States Code, is amended—

(A) in subsection (a)(2), by striking ''the Administrator of the Office of Electronic Government'' and inserting ''the Federal Chief Information Officer'';

(B) in subsection (b), by striking ''Administrator'' each place it appears and inserting ''Federal Chief Information Officer''; and

(C) in subsection (c), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(5) PROGRAM TO ENCOURAGE INNOVATIVE SOLUTIONS TO ENHANCE ELECTRONIC GOVERNMENT SERVICES AND PROCESSES.—Section 3605 of title 44, United States Code, is amended—

(A) in subsection (a), by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer'';

(B) in subsection (b), by striking '', the Administrator,'' and inserting '', the Federal Chief Information Officer,''; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by striking ''The Administrator'' and inserting ''The Federal Chief Information Officer''; and

(II) by striking ''proposals submitted to the Administrator'' and inserting ''proposals submitted to the Federal Chief Information Officer'';

(ii) in paragraph (2), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''; and

(iii) in paragraph (4), by striking ''the Administrator'' and inserting ''the Federal Chief Information Officer''.

(6) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 36 of title 44, United States Code, is amended by striking the item relating to section 3602 and inserting the following:

''3602. Office of the Federal Chief Information Officer.''.

(B) POSITIONS AT LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' and inserting ''Federal Chief Information Officer''.

(C) OFFICE OF ELECTRONIC GOVERNMENT.—Section 507 of title 31, United States Code, is amended by striking ''The Office of Electronic Government'' and inserting ''The Office of the Federal Chief Information Officer''.

(D) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—Section 305 of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' and inserting ''Federal Chief Information Officer''.

(E) CAPITAL PLANNING AND INVESTMENT CONTROL.—Section 11302(c)(4) of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' each place it appears and inserting ''Federal Chief Information Officer''.

(F) RESOURCES, PLANNING, AND PORTFOLIO MANAGEMENT.—The second subsection (c) of section 11319 of title 40, United States Code, is amended by striking ''Administrator of the Office of Electronic Government'' each place it appears and inserting ''Federal Chief Information Officer''.

(G) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—

(i) Section 2222(i)(6) of title 10, United States Code, is amended by striking ''section 3601(4)'' and inserting ''section 3601(3)''.

(ii) Section 506D(k)(1) of the National Security Act of 1947 (50 U.S.C. 3100(k)(1)) is amended by striking ''section 3601(4)'' and inserting ''section 3601(3)''.

(7) RULE OF CONSTRUCTION.—The amendments made by this subsection are for the purpose of changing the name of the Office of Electronic Government and the Administrator of such office and shall not be construed to affect any of the substantive provisions of the provisions amended or to require a new appointment by the President.

SEC. 7. DATA INVENTORY AND PLANNING.

(a) ENTERPRISE DATA INVENTORY.—

(1) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, as amended by section 5, is amended by adding at the end the following:

''§ 3523. Enterprise data inventory

''(a) AGENCY DATA INVENTORY REQUIRED.—

''(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director of the Office of Management and Budget, shall develop and maintain an enterprise data inventory (in this section referred to as the 'Enterprise Data Inventory') that accounts for any data asset created, collected, under the control or direction of, or maintained by the agency after the effective date of this section, with the ultimate goal of including all data assets, to the extent practicable.

''(2) CONTENTS.—The Enterprise Data Inventory shall include each of the following:

''(A) Data assets used in agency information systems, including program administration, statistical, and financial activity.

''(B) Data assets shared or maintained across agency programs and bureaus.

''(C) Data assets that are shared among agencies or created by more than 1 agency.

''(D) A clear indication of all data assets that can be made publicly available under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act').

''(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is currently available to the public.

''(F) Non-public data assets.

''(G) Government data assets generated by applications, devices, networks, and equipment, categorized by source type.

''(b) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency shall use the guidance provided by the Director issued pursuant to section 3504(a)(1)(C)(ii) to make public data assets included in the Enterprise Data Inventory publicly available in an open format and under an open license.

''(c) NON-PUBLIC DATA.—Non-public data included in the Enterprise Data Inventory may be maintained in a non-public section of the inventory.

''(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency—

''(1) shall make the Enterprise Data Inventory available to the public on Data.gov;

''(2) shall ensure that access to the Enterprise Data Inventory and the data contained therein is consistent with applicable law and regulation; and

''(3) may implement paragraph (1) in a manner that maintains a non-public portion of the Enterprise Data Inventory.

''(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

''(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

''(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

''(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, as amended by section 5, is amended by inserting after the item relating to section 3522 the following:

''3523. Enterprise data inventory.''.

(b) STANDARDS FOR ENTERPRISE DATA INVENTORY.—Section 3504(a)(1) of title 44, United States Code, is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B)(vi), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue standards for the Enterprise Data Inventory described in section 3523, including—

''(i) a requirement that the Enterprise Data Inventory include a compilation of metadata about agency data assets; and

''(ii) criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

''(I) the expectation of confidentiality associated with an individual data asset;

''(II) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

''(III) the cost and value to the public of converting the data into a manner that could be understood and used by the public;

''(IV) the expectation that all data assets that would otherwise be made available under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act') be disclosed; and

''(V) any other considerations that the Director determines to be relevant.''.

(c) FEDERAL AGENCY RESPONSIBILITIES.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(C), by striking ''security;'' and inserting the following: ''security by—

''(i) using open format for any new Government data asset created or obtained on the date that is 1 year after the date of enactment of this clause; and

''(ii) to the extent practicable, encouraging the adoption of open form for all open Government data created or obtained before the date of enactment of this clause;''.

(B) in paragraph (4), by striking ''subchapter; and'' and inserting ''subchapter and a review of each agency's Enterprise Data Inventory described in section 3523;'';

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) in consultation with the Director, develop an open data plan as a part of the requirement for a strategic information resources management plan described in paragraph (2) that, at a minimum and to the extent practicable—

''(A) requires the agency to develop processes and procedures that—

''(i) require each new data collection mechanism to use an open format; and

''(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data;

''(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability, recommendations for improvements, and complaints about adherence to open data requirements in accordance with subsection (d)(2);

''(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data;

''(D) requires the agency to update the plan at an interval determined by the Director;

''(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, that allow for the acquisition of innovative solutions from the public and private sector; and

''(F) prohibits the dissemination and accidental disclosure of nonpublic data assets.'';

(2) in subsection (c), by striking ''With respect to'' and inserting ''Except as provided under subsection (j), with respect to'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''shall'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''shall'' before ''ensure'';

(ii) in subparagraph (A), by striking ''sources'' and inserting ''sources and uses''; and

(iii) in subparagraph (C), by inserting '', including providing access to open Government data online'' after ''economical manner'';

(C) in paragraph (2), by inserting ''shall'' before ''regularly'';

(D) in paragraph (3)—

(i) by inserting ''shall'' before ''provide''; and

(ii) by striking ''; and'' and inserting a semicolon;

(E) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''may'' before ''not''; and

(ii) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(5) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required by subsection (b)(6); and

''(6) may engage the public in using open Government data and encourage collaboration by—

''(A) publishing information on open Government data usage in regular, timely intervals, but not less than annually;

''(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

''(C) assisting civil society groups and members of the public working to expand the use of open Government data; and

''(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data.''; and

(4) by adding at the end the following:

''(j) COLLECTION OF INFORMATION EXCEPTION.—Notwithstanding subsection (c), an agency is not required to meet the requirements of paragraphs (2) and (3) of such subsection if—

''(1) the waiver of those requirements is approved by the head of the agency;

''(2) the collection of information is—

''(A) online and electronic;

''(B) voluntary and there is no perceived or actual tangible benefit to the provider of the information;

''(C) of an extremely low burden that is typically completed in 5 minutes or less; and

''(D) focused on gathering input about the performance of, or public satisfaction with, an agency providing service; and

''(3) the agency publishes representative summaries of the collection of information under subsection (c).''.

(d) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices. The repository shall—

(1) include definitions, regulation and policy, checklists, and case studies related to open data, this Act, and the amendments made by this Act; and

(2) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(e) SYSTEMATIC AGENCY REVIEW OF OPERATIONS.—Section 305 of title 5, United States Code, is amended—

(1) in subsection (b), by adding at the end the following: ''To the extent practicable, each agency shall use existing data to support such reviews if the data is accurate and complete.'';

(2) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) determining the status of achieving the mission, goals, and objectives of the agency as described in the strategic plan of the agency published pursuant to section 306;''; and

(3) by adding at the end the following:

''(d) OPEN DATA COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with the Open, Public, Electronic, and Necessary Government Data Act and the amendments made by that Act.''.

(f) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(1) the value of information made available to the public as a result of this Act and the amendments made by this Act;

(2) whether it is valuable to expand the publicly available information to any other data assets; and

(3) the completeness of the Enterprise Data Inventory at each agency required under section 3523 of title 44, United States Code, as added by this section.

SEC. 8. TECHNOLOGY PORTAL.

(a) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by inserting after section 3511 the following:

''§ 3511A. Technology portal

''(a) DATA.GOV REQUIRED.—The Administrator of General Services shall maintain a single public interface online as a point of entry dedicated to sharing open Government data with the public.

''(b) COORDINATION WITH AGENCIES.—The Director of the Office of Management and Budget shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data published through the interface described in subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 35 of title 44, United States Code, as amended by this Act, is amended by inserting after the item relating to section 3511 the following:

''3511A. Technology portal.''.

(c) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall meet the requirements of section 3511A(a) of title 44, United States Code, as added by subsection (a).

SEC. 9. ENHANCED RESPONSIBILITIES FOR CHIEF INFORMATION OFFICERS AND CHIEF INFORMATION OFFICERS COUNCIL DUTIES.

(a) AGENCY CHIEF INFORMATION OFFICER GENERAL RESPONSIBILITIES.—

(1) GENERAL RESPONSIBILITIES.—Section 11315(b) of title 40, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) data asset management, format standardization, sharing of data assets, and publication of data assets;

''(5) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3523 of title 44;

''(6) ensuring that agency data conforms with open data best practices;

''(7) ensuring compliance with the requirements of subsections (b), (c), (d), and (f) of section 3506 of title 44;

''(8) engaging agency employees, the public, and contractors in using open Government data and encourage collaborative approaches to improving data use;

''(9) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

''(10) reviewing the information technology infrastructure of the agency and the impact of such infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

''(11) ensuring that, to the extent practicable, the agency is maximizing its own use of data, including data generated by applications, devices, networks, and equipment owned by the Government and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

''(12) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director of the Office of Management and Budget.''.

(2) ADDITIONAL DEFINITIONS.—Section 11315 of title 40, United States Code, is amended by adding at the end the following:

''(d) ADDITIONAL DEFINITIONS.—In this section, the terms 'data', 'data asset', 'Enterprise Data Inventory', and 'open Government data' have the meanings given those terms in section 3502 of title 44.''.

(b) AMENDMENT.—Section 3603(f) of title 44, United States Code, is amended by adding at the end the following:

''(8) Work with the Office of Government Information Services and the Director of the Office of Science and Technology Policy to promote data interoperability and comparability of data assets across the Government.''.

SEC. 10. EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.

(a) AGENCY REVIEW OF EVALUATION AND ANALYSIS CAPABILITIES; REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in subsection (b).

(b) REQUIREMENTS OF AGENCY REVIEW.—The report required under subsection (a) shall assess the coverage, quality, methods, effectiveness, and independence of the agency's evaluation research and analysis efforts, including each of the following:

(1) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(2) The extent to which the evaluations research and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(3) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability.

(4) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(5) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(6) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(c) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted pursuant to subsection (a) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date that is 180 days after the date of enactment of this Act.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2852), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

FEDERAL ASSETS SALE AND TRANSFER ACT OF 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 562, H.R. 4465.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4465) to decrease the deficit by consolidating and selling Federal buildings and other civilian real property, and for other purposes.

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

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

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

The bill (H.R. 4465) was ordered to a third reading, was read the third time, and passed.

EMMETT TILL UNSOLVED CIVIL RIGHTS CRIMES REAUTHORIZATION ACT OF 2016

Mr. PORTMAN. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2854.

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

Resolved, That the bill from the Senate (S. 2854) entitled ''An Act to reauthorize the Emmett Till Unsolved Civil Rights Crime Act of 2007.'', do pass with an amendment.

Mr. PORTMAN. I move to concur in the House amendment and know of no further debate on the motion.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

Mr. PORTMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM ACT OF 2016

Mr. PORTMAN. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2971.

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

Resolved, That the bill from the Senate (S. 2971) entitled ''An Act to authorize the National Urban Search and Rescue Response System.'', do pass with an amendment.

Mr. PORTMAN. 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.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TRANSITION AUTHORIZATION ACT OF 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 696, S. 3346.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3346) to authorize the programs of the National Aeronautics and Space Administration, 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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Transition Authorization Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Fiscal year 2017.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

Sec. 201. Sense of Congress on sustaining national space commitments.
Sec. 202. Findings.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

Sec. 301. Operation of the ISS.
Sec. 302. Transportation to ISS.
Sec. 303. ISS transition plan.
Sec. 304. Indemnification; NASA launch services and reentry services.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Exploration Goals and Objectives

Sec. 411. Human exploration long-term goals.
Sec. 412. Goals and objectives.
Sec. 413. Vision for space exploration.
Sec. 414. Exploration plan and programs.
Sec. 415. Stepping stone approach to exploration.

Subtitle B—Assuring Core Capabilities for Exploration

Sec. 421. Space Launch System and Orion.

Subtitle C—Journey to Mars

Sec. 431. Space technology infusion.
Sec. 432. Findings on human space exploration.
Sec. 433. Strategic framework for human spaceflight and exploration.
Sec. 434. Advanced space suit capability.
Sec. 435. Asteroid robotic redirect mission.

Subtitle D—Scott Kelly Human Spaceflight and Exploration Act

Sec. 441. Short title.
Sec. 442. Findings; sense of Congress.
Sec. 443. Medical monitoring and research relating to human space flight.

TITLE V—ADVANCING SPACE SCIENCE

Sec. 501. Maintaining a balanced space science portfolio.
Sec. 502. Planetary science.
Sec. 503. James Webb Space Telescope.
Sec. 504. Sense of Congress on Wide-Field Infrared Survey Telescope.
Sec. 505. Sense of Congress on Mars 2020 rover.
Sec. 506. Europa.

TITLE VI—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

Sec. 611. Information technology governance.
Sec. 612. Information technology strategic plan.
Sec. 613. Cybersecurity.
Sec. 614. Oversight implementation progress.
Sec. 615. Software oversight.
Sec. 616. Security management of foreign national access.
Sec. 617. Cybersecurity of web applications.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

Sec. 621. Collaboration among mission directorates.
Sec. 622. NASA launch capabilities collaboration.
Sec. 623. Commercial space launch cooperation.
Sec. 624. Detection and avoidance of counterfeit parts.
Sec. 625. Education and outreach.
Sec. 626. Leveraging commercial satellite servicing capabilities across mission directorates.
Sec. 627. Flight opportunities.
Sec. 628. Sense of Congress on small class launch missions.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CIS-LUNAR SPACE.—The term ''cis-lunar space'' means the region of space from the Earth out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term ''deep space'' means the region of space beyond low-Earth orbit, to include cis-lunar space.

(6) GOVERNMENT ASTRONAUT.—The term ''government astronaut'' has the meaning given the term in section 50902 of title 51, United States Code.

(7) ISS.—The term ''ISS'' means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term ''ISS management entity'' means the organization with which the Administrator has a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(10) ORION.—The term ''Orion'' means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) SPACE LAUNCH SYSTEM.—The term ''Space Launch System'' has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. FISCAL YEAR 2017.

There are authorized to be appropriated to NASA for fiscal year 2017, $19,508,000,000, as follows:

(1) For Exploration, $4,532,000,000.

(2) For Space Operations, $4,950,700,000.

(3) For Science, $5,395,000,000.

(4) For Aeronautics, $601,000,000.

(5) For Space Technology, $686,500,000.

(6) For Education, $108,000,000.

(7) For Safety, Security, and Mission Services, $2,796,700,000.

(8) For Construction and Environmental Compliance and Restoration, $400,000,000.

(9) For Inspector General, $38,100,000.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

SEC. 201. SENSE OF CONGRESS ON SUSTAINING NATIONAL SPACE COMMITMENTS.

It is the sense of Congress that—

(1) the United States, in collaboration with its international, academic, and industry partners, should sustain and build upon our national space commitments and investments across Administrations with a continuity of purpose to advance recent achievements of space exploration and space science to extend humanity's reach into deep space, including cis-lunar space, the Moon, the surface and moons of Mars, and beyond;

(2) NASA leaders can best leverage investments in the United States space program by continuing to develop a balanced portfolio for space exploration and space science, including continued development of the Space Launch System, Orion, Commercial Crew Program, Commercial Resupply Services Program, the James Webb Space Telescope, and the ongoing operations of the ISS;

(3) a national, government-led space program that builds on current science and exploration programs, advances human knowledge and capabilities, and opens the frontier beyond Earth for ourselves, our international partners, commercial enterprise, and science is of critical importance to our national destiny and to a future guided by United States values and freedoms;

(4) continuity of purpose and effective execution of core NASA programs are essential for efficient use of resources in pursuit of timely and tangible accomplishments;

(5) NASA could improve its efficiency and effectiveness by working with industry to streamline existing programs and requirements, procurement practices, institutional footprint, and bureaucracy while preserving effective program oversight, accountability, and safety;

(6) United States government astronauts changed the trajectory of human history toward the promise of the stars, and it is imperative that the United States maintain and enhance its leadership in space exploration and continue to expand freedom and opportunities in space for all Americans that are consistent with the Constitution of the United States; and

(7) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, space technology, aeronautics, human space flight and exploration, and education.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Challenges of the past, such as the cancellation of major programs, have disrupted completion of major space systems thereby—

(A) impeding planning and pursuit of national objectives in human space exploration;

(B) placing the Nation's investment in space exploration at risk; and

(C) degrading the aerospace industrial base.

(2) The National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.) reflects a broad, bipartisan agreement on the path forward for NASA's core missions in science, space technology, aeronautics, human space flight and exploration, and education, which serves as the foundation for the policy updates by this Act.

(3) Sustaining the investment and maximizing utilization of the ISS and ISS National Laboratory with our international and industry partners is—

(A) consistent with the goals and objectives of the United States space program; and

(B) imperative to continuing United States global leadership in human space exploration, science, research, technology development, and education opportunities that contribute to development of the next generation of American scientists, engineers, and leaders, and to creating the opportunity for economic development of low-Earth orbit.

(4) NASA has made measurable progress in development and testing of the Space Launch System and Orion exploration systems with the near-term objectives of the initial integrated test flight and launch in 2018, a human mission in 2021, and continued missions with an annual cadence in cis-lunar space and eventually to the surface of Mars.

(5) The Commercial Crew Program is on schedule to reestablish the capability to launch United States government astronauts from

United States soil into low-Earth orbit by the end of 2018.

(6) The Aerospace Safety Advisory Panel, in its 2015 Annual Report, urged continuity of purpose noting concerns over the potential for cost overruns and schedule slips that could accompany significant changes to core NASA programs.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

SEC. 301. OPERATION OF THE ISS.

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

(1) after 15 years of continuous human presence in low-Earth orbit, the ISS continues to overcome challenges and operate safely;

(2) expansion of partnerships, scientific research, commercial applications, and exploration testbed capabilities of the ISS is essential to ensuring the greatest return on investments made by the United States and its international space partners in the development, assembly, and operations of that unique facility;

(3) a stable and successful Commercial Resupply Services Program and Commercial Crew Program are critical to ensuring timely provisioning of the ISS and to reestablishing the capability to launch United States government astronauts from United States soil into low-Earth orbit;

(4) sustaining United States leadership and progress in human space exploration is enabled in part by continuing utilization of the ISS—

(A) to facilitate the commercialization and economic development of low-Earth orbit;

(B) to serve as a testbed for technologies, and to conduct scientific research and development; and

(C) as an orbital facility enabling research upon—

(i) the health, well-being, and performance of humans in space; and

(ii) the development of in-space systems enabling human space exploration beyond low-Earth orbit;

(5) the Administrator should continue to support the development of the Commercial Crew Program as planned to end reliance upon Russian transport of United States government astronauts to the ISS which has not been possible since the retirement of the Space Shuttle program in 2011; and

(6) the ISS should continue to provide a platform for fundamental, microgravity, discovery-based space life and physical sciences research that is critical for enabling space exploration, protecting humans in space, increasing pathways for commercial space development that depend on advances in basic research, and contribute to advancing science, technology, engineering, and mathematics research.

(b) CONTINUATION OF THE ISS.—Congress reaffirms the policy set forth in section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) that it shall be the policy of the United States, in consultation with its international partners in the ISS program, to support full and complete utilization of the ISS through at least 2024.

SEC. 302. TRANSPORTATION TO ISS.

(a) SENSE OF CONGRESS ON COMMERCIAL CREW PROGRAM AND COMMERCIAL RESUPPLY SERVICES PROGRAM.—It is the sense of Congress that—

(1) NASA should build upon the success of the Commercial Orbital Transportation Services and Commercial Resupply Services programs that have allowed private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012;

(2) once certified to meet NASA's safety and reliability requirements and fully operational to meet ISS crew transfer needs, the Commercial Crew Program transportation systems should serve as the primary means of transporting United States government astronauts and international partner astronauts from United States soil to and from the ISS;

(3) Commercial Crew Program transportation systems should have the capability of serving as ISS emergency crew rescue vehicles;

(4) the 21st Century Launch Complex Program has enabled significant modernization and infrastructure improvements at launch sites across the United States to support NASA's Commercial Resupply Services Program and other civil and commercial space flight missions; and

(5) the 21st Century Launch Complex Program should be continued in a manner that leverages State and private investments to achieve the goals of the program.

(b) UNITED STATES POLICY.—It is the policy of the United States that, to foster the competitive development, operation, improvement and commercial availability of space transportation services, services for Federal Government access to and return from the ISS, whenever practicable, shall be procured via fair and open competition for well-defined, milestone-based, Federal Acquisition Regulation-based contracts under section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)).

(c) COMMERCIAL CARGO PROGRAM.—Section 401 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18341) is amended by striking ''Commercial Orbital Transportation Services'' and inserting ''Commercial Resupply Services''.

(d) CREW SAFETY.—The Administrator shall protect the safety of United States crews by ensuring commercial crew systems meet all applicable human rating requirements in accordance with section 403(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18342(b)(1)).

SEC. 303. ISS TRANSITION PLAN.

(a) FINDINGS.—Congress finds that NASA has been both the primary supplier and consumer of human space flight capabilities and services of the ISS and in low-Earth orbit.

(b) SENSE OF CONGRESS.—It is the sense of Congress that an orderly transition is needed for United States human space flight activities in low-Earth orbit from the current regime, that relies heavily on NASA sponsorship, to a regime where NASA is one of many customers of a low-Earth orbit commercial human space flight enterprise.

(c) REPORTS.—Section 50111 of title 51, United States Code, is amended by adding at the end the following:

''(c) ISS TRANSITION PLAN.—

''(1) IN GENERAL.—The Administrator, in coordination with the ISS management entity, ISS partners, the scientific user community, and the commercial space sector, shall develop a plan to transition in a step-wise approach from the current regime that relies heavily on NASA sponsorship to a regime where NASA is one of many customers of a low-Earth orbit commercial human space flight enterprise.

''(2) REPORTS.—Not later than December 1, 2017, and triennially thereafter until 2023, the Administrator shall submit to the appropriate committees of Congress a report that includes—

''(A) an identification of low-Earth orbit capabilities necessary to meet the Administration's deep space human space flight exploration objectives and mission requirements beyond the period of operation and utilization of the ISS described in section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353), if any;

''(B) steps NASA is taking and will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

''(C) an assessment of current and projected commercial activities in low-Earth orbit, including on the ISS, and their potential for meeting the capabilities identified in subparagraph (A);

''(D) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

''(E) an evaluation of the feasible and preferred service life of the ISS beyond the period described in section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353), through at least 2028, as a unique scientific, commercial, and exploration-related facility, including—

''(i) a general discussion of international partner capabilities and prospects for extending the partnership, to include the potential for participation by additional countries, for the purposes of the human development and exploration of deep space;

''(ii) a review of essential systems, equipment upgrades, or potential maintenance that would be necessary to extend ISS operations and utilization;

''(iii) an evaluation of the cost and schedule requirements associated with the development and delivery of essential systems, equipment upgrades, or potential maintenance identified under clause (ii);

''(iv) an identification of possible international, academic, or industry partner contributions, cost-share, and program transitions to provide the upgrades identified under clause (ii);

''(v) impacts on the goals and objectives of the ISS National Laboratory and the management entity responsible for operation of the ISS National Laboratory;

''(vi) impacts on services provided by the Commercial Resupply Services Program and Commercial Crew Program to the ISS;

''(vii) impacts on the use of the ISS as a testbed to transition functions of the ISS to the commercial space sector and enhance economic development of low-Earth orbit, including the evolution of self-sustaining commercial activities;

''(viii) an assessment on the technical limiting factors of the ISS lifetime, including a list of critical components and their expected lifetime and availability;

''(ix) an evaluation of the potential for expanding the use of ISS facilities to accommodate the needs of researchers and other users, including changes to policies, regulations, and laws that would stimulate greater private and public involvement on the ISS; and

''(x) such other information as may be necessary to fully describe the justification for and feasibility of extending the service life of the ISS, including the potential scientific or technological benefits to the Federal Government, public, or to academic or commercial entities;

''(F) an evaluation of the functions, roles, and responsibilities for management and operation of the ISS and a determination of—

''(i) those functions, roles, and responsibilities the Federal Government should retain during the lifecycle of the ISS;

''(ii) those functions, roles, and responsibilities that could be transferred to the commercial space sector;

''(iii) the metrics that would indicate the commercial space sector's readiness and ability to assume the functions, roles, and responsibilities described in clause (ii); and

''(iv) any necessary changes to any agreements or other documents and the law to enable the activities described in subparagraphs (B) and (C); and

''(G) a description of the progress on meeting human exploration research objectives on ISS and prospects for accomplishing future exploration and other research objectives on future commercially supplied low-Earth orbit platforms or migration of those objectives to cis-lunar space.

''(3) DEMONSTRATIONS.—Demonstrations identified under paragraph (2) may—

''(A) test the capabilities described in paragraph (2)(A); and

''(B) demonstrate or test capabilities, including commercial modules or deep space habitats, Environmental Control and Life Support Systems, orbital satellite assembly, exploration

space suits, a node that enables a wide variety of activity, including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, and other commercial activities.''.

SEC. 304. INDEMNIFICATION; NASA LAUNCH SERVICES AND REENTRY SERVICES.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

''§ 20148. Indemnification; NASA launch services and reentry services

''(a) IN GENERAL.—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost, and terms of liability insurance, any contract between the Administration and a provider may provide that the United States will indemnify the provider against successful claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from launch services and reentry services carried out under the contract that the contract defines as unusually hazardous or nuclear in nature, but only to the extent the total amount of successful claims related to the activities under the contract—

''(1) is more than the amount of insurance or demonstration of financial responsibility described in subsection (c)(3); and

''(2) is not more than the amount specified in section 50915(a)(1)(B).

''(b) TERMS OF INDEMNIFICATION.—A contract made under subsection (a) that provides indemnification shall provide for—

''(1) notice to the United States of any claim or suit against the provider for death, bodily injury, or loss of or damage to property; and

''(2) control of or assistance in the defense by the United States, at its election, of that claim or suit and approval of any settlement.

''(c) LIABILITY INSURANCE OF THE PROVIDER.—

''(1) IN GENERAL.—The provider under subsection (a) shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

''(A) a third party for death, bodily injury, or property damage or loss resulting from a launch service or reentry service carried out under the contract; and

''(B) the United States Government for damage or loss to Government property resulting from a launch service or reentry service carried out under the contract.

''(2) MAXIMUM PROBABLE LOSSES.—

''(A) IN GENERAL.—The Administrator shall determine the maximum probable losses under subparagraphs (A) and (B) of paragraph (1) not later than 90 days after the date that the provider requests such a determination and submits all information the Administrator requires.

''(B) REVISIONS.—The Administrator may revise a determination under subparagraph (A) of this paragraph if the Administrator determines the revision is warranted based on new information.

''(3) AMOUNT OF INSURANCE.—For the total claims related to one launch or reentry, a provider shall not be required to obtain insurance or demonstrate financial responsibility of more than—

''(A)(i) $500,000,000 under paragraph (1)(A); or

''(ii) $100,000,000 under paragraph (1)(B); or

''(B) the maximum liability insurance available on the world market at reasonable cost.

''(4) COVERAGE.—An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services:

''(A) The Government.

''(B) Personnel of the Government.

''(C) Related entities of the Government.

''(D) Related entities of the provider.

''(E) Government astronauts.

''(d) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a provider under this section unless there is a cross-waiver between the Administration and the provider as described in subsection (e).

''(e) CROSS-WAIVERS.—

''(1) IN GENERAL.—The Administrator, on behalf of the United States and its departments, agencies, and instrumentalities, shall reciprocally waive claims with a provider under which each party to the waiver agrees to be responsible, and agrees to ensure that its related entities are responsible, for damage or loss to its property, or for losses resulting from any injury or death sustained by its employees or agents, as a result of activities arising out of the performance of the contract.

''(2) LIMITATION.—The waiver made by the Government under paragraph (1) shall apply only to the extent that the claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (c)(1)(B).

''(f) WILLFUL MISCONDUCT.—Indemnification under subsection (a) may exclude claims resulting from the willful misconduct of the provider or its related entities.

''(g) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment may be made under subsection (a) unless the Administrator or the Administrator's designee certifies that the amount is just and reasonable.

''(h) PAYMENTS.—

''(1) IN GENERAL.—Upon the approval by the Administrator, payments under subsection (a) may be made from funds appropriated for such payments.

''(2) LIMITATION.—The Administrator shall not approve payments under paragraph (1), except to the extent provided in an appropriation law or to the extent additional legislative authority is enacted providing for such payments.

''(3) ADDITIONAL APPROPRIATIONS.—If the Administrator requests additional appropriations to make payments under this subsection, then the request for those appropriations shall be made in accordance with the procedures established under section 50915.

''(i) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The authority to indemnify under this section shall not create any rights in third persons that would not otherwise exist by law.

''(2) OTHER AUTHORITY.—Nothing in this section may be construed as prohibiting the Administrator from indemnifying a provider or any other NASA contractor under other law, including under Public Law 85–804 (50 U.S.C. 1431 et seq.).

''(3) ANTI-DEFICIENCY ACT.—Notwithstanding any other provision of this section—

''(A) all obligations under this section are subject to the availability of funds; and

''(B) nothing in this section may be construed to require obligation or payment of funds in violation of sections 1341, 1342, 1349 through 1351, and 1511 through 1519 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').

''(j) RELATIONSHIP TO OTHER LAWS.—The Administrator may not provide indemnification under this section for an activity that requires a license or permit under chapter 509.

''(k) DEFINITIONS.—In this section:

''(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

''(2) LAUNCH SERVICES.—The term 'launch services' has the meaning given the term in section 50902.

''(3) PROVIDER.—The term 'provider' means a person that provides domestic launch services or domestic reentry services to the Government.

''(4) REENTRY SERVICES.—The term 'reentry services' has the meaning given the term in section 50902.

''(5) RELATED ENTITY.—The term 'related entity' means a contractor or subcontractor.

''(6) THIRD PARTY.—The term 'third party' means a person except—

''(A) the United States Government;

''(B) related entities of the Government involved in launch services or reentry services;

''(C) a provider;

''(D) related entities of the provider involved in launch services or reentry services; or

''(E) a government astronaut.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter III of chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20147 the following:

''20148. Indemnification; NASA launch services and reentry services.''.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Exploration Goals and Objectives

SEC. 411. HUMAN EXPLORATION LONG-TERM GOALS.

Section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)) is amended to read as follows:

''(a) LONG-TERM GOALS.—The long-term goals of the human space flight and exploration efforts of NASA shall be—

''(1) to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international, academic, and industry partners; and

''(2) the peaceful settlement of a location in space or on another celestial body and a thriving space economy in the 21st century.''.

SEC. 412. GOALS AND OBJECTIVES.

Section 202(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)) is amended—

(1) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) to achieve human exploration of Mars, including the establishment of a capability to extend human presence, including potential human habitation, on the surface of Mars.''.

SEC. 413. VISION FOR SPACE EXPLORATION.

Section 20302 of title 51, United States Code, is amended—

(1) in subsection (a), by inserting ''in cislunar space or'' after ''sustained human presence''; and

(2) by amending subsection (b) to read as follows:

''(b) FUTURE EXPLORATION OF MARS.—The Administrator shall manage human space flight programs, including the Space Launch System and Orion, to enable humans to explore Mars and other destinations by defining a series of sustainable steps and conducting mission planning, research, and technology development on a timetable that is technically and fiscally possible, consistent with section 70504.''.

SEC. 414. EXPLORATION PLAN AND PROGRAMS.

Section 70502(2) of title 51, United States Code, is amended to read as follows:

''(2) implement an exploration research and technology development program to enable human and robotic operations consistent with section 20302(b) of this title;''.

SEC. 415. STEPPING STONE APPROACH TO EXPLORATION.

Section 70504 of title 51, United States Code, is amended to read as follows:

''§ 70504. Stepping stone approach to exploration

''(a) IN GENERAL.—In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps,

including engaging international, academic, and industry partners, to ensure that activities in the Administration's human exploration program balance how those activities might also help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

''(b) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.''.

Subtitle B—Assuring Core Capabilities for Exploration

SEC. 421. SPACE LAUNCH SYSTEM AND ORION.

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

(1) NASA has made steady progress in developing and testing the Space Launch System and Orion exploration systems with the successful Exploration Flight Test of Orion in December of 2014, the final qualification test firing of the 5-segment Space Launch System boosters in June 2016, and a full thrust, full duration test firing of the RS–25 Space Launch System core stage engine in August 2016.

(2) Through the 21st Century Launch Complex program and Exploration Ground Systems programs, NASA has made significant progress in transforming exploration ground systems infrastructure to meet NASA's mission requirements for the Space Launch System and Orion and to modernize NASA's launch complexes to the benefit of the civil, defense, and commercial space sectors.

(b) SENSE OF CONGRESS ON SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.—It is the sense of Congress that—

(1) as the United States works to send humans on a series of missions on or near Mars in the 2030s, the United States national space program should continue to make progress on its commitment by fully developing the Space Launch System, Orion, and related Exploration Ground Systems;

(2) using the Space Launch System and Orion for a wide range of contemplated missions will facilitate the national defense, science, and exploration objectives of the United States; and

(3) the United States should have continuity of purpose for Space Launch System and Orion in deep space exploration missions, using them beginning with the uncrewed mission, EM–1, planned for 2018, followed by the crewed mission, EM–2, in cis-lunar space planned for 2021, and for subsequent missions beginning with EM–3 extending into cis-lunar space and eventually to Mars.

(c) IN GENERAL.—

(1) EXPLORATION MISSIONS.—The Administrator shall continue development of—

(A) an uncrewed exploration mission to demonstrate the capability of both the Space Launch System and Orion as an integrated system by 2018;

(B) a crewed exploration mission to demonstrate the Space Launch System, including the Core Stage and Exploration Upper Stages, and the crewed Orion mission by 2021;

(C) subsequent missions beginning with EM–3 using the Space Launch System and Orion to extend into cis-lunar space and eventually to Mars; and

(D) a deep space habitat as the next element in a deep space exploration architecture along with the Space Launch System and Orion.

(2) OTHER USES.—The Administrator shall assess the utility of the Space Launch System for use by the science community and for other Federal Government launch needs, including consideration of overall cost and schedule savings from reduced transit times and increased science returns enabled by the unique capabilities of the Space Launch System.

Subtitle C—Journey to Mars

SEC. 431. SPACE TECHNOLOGY INFUSION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that advancing propulsion technology would improve the efficiency of trips to Mars and could shorten travel time to Mars, reduce astronaut health risks, and reduce radiation exposure, consumables, and mass of materials required for the journey.

(b) POLICY.—It is the policy of the United States that the Administrator shall develop technologies to support the Administration's core missions, as described in section 2(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301(3)), and support sustained investments in early stage innovation, fundamental research, and technologies to expand the boundaries of the national aerospace enterprise.

(c) PROPULSION TECHNOLOGIES.—A goal of propulsion technologies developed under subsection (b) shall be to significantly reduce human travel time to Mars.

SEC. 432. FINDINGS ON HUMAN SPACE EXPLORATION.

Congress makes the following findings:

(1) In accordance with section 204 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2813), the National Academies of Sciences, Engineering, and Medicine, through its Committee on Human Spaceflight, conducted a review of the goals, core capabilities, and direction of human space flight, and published the findings and recommendations in a 2014 report entitled, ''Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration''.

(2) The Committee on Human Spaceflight included leaders from the aerospace, scientific, security, and policy communities.

(3) With input from the public, the Committee on Human Spaceflight concluded that many practical and aspirational rationales for human space flight together constitute a compelling case for continued national investment and pursuit of human space exploration toward the horizon goal of Mars.

(4) According to the Committee on Human Spaceflight, the rationales include economic benefits, national security, national prestige, inspiring students and other citizens, scientific discovery, human survival, and a sense of shared destiny.

(5) The Committee on Human Spaceflight affirmed that Mars is the appropriate long-term goal for the human space flight program.

(6) The Committee on Human Spaceflight recommended that NASA define a series of sustainable steps and conduct mission planning and technology development as needed to achieve the long-term goal of placing humans on the surface of Mars.

(7) Expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars requires early planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives.

(8) In addition to the 2014 report described in paragraph (1), there are several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including NASA's ''The Global Exploration Roadmap'' of 2013, ''NASA's Journey to Mars–Pioneering Next Steps in Space Exploration'' of 2015, NASA Jet Propulsion Laboratory's ''Minimal Architecture for Human Journeys to Mars'' of 2015, and Explore Mars' ''The Humans to Mars Report 2016''.

SEC. 433. STRATEGIC FRAMEWORK FOR HUMAN SPACEFLIGHT AND EXPLORATION.

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

(1) expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars in the 2030s requires early planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives;

(2) for strong and sustained United States leadership, a need exists to advance a strategic framework, addressing exploration objectives in collaboration with international, academic, and industry partners;

(3) an approach that incrementally advances toward a long-term goal is one in which nearer-term developments and implementation would influence future development and implementation; and

(4) a strategic framework should begin with low-Earth orbit, then address progress beyond low-Earth orbit to cis-lunar space in greater detail, and then address future missions ultimately aimed at human arrival and activities on or near Mars.

(b) STRATEGIC FRAMEWORK.—

(1) IN GENERAL.—The Administrator shall develop a strategic framework, including a critical decision plan, to expand human presence beyond low-Earth orbit, including to cis-lunar space, the moons of Mars, the surface of Mars, and beyond.

(2) SCOPE.—The strategic framework shall include—

(A) an integrated set of exploration, science, and other goals and objectives of a United States human space exploration program with the long-term goal of human missions near to or on the surface of Mars in the 2030s;

(B) opportunities for international, academic, and industry partnerships for exploration-related systems, services, research, and technology if those opportunities provide cost-savings, accelerate program schedules, or otherwise benefit the exploration objectives developed under subparagraph (A);

(C) precursor missions in cis-lunar space and other missions or activities necessary to meet the exploration objectives developed under subparagraph (A), including anticipated timelines and missions for the Space Launch System and Orion;

(D) capabilities and technologies, including the Space Launch System, Orion, a deep space habitat, and other capabilities, that enable the exploration objectives developed under subparagraph (A);

(E) a description of how cis-lunar elements, objectives, and activities advance the human exploration of Mars;

(F) an assessment of potential human health and other risks, including radiation exposure; and

(G) mitigation plans, whenever possible, to address the risks identified in subparagraph (F).

(3) CONSIDERATIONS.—In developing the strategic framework, the Administrator shall consider—

(A) using key exploration capabilities, namely the Space Launch System and Orion;

(B) using existing commercially available technologies and capabilities or those technologies and capabilities being developed by industry for commercial purposes;

(C) an organizational approach to ensure collaboration and coordination among NASA's Mission Directorates under section 621, when appropriate, including to collect and return to Earth a sample from the Martian surface;

(D) building upon the initial uncrewed mission, EM–1, and first crewed mission, EM–2, of the Space Launch System and Orion to establish a sustainable cadence of missions extending human exploration missions into cis-lunar space, including anticipated timelines and milestones;

(E) developing the precursor missions and activities that will demonstrate, test, and develop key technologies and capabilities essential for achieving human missions to Mars, including long-duration human operations beyond low-Earth orbit, space suits, solar electric propulsion, deep space habitats, environmental control

life support systems, Mars lander and ascent vehicle, entry, descent, landing, ascent, Mars surface systems, and in-situ resource utilization;

(F) demonstrating and testing 1 or more habitat modules in cis-lunar space to prepare for Mars missions;

(G) using public-private, firm fixed-price partnerships, where practicable;

(H) collaborating with international, academic, and industry partners, when appropriate;

(I) risks to human health and sensitive onboard technologies, including radiation exposure;

(J) evaluating the risks identified through research outcomes under the NASA Human Research Program's Behavioral Health Element; and

(K) the recommendations and ideas of several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including the reports described under section 432(8).

(4) CRITICAL DECISION PLAN ON HUMAN SPACE EXPLORATION.—As part of the strategic framework, the Administrator shall include a critical decision plan—

(A) identifying and defining key decisions guiding human space exploration priorities and plans that need to be made before June 30, 2020, including decisions that may guide human space exploration capability development, precursor missions, long-term missions, and activities;

(B) defining decisions needed to maximize efficiencies and resources for reaching the near, intermediate, and long-term goals and objectives of human space exploration; and

(C) identifying and defining timelines and milestones for a sustainable cadence of missions beginning with EM–3 for the Space Launch System and Orion to extend human exploration from cis-lunar space to the surface of Mars.

(5) REPORTS.—The Administrator shall submit an initial strategic framework, including a critical decision plan, to the appropriate committees of Congress before December 1, 2017, and an updated strategic framework biennially thereafter.

SEC. 434. ADVANCED SPACE SUIT CAPABILITY.

Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a detailed plan for achieving an advanced space suit capability that aligns with the crew needs for exploration enabled by the Space Launch System and Orion, including an evaluation of the merit of delivering the planned suit system for use on the ISS.

SEC. 435. ASTEROID ROBOTIC REDIRECT MISSION.

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

(1) NASA initially estimated that the Asteroid Robotic Redirect Mission would launch in December 2020 and cost no more than $1,250,000,000, excluding launch and operations.

(2) On July 15, 2016, NASA conducted its Key Decision Point–B review of the Asteroid Robotic Redirect Mission or approval for Phase B in mission formulation.

(3) During the Key Decision Point–B review, NASA estimated that costs have grown to $1,400,000,000 excluding launch and operations for a launch in December 2021 and the agency must evaluate whether to accept the increase or reduce the Asteroid Robotic Redirect Mission's scope to stay within the cost cap set by the Administrator.

(4) In April 2015, the NASA Advisory Council—

(A) issued a finding that—

(i) high-performance solar electric propulsion will likely be an important part of an architecture to send humans to Mars; and

(ii) maneuvering a large test mass is not necessary to provide a valid in-space test of a new solar electric propulsion stage;

(B) determined that a solar electric propulsion mission will contribute more directly to the goal of sending humans to Mars if the mission is focused entirely on development and validation of the solar electric propulsion stage; and

(C) determined that other possible motivations for acquiring and maneuvering a boulder, such as asteroid science and planetary defense, do not have value commensurate with their probable cost.

(5) The Asteroid Robotic Redirect Mission is competing for resources with other critical exploration development programs, including the Space Launch System, Orion, commercial crew, and a habitation module.

(6) In 2014, the NASA Advisory Council recommended that NASA conduct an independent cost and technical assessment of the Asteroid Robotic Redirect Mission.

(7) NASA completed the assessment under paragraph (6) and reviewed it as part of the agency's Key Decision Point–B review.

(8) In 2015, the NASA Advisory Council recommended that NASA preserve the following key objectives if the program needed to be descoped:

(A) Development of high power solar electric propulsion.

(B) Ability to maneuver in a low gravity environment in deep space.

(9) In January 2015 and July 2015, the NASA Advisory Council expressed its concern to NASA about the potential for growing costs for the program and highlighted that choices would need to be made about the program's content.

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

(1) the technological and scientific goals of the Asteroid Robotic Redirect Mission may not be commensurate with the cost; and

(2) alternative missions may provide a more cost effective and scientifically beneficial means to demonstrate the technologies needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission.

(c) EVALUATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(1) conduct an evaluation of—

(A) alternative approaches to the Asteroid Robotic Redirect Mission for demonstrating the technologies and capabilities needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission;

(B) the scientific and technical benefits of the alternatives approaches identified in subparagraph (A) compared to the Asteroid Redirect Robotic Mission to future human exploration;

(C) the commercial benefits of the alternative approaches identified in subparagraph (A), including the impact on the development of domestic solar electric propulsion technology to bolster United States competitiveness in the global marketplace; and

(D) a comparison of the estimated costs of the alternative approaches identified in subparagraph (A); and

(2) submit to the appropriate committees of Congress a report on the evaluation under paragraph (1), including any recommendations.

Subtitle D—Scott Kelly Human Spaceflight and Exploration Act

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''Scott Kelly Human Spaceflight and Exploration Act''.

SEC. 442. FINDINGS; SENSE OF CONGRESS.

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

(1) Human space exploration can pose significant challenges and is full of substantial risk, which has ultimately claimed the lives of 24 National Aeronautics and Space Administration astronauts serving in the line of duty.

(2) As United States government astronauts participate in long-duration and exploration spaceflight missions they may experience increased health risks, such as vision impairment, bone demineralization, and behavioral health and performance risks, and may be exposed to galactic cosmic radiation. Exposure to high levels of radiation and microgravity can result in acute and long-term health consequences that can increase the risk of cancer and tissue degeneration and have potential effects on the musculoskeletal system, central nervous system, cardiovascular system, immune function, and vision.

(3) To advance the goal of long-duration and exploration spaceflight missions, United States government astronaut Scott Kelly participated in a 1-year twins study in space while his identical twin brother, former United States government astronaut Mark Kelly, acted as a human control specimen on Earth, providing an understanding of the physical, behavioral, microbiological, and molecular reaction of the human body to an extended period of time in space.

(4) Since the Administration currently provides medical monitoring, diagnosis, and treatment for United States government astronauts during their active employment, given the unknown long-term health consequences of long-duration space exploration, the Administration has requested statutory authority from Congress to provide medical monitoring, diagnosis, and treatment to former United States government astronauts for psychological and medical conditions associated with human space flight.

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

(1) the United States should continue to seek the unknown and lead the world in space exploration and scientific discovery as the Administration prepares for long-duration and exploration spaceflight in deep space and an eventual mission to Mars;

(2) data relating to the health of astronauts will become increasingly valuable to improving our understanding of many diseases humans face on Earth;

(3) the Administration should provide the type of monitoring, diagnosis, and treatment described in subsection (a) only for conditions the Administration considers unique to the training or exposure to the spaceflight environment of United States government astronauts and should not require any former United States Government astronauts to participate in the Administration's monitoring;

(4) such monitoring, diagnosis, and treatment should not replace a former United States government astronaut's private health insurance;

(5) expanded data acquired from such monitoring, diagnosis, and treatment should be used to tailor treatment, inform the requirements for new spaceflight medical hardware, and develop controls in order to prevent disease occurrence in the astronaut corps;

(6) the Administration's existing radiation exposure standards, which have been used for missions pertaining to the Space Shuttle and the ISS, would limit missions to durations of 150 to 250 days and would pose significant challenges to long-duration or exploration spaceflight or a multiyear mission to Mars; and

(7) the 340-day space mission of Scott Kelly aboard the ISS—

(A) was pivotal for the goal of the United States for humans to explore deep space and Mars as the mission generated new insight into how the human body adjusts to weightlessness, isolation, radiation, and the stress of long-duration space flight; and

(B) will help support the physical and mental well-being of astronauts during longer space exploration missions in the future.

SEC. 443. MEDICAL MONITORING AND RESEARCH RELATING TO HUMAN SPACE FLIGHT.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 304 of this Act, is further amended by adding at the end the following:

"§ 20149. Medical monitoring and research relating to human space flight

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may provide for the medical monitoring, diagnosis, and treatment of a United States government astronaut, or a former United States government astronaut or payload specialist, for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

''(b) EXCLUSIONS.—The Administrator may not—

''(1) provide for medical monitoring, diagnosis, or treatment of a United States government astronaut, or a former United States government astronaut or payload specialist, under subsection (a) for any psychological or medical condition that is not associated with human space flight; or

''(2) require a former United States government astronaut or payload specialist to participate in the monitoring authorized under subsection (a).

''(c) PRIVACY.—Consistent with applicable provisions of law relating to privacy, the Administrator shall protect the privacy of all medical records generated under subsection (a) and accessible to the Administration.

''(d) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to carry out this section.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 201 of title 51, United States Code, as amended by section 304 of this Act, is further amended by inserting after the item relating to section 20148 the following:

''20149. Medical monitoring and research relating to human space flight.''.

TITLE V—ADVANCING SPACE SCIENCE

SEC. 501. MAINTAINING A BALANCED SPACE SCIENCE PORTFOLIO.

(a) SCIENCE PORTFOLIO.—Section 803 of the National Aeronautics and Space Administration Authorization Act of 2010 (Public Law 111–267; 124 Stat. 2832) is amended to read as follows:

"SEC. 803. OVERALL SCIENCE PORTFOLIO.

''Congress restates its sense that—

''(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

''(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the National Academies of Sciences, Engineering, and Medicine's decadal surveys.''.

(b) CONFORMING AMENDMENT.—The item relating to section 803 in the table of contents in section 1(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (Public Law 111–267; 124 Stat. 2806) is amended by striking ''Overall science portfolio-sense of the Congress'' and inserting ''Overall science portfolio''.

SEC. 502. PLANETARY SCIENCE.

(a) FINDINGS.—Congress finds that—

(1) Administration support for planetary science is critical to enabling greater understanding of the solar system and the origin of the Earth;

(2) the United States leads the world in planetary science and can augment its success in that area with appropriate international, academic, and industry partnerships;

(3) a mix of small, medium, and large planetary science missions is required to sustain a steady cadence of planetary exploration; and

(4) robotic planetary exploration is a key component of preparing for future human exploration.

(b) MISSION PRIORITIES.—

(1) IN GENERAL.—In accordance with the priorities established in the most recent decadal survey for planetary science, the Administrator shall ensure, to the greatest extent practicable, the completion of a balanced set of Discovery, New Frontiers, and flagship missions.

(2) MISSION PRIORITY ADJUSTMENTS.—Consistent with the set of missions described in paragraph (1), and while maintaining the continuity of scientific data and steady development of capabilities and technologies, the Administrator may seek, if necessary, adjustments to mission priorities, schedule, and scope in light of changing budget projections.

SEC. 503. JAMES WEBB SPACE TELESCOPE.

It is the sense of Congress that—

(1) the James Webb Space Telescope should significantly advance our understanding of star and planet formation, improve our knowledge of the early universe, and support United States leadership in astrophysics; and

(2) consistent with annual Government Accountability Office reviews of the James Webb Space Telescope program, the Administrator should continue robust surveillance of the performance of the James Webb Space Telescope project and continue to improve the reliability of cost estimates and contractor performance data and other major spaceflight projects in order to enhance NASA's ability to successfully deliver the James Webb Space Telescope on-time and within budget.

SEC. 504. SENSE OF CONGRESS ON WIDE-FIELD INFRARED SURVEY TELESCOPE.

It is the sense of Congress that—

(1) the Wide-Field Infrared Survey Telescope (commonly known as ''WFIRST'') mission has the potential to enable scientific discoveries that will transform our understanding of the universe; and

(2) the Administrator, to the extent practicable, should make progress on the technologies and capabilities needed to position the Administration to meet the objectives, as outlined in the 2010 National Academies' Astronomy and Astrophysics Decadal Survey, in a way that maximizes the scientific productivity of meeting those objectives for the resources invested.

SEC. 505. SENSE OF CONGRESS ON MARS 2020 ROVER.

It is the sense of Congress that—

(1) the Mars 2020 mission, to develop a Mars rover and to enable the return of samples to Earth, should remain a priority for NASA; and

(2) the Mars 2020 mission—

(A) should significantly increase our understanding of Mars;

(B) should help determine whether life previously existed on that planet; and

(C) should provide opportunities to gather knowledge and demonstrate technologies that address the challenges of future human expeditions to Mars.

SEC. 506. EUROPA.

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

(1) Studies of Europa, Jupiter's moon, indicate that Europa may provide a habitable environment, as it contains key ingredients known to support life on Earth, including liquid water, heat, chemistry, and time.

(2) In 2012, using the Hubble Space Telescope, NASA scientists observed water vapor around the south polar region of Europa, which provides potential evidence of water plumes in that region.

(3) For decades, the Europa mission has consistently ranked as a high priority mission for the scientific community.

(4) The Europa mission was ranked as the top priority mission in the previous Planetary Science Decadal Survey and ranked as the second-highest priority in the current Planetary Science Decadal Survey.

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

(1) the Europa mission could provide another avenue in which to capitalize on our Nation's current investment in the Space Launch System that would significantly reduce the transit time for such a deep space mission; and

(2) a scientific, robotic exploration mission to Europa, as prioritized in both Planetary Science Decadal Surveys, should be supported.

TITLE VI—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

SEC. 611. INFORMATION TECHNOLOGY GOVERNANCE.

The Administrator, in consultation with the chief information officer of NASA, shall—

(1) ensure the NASA Chief Information Officer has a significant role in the management, governance, and oversight processes related to information technology operations and investments and information security programs for the protection of NASA systems;

(2) establish the NASA Chief Information Officer as a direct report to the Administrator;

(3) ensure the NASA Chief Information Officer has the appropriate resources and insight to oversee NASA information technology and information security operations and investments;

(4) provide an information technology program management framework to increase the efficiency and effectiveness of information technology investments, including relying on metrics for identifying and reducing potential duplication, waste, and cost;

(5) establish a monetary threshold for all agency information technology investments and related contracts, including non-highly and highly specialized and specialized information technology, regardless of the procurement instrument, over which the NASA Chief Information Officer shall have final approval;

(6) improve the operational linkage between the NASA Chief Information Officer and each NASA mission directorate, center, and mission support office to ensure both agency and mission needs are considered in agency-wide information technology and information security management and oversight;

(7) review the portfolio of information technology investments and spending, including information technology-related investments included as part of activities within NASA mission directorates that may not be considered information technology, to ensure investments are recognized and reported appropriately based on guidance from the Office of Management and Budget;

(8) consider appropriate revisions to the charters of information technology boards and councils that inform information technology investment and operation decisions; and

(9) consider whether the NASA Chief Information Officer should have a seat on any boards or councils described in paragraph (8).

SEC. 612. INFORMATION TECHNOLOGY STRATEGIC PLAN.

(a) IN GENERAL.—Subject to subsection (b), the NASA Chief Information Officer, in consultation with the chief information officer of each Administration center, shall develop an information technology strategic plan to guide NASA information technology management and strategic objectives.

(b) REQUIREMENTS.—In developing the strategic plan, the NASA Chief Information Officer shall ensure that the strategic plan is consistent with—

(1) the deadline under section 306(a) of title 5, United States Code; and

(2) the requirements under section 3506 of title 44, United States Code.

(c) CONTENTS.—The strategic plan shall include—

(1) near and long-term goals and objectives for leveraging information technology;

(2) a plan for how the NASA Chief Information Officer will submit to Congress of a list of information technology projects, including completion dates and risk level in accordance with guidance from the Office of Management and Budget;

(3) an implementation overview for an agency-wide centralized approach to information technology investments and operations, including reducing barriers to cross-center collaboration;

(4) coordination by the NASA Chief Information Officer with centers and mission directorates to ensure that information technology policies are effectively and efficiently implemented across the agency;

(5) a plan to increase the efficiency and effectiveness of information technology investments, including a description of how unnecessarily duplicative, wasteful, legacy, or outdated information technology across NASA will be identified and eliminated, and a schedule for the identification and elimination of such information technology;

(6) a plan for improving the information security of agency information and agency information systems, including improving security control assessments and role-based security training of employees; and

(7) submission by the NASA Chief Information Officer to Congress of information regarding high risk projects and cybersecurity risks.

(d) CONGRESSIONAL OVERSIGHT.—The NASA Chief Information Officer shall submit to the appropriate committees of Congress the strategic plan under subsection (a) and any updates thereto.

SEC. 613. CYBERSECURITY.

(a) FINDING.—The security of NASA information and information systems is vital to the success of the mission of the agency.

(b) INFORMATION SECURITY PLAN.—Section 1207 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18445) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by inserting before subsection (b), as redesignated, the following:

''(a) AGENCY-WIDE INFORMATION SECURITY PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2016, the Administrator shall implement the information security plan developed under paragraph (2) and take such further actions as the Administrator considers necessary to improve the information security system in accordance with this section.

''(2) INFORMATION SECURITY PLAN.—Subject to paragraphs (3), (4), and (5), the chief information officer of NASA, shall develop an agency-wide information security plan to enhance information security for NASA information and information infrastructure.

''(3) REQUIREMENTS.—In developing the plan under paragraph (2), the chief information officer shall ensure that the plan—

''(A) is consistent with policies, standards, guidelines, and directives on information security under subchapter II of chapter 35 of title 44, United States Code;

''(B) is consistent with the standards and guidelines under section 11331 of title 40, United States Code; and

''(C) meets applicable National Institute of Standards and Technology information security standards and guidelines.

''(4) APPROVAL.—The chief information officer shall submit the plan to the Administrator for approval prior to its implementation.

''(5) CONTENTS.—The plan shall include—

''(A) an overview of the requirements of the information security system;

''(B) an agency-wide risk management framework for information security;

''(C) a description of the information security system management controls and common controls that are necessary to ensure compliance with information security-related requirements;

''(D) an identification and assignment of roles, responsibilities, and management commitment for information security at the agency;

''(E) coordination among organizational entities, including between each center, facility, mission directorate, and mission support office, and among agency entities responsible for different aspects of information security;

''(F) heightened consideration of the need to protect the information security of mission-critical systems and activities and high-impact and moderate-impact information systems; and

''(G) a schedule of frequent reviews and updates, as necessary, of the plan.''; and

(3) in subsection (b), as redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) an update on the agency's efforts to apply additional information security protections to secure high-impact and moderate-impact information systems and mission-critical systems and activities, including those systems that control spacecraft and maintain critical data sources.''; and

(B) in paragraph (2), by striking ''section 3545'' and inserting ''section 3555''.

SEC. 614. OVERSIGHT IMPLEMENTATION PROGRESS.

Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the information security plan under section 1207 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18445), as amended, is developed and implemented agency-wide, the Administrator shall provide to the appropriate committees of Congress an update on the progress made toward implementation of or response to—

(1) the information security plan under that section; and

(2) the information security-related recommendations made by the NASA Inspector General and the Comptroller General in the 5 years preceding the date of enactment of this Act.

SEC. 615. SOFTWARE OVERSIGHT.

The Administrator shall—

(1) develop a strategic plan to transition NASA from legacy software by adopting a service-based acquisition model in line with industry best practices;

(2) develop and implement an agency-wide software license management policy to improve centralization, lifecycle management, and procurement education, including education on contract negotiations, relevant laws and regulations, and agency-wide contract terms and conditions; and

(3) direct an agency-wide inventory of NASA's total software licenses and spending, including costs, benefits, usage, and trending data.

SEC. 616. SECURITY MANAGEMENT OF FOREIGN NATIONAL ACCESS.

The Administrator shall notify the appropriate committees of Congress when the agency has implemented the information technology security recommendations from the National Academy of Public Administration on foreign national access management, based on reports from January 2014 and March 2016.

SEC. 617. CYBERSECURITY OF WEB APPLICATIONS.

Not later than 180 days after the date of enactment of this Act, the NASA Chief Information Officer shall—

(1) develop a plan, including such actions and milestones as are necessary, to fully remediate security vulnerabilities of NASA web applications within a timely fashion after discovery; and

(2) implement the recommendation from the NASA Inspector General in the audit report dated July 10, 2014, (IG–14–023) to remove from the Internet or secure with a web application firewall all NASA web applications in development or testing mode.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

SEC. 621. COLLABORATION AMONG MISSION DIRECTORATES.

The Administrator shall encourage an interdisciplinary approach among all NASA mission directorates and divisions, whenever appropriate, for projects or missions—

(1) to improve coordination, and encourage collaboration and early planning on scope;

(2) to determine areas of overlap or alignment;

(3) to find ways to leverage across divisional perspectives to maximize outcomes; and

(4) to be more efficient with resources and funds.

SEC. 622. NASA LAUNCH CAPABILITIES COLLABORATION.

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

(1) The Launch Services Program is responsible for the acquisition, management, and technical oversight of commercial launch services for NASA's science and robotic missions.

(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

(5) Co-location of the Launch Services Program and Commercial Crew Program has enabled the Commercial Crew Program to efficiently obtain the launch vehicle technical expertise of and provide engineering and analytical support to the Commercial Crew Program.

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

(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

(2) such communication and coordination is enabled by the co-location of the programs.

(c) IN GENERAL.—The Administrator shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.

SEC. 623. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) FINDING.—Congress recognized the benefit of commercial space launch cooperation between the Federal Government and the private sector when it granted the Secretary of Defense authority to foster cooperation between the Department of Defense and certain covered entities relating to space transportation infrastructure under section 2276 of title 10, United States Code.

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

(1) the Administrator should take into account the unique needs and obligations that multi-user, public State spaceports may have with the State government as well as current and prospective contractual arrangements with commercial and government customers when developing and carrying out agreements under section 50507 of title 51, United States Code, with State spaceports operating on NASA facilities; and

(2) the authority granted under section 50507 of title 51, United States Code, is not intended to supersede or conflict with the congressional intent and purposes codified in chapter 509 of that title, the responsibilities of the Secretary of Transportation under section 50913 of that title, or with the intent of section 50504 of that title.

(c) IN GENERAL.—Chapter 505 of title 51, United States Code, is amended by adding at the end the following:

"§ 50507. Commercial launch cooperation

''(a) AUTHORITY FOR AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Administrator—

''(1) may enter into an agreement with a covered entity to provide the covered entity with support and services related to the space transportation infrastructure of the Administration—

''(A) to maximize the use of the space transportation infrastructure of the Administration by the private sector in the United States;

''(B) to maximize the effectiveness and efficiency of the space transportation infrastructure of the Administration;

''(C) to reduce the cost of services provided by the Administration related to space transportation infrastructure at launch support facilities and space recovery support facilities; and

''(D) to encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Administration; and

''(2) at the request of the covered entity, may include that support and services in the contracted space launch and reentry range support requirements of the Administration if—

''(A) the Administrator determines that including that support and services in the requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Administration;

''(iii) does not compete with the commercial space activities of other covered entities; and

''(iv) does not result in the Administration retaining ownership of assets which are no longer needed to meet a programmatic mission of the Administration; and

''(B) any commercial requirement included in the agreement has full non-Federal funding before the execution of the agreement.

''(b) CONTRIBUTIONS.—

''(1) IN GENERAL.—The Administrator may enter into an agreement with a covered entity on a cooperative and voluntary basis to accept funds, services, and equipment to carry out the purposes in subsection (a)(1).

''(2) USE OF CONTRIBUTIONS.—Any funds, services, or equipment accepted by the Administrator under this subsection—

''(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and

''(B) shall be managed by the Administrator in accordance with procedures prescribed under subsection (d).

''(3) REQUIREMENTS WITH RESPECT TO AGREEMENTS.—An agreement entered into with a covered entity under this subsection shall—

''(A) address the terms of use, ownership, and disposition of the funds, services, or equipment contributed under the agreement;

''(B) include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States; and

''(C) include a provision that the contribution of a covered entity will not preclude access to or use by another covered entity.

''(c) ANNUAL REPORT.—Not later than January 31 of each year, the Administrator shall submit to the appropriate committees of Congress a report on the process used to establish agreements under subsections (a) and (b), including noticing announcements of opportunities and criteria for selecting a covered entity, and the funds, services, and equipment accepted and used by the Administrator under this section during the preceding fiscal year.

''(d) PROCEDURES.—The Administrator shall prescribe procedures to carry out this section consistent with sections 50504 and 50913.

''(e) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—In this section, the term 'covered entity' means—

''(A) a non-Federal entity that—

''(i) is organized under the laws of the United States or of any jurisdiction within the United States; and

''(ii) is engaged in commercial space activities; or

''(B) an entity that controls, is controlled by, or is under common control with, a non-Federal entity described in subparagraph (A).

''(2) LAUNCH SUPPORT FACILITIES.—The term 'launch support facilities' has the meaning given the term in section 50501.

''(3) SPACE RECOVERY SUPPORT FACILITIES.—The term 'space recovery support facilities' has the meaning given the term in section 50501.

''(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term 'space transportation infrastructure' has the meaning given that term in section 50501.''.

(d) TABLE OF CONTENTS.—The table of contents for chapter 505 of title 51, United States Code, is amended by adding after the item relating to section 50506 the following:

''50507. Commercial space launch cooperation.''.

SEC. 624. DETECTION AND AVOIDANCE OF COUNTERFEIT PARTS.

(a) FINDINGS.—Congress finds the following:

(1) A 2012 investigation by the Committee on Armed Services of the Senate of counterfeit electronic parts in the Department of Defense supply chain from 2009 through 2010 uncovered 1,800 cases and over 1,000,000 counterfeit parts and exposed the threat such counterfeit parts pose to service members and national security.

(2) Since 2010, the Comptroller General of the United States has identified in 3 separate reports the risks and challenges associated with counterfeit parts and counterfeit prevention at both the Department of Defense and NASA, including inconsistent definitions of counterfeit parts, poorly targeted quality control practices, and potential barriers to improvements to these practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the presence of counterfeit electronic parts in the NASA supply chain poses a danger to United States government astronauts, crew, and other personnel and a risk to the agency overall.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the NASA Supplement to the Federal Acquisition Regulation to improve the detection and avoidance of counterfeit electronic parts in the supply chain.

(2) CONTRACTOR RESPONSIBILITIES.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require each covered contractor—

(i) to detect and avoid the use or inclusion of any counterfeit parts in electronic parts or products that contain electronic parts;

(ii) to take such corrective actions as the Administrator considers necessary to remedy the use or inclusion described in clause (i); and

(iii) including a subcontractor, to notify the applicable NASA contracting officer not later than 30 calendar days after the date the covered contractor becomes aware, or has reason to suspect, that any end item, component, part or material contained in supplies purchased by NASA, or purchased by a covered contractor or subcontractor for delivery to, or on behalf of, NASA, contains a counterfeit electronic part or suspect counterfeit electronic part; and

(B) prohibit the cost of counterfeit electronic parts, suspect counterfeit electronic parts, and any corrective action described under subparagraph (A)(ii) from being included as allowable costs under agency contracts, unless—

(i)(I) the covered contractor has an operational system to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts that has been reviewed and approved by NASA or the Department of Defense; and

(II) the covered contractor has provided the notice under subparagraph (A)(iii); or

(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the covered contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation.

(3) SUPPLIERS OF ELECTRONIC PARTS.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require NASA and covered contractors, including subcontractors, at all tiers—

(i) to obtain electronic parts that are in production or currently available in stock from—

(I) the original manufacturers of the parts or their authorized dealers; or

(II) suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) to obtain electronic parts that are not in production or currently available in stock from suppliers that meet qualification requirements established under subparagraph (C);

(B) establish documented requirements consistent with published industry standards or Government contract requirements for—

(i) notification of the agency; and

(ii) inspection, testing, and authentication of electronic parts that NASA or a covered contractor, including a subcontractor, obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which NASA may identify suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize a covered contractor, including a subcontractor, to identify and use additional suppliers beyond those identified under subparagraph (C) if—

(i) the standards and processes for identifying such suppliers comply with established industry standards;

(ii) the covered contractor assumes responsibility for the authenticity of parts provided by such suppliers under paragraph (2); and

(iii) the selection of such suppliers is subject to review and audit by NASA.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACTOR.—The term ''covered contractor'' means a contractor that supplies an electronic part, or a product that contains an electronic part, to NASA.

(2) ELECTRONIC PART.—The term ''electronic part'' means a discrete electronic component, including a microcircuit, transistor, capacitor, resistor, or diode, that is intended for use in a safety or mission critical application.

SEC. 625. EDUCATION AND OUTREACH.

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

(1) United States competitiveness in the 21st century requires engaging the science, technology, engineering, and mathematics (referred to in this section as ''STEM'') talent in all States;

(2) the Administration is uniquely positioned to educate and inspire students and the broader public on STEM subjects and careers;

(3) the Administration's Education and Communication Offices, Mission Directorates, and Centers have been effective in delivering educational content because of the strong engagement of Administration scientists and engineers in the Administration's education and outreach activities; and

(4) the Administration's education and outreach programs, including the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Space Grant College and Fellowship Program, reflect the Administration's successful commitment to growing and diversifying the national science and engineering workforce.

(b) CONTINUATION OF EDUCATION AND OUTREACH ACTIVITIES AND PROGRAMS.—

(1) IN GENERAL.—The Administrator shall continue engagement with the public and education opportunities for students via all the Administration's mission directorates to the maximum extent practicable.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administration's near-term outreach plans for advancing space law education.

SEC. 626. LEVERAGING COMMERCIAL SATELLITE SERVICING CAPABILITIES ACROSS MISSION DIRECTORATES.

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

(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

(2) The technologies involved in satellite servicing, such as dexterous robotic arms, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

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

(1) satellite servicing is a vital capability that will bolster the capacity and affordability of NASA's ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

(c) LEVERAGING OF CAPABILITIES.—The Administrator shall identify orbital assets in both the Science Mission Directorate and the Human Exploration and Operations Mission Directorate that could benefit from satellite servicing-related technologies, and shall work across all NASA mission directorates to evaluate opportunities for the private sector to perform such services or advance technical capabilities by leveraging the technologies and techniques developed by NASA programs and other industry programs.

SEC. 627. FLIGHT OPPORTUNITIES.

(a) DEVELOPMENT OF PAYLOADS.—

(1) IN GENERAL.—In order to conduct necessary research, the Administrator shall continue and, as the Administrator considers appropriate, expand the development of technology payloads for—

(A) scientific research; and

(B) investigating new or improved capabilities.

(2) FUNDS.—For the purpose of carrying out paragraph (1), the Administrator shall make funds available for—

(A) flight testing;

(B) payload development; and

(C) hardware related to subparagraphs (A) and (B).

(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as authorized by section 907 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405).

SEC. 628. SENSE OF CONGRESS ON SMALL CLASS LAUNCH MISSIONS.

It is the sense of Congress that—

(1) Venture Class Launch Services contracts awarded under the Launch Services Program will expand opportunities for future dedicated launches of CubeSats and other small satellites and small orbital science missions; and

(2) principal investigator-led small orbital science missions, including CubeSat class, Small Explorer (SMEX) class, and Venture class, offer valuable opportunities to advance science at low cost, train the next generation of scientists and engineers, and enable participants to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space and to enhancing United States innovation and competitiveness abroad.

Mr. PORTMAN. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; the Cruz-Nelson substitute amendment 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 committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 5180) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 3346), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CELEBRATING THE 200TH ANNIVERSARY OF THE COMMITTEE ON THE JUDICIARY OF THE SENATE

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 641, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 641) celebrating the 200th anniversary of the Committee on the Judiciary of the Senate.

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

Mr. PORTMAN. 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. 641) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

HOUSE BILLS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills en bloc: H.R. 5948, H.R. 6138, H.R. 6282, and H.R. 6304.

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

Mr. PORTMAN. Mr. President, I further ask unanimous consent that the bills be read a third time and passed en bloc and the motions to reconsider be considered made and laid upon the table en bloc with no intervening action or debate.

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

JONATHAN ''J.D.'' DE GUZMAN POST OFFICE BUILDING

The bill (H.R. 5948) 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,'' was ordered to a third reading, was read the third time, and passed.

U.S. NAVAL CONSTRUCTION BATTALION ''SEABEES'' FALLEN HEROES POST OFFICE BUILDING

The bill (H.R. 6138) to designate the facility of the United States Postal Service located at 560 East Pleasant Valley Road, Port Hueneme, California, as the U.S. Naval Construction Battalion ''Seabees'' Fallen Heroes Post Office Building, was ordered to a third reading, was read the third time, and passed.

DR. ROSCOE C. BROWN, JR. POST OFFICE BUILDING

The bill (H.R. 6282) 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,'' was ordered to a third reading, was read the third time, and passed.

ADOLFO ''HARPO'' CELAYA POST OFFICE

The bill (H.R. 6304) 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,'' was ordered to a third reading, was read the third time, and passed.

PRESERVING REHABILITATION INNOVATION CENTERS ACT OF 2015

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 1168 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1168) to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program.

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Kirk

amendment at the desk be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 5181) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preserving Rehabilitation Innovation Centers Act of 2016''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the United States, there are an estimated 1,181 inpatient rehabilitation facilities. Among these facilities is a small group of inpatient rehabilitation institutions that are contributing to the future of rehabilitation care medicine, as well as to patient recovery, scientific innovation, and quality of life.

(2) This unique category of inpatient rehabilitation institutions treats the most complex patient conditions, such as traumatic brain injury, stroke, spinal cord injury, childhood disease, burns, and wartime injuries.

(3) These leading inpatient rehabilitation institutions are all not-for-profit or Government-owned institutions and serve a high volume of Medicare or Medicaid beneficiaries.

(4) These leading inpatient rehabilitation institutions have been recognized by the Federal Government for their contributions to cutting-edge research to develop solutions that enhance quality of care, improve patient outcomes, and reduce health care costs.

(5) These leading inpatient rehabilitation institutions help to improve the practice and standard of rehabilitation medicine across the Nation in urban, suburban, and rural communities by training physicians, medical students, and other clinicians, and providing care to patients from all 50 States.

(6) It is vital that these leading inpatient rehabilitation institutions are supported so they can continue to lead the Nation's efforts to—

(A) advance integrated, multidisciplinary rehabilitation research;

(B) provide cutting-edge medical care to the most complex rehabilitation patients;

(C) serve as education and training facilities for the physicians, nurses, and other health professionals who serve rehabilitation patients;

(D) ensure Medicare and Medicaid beneficiaries receive state-of-the-art, high-quality rehabilitation care by developing and disseminating best practices and advancing the quality of care utilized by post-acute providers in all 50 States; and

(E) support other inpatient rehabilitation institutions in rural areas to help ensure access to quality post-acute care for patients living in these communities.

SEC. 3. STUDY AND REPORT RELATING TO THE COSTS INCURRED BY, AND THE MEDICARE PAYMENTS MADE TO, REHABILITATION INNOVATION CENTERS.

(a) IN GENERAL.—Section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following new paragraph:

''(8) STUDY AND REPORT RELATING TO THE COSTS INCURRED BY, AND THE MEDICARE PAYMENTS MADE TO, REHABILITATION INNOVATION CENTERS.—

''(A) STUDY.—The Secretary shall conduct a study to assess the costs incurred by rehabilitation innovation centers (as defined in subparagraph (C)) that are beyond the prospective rate for each of the following activities:

''(i) Furnishing items and services to individuals under this title.

''(ii) Conducting research.

''(iii) Providing medical training.

''(B) REPORT.—Not later than July 1, 2019, the Secretary shall submit to Congress a report containing the results of the study under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

''(C) REHABILITATION INNOVATION CENTER DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'rehabilitation innovation center' means a rehabilitation facility that, determined as of the date of the enactment of this paragraph, is described in clause (ii) or clause (iii).

''(ii) NOT-FOR-PROFIT.—A rehabilitation facility described in this clause is a facility that—

''(I) is classified as a not-for-profit entity under the IRF Rate Setting File for the Correction Notice for the Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2012 (78 Fed. Reg. 59256);

''(II) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury, spinal cord injury, or stroke rehabilitation research from the Rehabilitation Research and Training Centers or the Rehabilitation Engineering Research Center at the National Institute on Disability and Rehabilitation Research at the Department of Education, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

''(III) has a minimum Medicare case mix index of 1.1144 for fiscal year 2012 according to the IRF Rate Setting File described in subclause (I); and

''(IV) had at least 300 Medicare discharges or at least 200 Medicaid discharges in a prior year as determined by the Secretary.

''(iii) GOVERNMENT-OWNED.—A rehabilitation facility described in this clause is a facility that—

''(I) is classified as a Government-owned institution under the IRF Rate Setting File described in clause (ii)(I);

''(II) holds at least one Federal rehabilitation research and training designation for research projects on traumatic brain injury, spinal cord injury, or stroke rehabilitation research from the Rehabilitation Research and Training Centers, the Rehabilitation Engineering Research Center, or the Model Spinal Cord Injury Systems at the National Institute on Disability and Rehabilitation Research at the Department of Education, based on such data submitted to the Secretary by a facility, in a form, manner, and time frame specified by the Secretary;

''(III) has a minimum Medicare case mix index of 1.1144 for 2012 according to the IRF Rate Setting File described in clause (ii)(I); and

''(IV) has a Medicare disproportionate share hospital (DSH) percentage of at least 0.6300 according to the IRF Rate Setting File described in clause (ii)(I)).''.

The bill (S. 1168), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING THE USE OF POST-9/11 EDUCATIONAL ASSISTANCE

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 3021 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3021) to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.

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

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

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

The amendment (No. 5182) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 3021), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ESSENTIAL TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL ASSESSMENT ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 436, H.R. 710.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 710) to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, 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 ''Essential Transportation Worker Identification Credential Assessment Act''.

SEC. 2. COMPREHENSIVE SECURITY ASSESSMENT OF THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall commission a 2-phase comprehensive assessment of the effectiveness of the Transportation Worker Identification Credential Program (referred to in this section as the ''TWIC Program'' under section 70105 of title 46, United States Code) at enhancing security and reducing security risks for facilities and vessels regulated pursuant to chapter 701 of title 46, United States Code.

(b) LOCATION.—The assessment commissioned pursuant to subsection (a) shall be conducted by a national laboratory or a university-based center within the Department of Homeland Security centers of excellence network.

(c) CONTENTS.—The assessment commissioned pursuant to subsection (a) shall include—

(1) in phase 1, a review of the credentialing process, including—

(A) the appropriateness of vetting standards;

(B) whether the fee structure adequately reflects the current costs of vetting; and

(C) whether there is unnecessary overlap between other transportation security credentials;

(2) in phase 2, which shall follow the implementation of the TWIC reader rule—

(A) an evaluation of the extent to which the TWIC Program, as implemented, addresses known or likely security risks in the maritime environment; and

(B) the technology, business process, and operational impacts of the use of the transportation worker identification credentials and TWIC readers in the maritime environment;

(3) an evaluation of the extent to which deficiencies identified by the Comptroller General have been addressed; and

(4) a cost-benefit analysis of the TWIC Program, as implemented.

(d) CORRECTIVE ACTION PLAN; PROGRAM REFORMS.—If, as part of the assessment submitted by the Secretary under subsection (a), the Secretary identifies a deficiency in effectiveness of the TWIC Program, the Secretary, not later than 120 days after such submission, shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) responds to findings of the assessment commissioned under this section;

(2) includes an implementation plan with benchmarks;

(3) may include programmatic reforms, revisions to regulations, or proposals for legislation; and

(4) shall be considered in any rulemaking by the Department of Homeland Security relating to the TWIC Program.

(e) INSPECTOR GENERAL REVIEW.—If a corrective action plan is required under subsection (d), the Inspector General of the Department of Homeland Security, not later than 120 days after the submission of such plan, shall—

(1) review the extent to which such plan implements—

(A) recommendations issued by the national laboratory or university-based center of excellence, as applicable, in the assessment submitted under subsection (a); and

(B) recommendations issued by the Comptroller General before the date of the enactment of this Act; and

(2) notify the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives about the responsiveness of such plan to such recommendations.

(f) TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL RULES.—

(1) IN GENERAL.—The Secretary of Homeland Security may not issue additional rules relating to the issuance of transportation worker identification credentials or the use of TWIC readers until—

(A) the Inspector General of the Department of Homeland Security notifies the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that the submission under subsection (d) is responsive to the recommendations of the Inspector General; and

(B) the Secretary issues an updated list of TWIC readers that are compatible with active transportation worker security credentials.

(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply with respect to any final rule issued pursuant to the notice of proposed rulemaking on Transportation Worker Identification Credential (TWIC)-Reader Requirements published by the Coast Guard on March 22, 2013 (78 Fed. Reg. 17781).

(g) INSPECTOR GENERAL OVERSIGHT.—Not later than 18 months after the date of the issuance of the corrective action plan under subsection (d), and every 6 months thereafter during the 3-year period following the date of the issuance of the first report under this subsection, the Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives that describes implementation of such plan.

SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Thune substitute amendment be agreed to; that 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 committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 5183) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute.)

Strike all after the enacting clause and insert the following:

SECTION 1. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL SECURITY CARD PROGRAM IMPROVEMENTS AND ASSESSMENT.

(a) CREDENTIAL IMPROVEMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall commence actions, consistent with section 70105 of title 46, United States Code, to improve the Transportation Security Administration's process for vetting individuals with access to secure areas of vessels and maritime facilities.

(2) REQUIRED ACTIONS.—The actions described under paragraph (1) shall include—

(A) conducting a comprehensive risk analysis of security threat assessment procedures, including—

(i) identifying those procedures that need additional internal controls; and

(ii) identifying best practices for quality assurance at every stage of the security threat assessment;

(B) implementing the additional internal controls and best practices identified under subparagraph (A);

(C) improving fraud detection techniques, such as—

(i) by establishing benchmarks and a process for electronic document validation;

(ii) by requiring annual training for Trusted Agents; and

(iii) by reviewing any security threat assessment-related information provided by Trusted Agents and incorporating any new threat information into updated guidance under subparagraph (D);

(D) updating the guidance provided to Trusted Agents regarding the vetting process and related regulations;

(E) finalizing a manual for Trusted Agents and adjudicators on the vetting process; and

(F) establishing quality controls to ensure consistent procedures to review adjudication decisions and terrorism vetting decisions.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to Congress that evaluates the implementation of the actions described in paragraph (1).

(b) COMPREHENSIVE SECURITY ASSESSMENT OF THE TRANSPORTATION SECURITY CARD PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall commission an assessment of the effectiveness of the transportation security card program (referred to in this section as ''Program'') required under section 70105 of title 46, United States Code, at enhancing security and reducing security risks for facilities and vessels regulated under chapter 701 of that title.

(2) LOCATION.—The assessment commissioned under paragraph (1) shall be conducted by a research organization with significant experience in port or maritime security, such as—

(A) a national laboratory;

(B) a university-based center within the Science and Technology Directorate's centers of excellence network; or

(C) a qualified federally-funded research and development center.

(3) CONTENTS.—The assessment commissioned under paragraph (1) shall—

(A) review the credentialing process by determining—

(i) the appropriateness of vetting standards;

(ii) whether the fee structure adequately reflects the current costs of vetting;

(iii) whether there is unnecessary redundancy or duplication with other Federal- or State-issued transportation security credentials; and

(iv) the appropriateness of having varied Federal and State threat assessments and access controls;

(B) review the process for renewing applications for Transportation Worker Identification Credentials, including the number of days it takes to review application, appeal, and waiver requests for additional information; and

(C) review the security value of the Program by—

(i) evaluating the extent to which the Program, as implemented, addresses known or likely security risks in the maritime and port environments;

(ii) evaluating the potential for a non-biometric credential alternative;

(iii) identifying the technology, business process, and operational impacts of the use of the transportation security card and transportation security card readers in the maritime and port environments;

(iv) assessing the costs and benefits of the Program, as implemented; and

(v) evaluating the extent to which the Secretary of Homeland Security has addressed the deficiencies in the Program identified by the Government Accountability Office and the Inspector General of the Department of Homeland Security before the date of enactment of this Act.

(4) DEADLINES.—The assessment commissioned under paragraph (1) shall be completed not later than 1 year after the date on which the assessment is commissioned.

(5) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the assessment is completed, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives the results of the assessment commissioned under this subsection.

(c) CORRECTIVE ACTION PLAN; PROGRAM REFORMS.—If the assessment commissioned under subsection (b) identifies a deficiency in the effectiveness of the Program, the Secretary of Homeland Security, not later than 60 days after the date on which the assessment is completed, shall submit a corrective action plan to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) responds to findings of the assessment;

(2) includes an implementation plan with benchmarks;

(3) may include programmatic reforms, revisions to regulations, or proposals for legislation; and

(4) shall be considered in any rulemaking by the Department of Homeland Security relating to the Program.

(d) INSPECTOR GENERAL REVIEW.—If a corrective action plan is submitted under subsection (c), the Inspector General of the Department of Homeland Security shall—

(1) not later than 120 days after the date of such submission, review the extent to which such plan implements the requirements under subsection (c); and

(2) not later than 18 months after the date of such submission, and annually thereafter for 3 years, submit a report to the congressional committees set forth in subsection (c) that describes the progress of the implementation of such plan.

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. 710), as amended, was passed.

TRIBAL INFRASTRUCTURE AND ROADS ENHANCEMENT AND SAFETY ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 378, S. 1776.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1776) to enhance tribal road safety, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, 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 ''Tribal Infrastructure and Roads Enhancement and Safety Act'' or ''TIRES Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN RESERVATION.—The term ''Indian reservation'' has the meaning given the term ''reservation'' in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. APPLICATION OF CATEGORICAL EXCLUSIONS TO CERTAIN TRIBAL TRANSPORTATION FACILITIES.

(a) CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, a highway project, including projects administered by the Bureau of Indian Affairs, located on a road eligible for assistance under section 202 of title 23, United States Code, is deemed to be an action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), if the project—

(A) qualifies for categorical exclusion under—

(i) MAP–21 (Public Law 112–141; 126 Stat. 405) or an amendment made by that Act; or

(ii) section 771.117 of title 23, Code of Federal Regulations (or successor regulations); or

(B) would meet those requirements if the project sponsor were a State agency.

(2) MAP–21 CATEGORICAL EXCLUSIONS TO CERTAIN TRIBAL TRANSPORTATION FACILITIES.—Section 1317 of MAP–21 (23 U.S.C. 109 note; 126 Stat. 550) is amended—

(A) in paragraph (1)(B), by striking ''; and'' and inserting a period;

(B) beginning in the matter preceding paragraph (1), by striking ''Not later than'' and all that follows through ''(1) designate'' and inserting the following:

''(a) DESIGNATION OF CATEGORICAL EXCLUSIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), not later than 180 days after the date of enactment of this Act, the Secretary shall designate'';

(C) in paragraph (2)—

(i) by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(ii) by striking ''(2) not later than'' and inserting the following:

''(b) REGULATIONS.—The Secretary shall, not later than''; and

(D) in subsection (a) (as designated by subparagraph (B)), by adding at the end the following:

''(2) APPLICATION OF CATEGORICAL EXCLUSIONS TO CERTAIN TRIBAL TRANSPORTATION FACILITIES.—With respect to a project described in paragraph (1) that is located on a road eligible for assistance under section 202 of title 23, United States Code, for the first full fiscal year after the date of enactment of the TIRES Act, and each fiscal year thereafter, the amount referred to in paragraph (1)(A) shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''.

(b) ADMINISTRATION.—The Secretary may issue guidance or rules for the administration of this section.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The categorical exclusions described in subsection (a), and the amendments made by subsection (a), take effect on the date of enactment of this Act.

(2) FAILURE OF SECRETARY TO ACT.—The failure of the Secretary to promulgate any final regulations or guidance shall not affect the qualification for the categorical exclusions described in subsection (a).

SEC. 4. STREAMLINING FOR TRIBAL PUBLIC SAFETY PROJECTS WITHIN EXISTING OPERATIONAL RIGHTS-OF-WAY.

Section 1316 of MAP–21 (23 U.S.C. 109 note; 126 Stat. 549) is amended—

(1) in subsection (b)—

(A) by striking ''(b) DEFINITION OF AN OPERATIONAL RIGHT-OF-WAY.—In this section, the'' and inserting the following:

''(b) DEFINITIONS.—In this section:

''(1) OPERATIONAL RIGHT-OF-WAY.—

''(A) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(B) INCLUSION.—For purposes of subparagraph (A), if a real property interest on an Indian reservation has not been formally designated an operational right-of-way, an Indian tribe may determine the scope and boundaries of that real property interest as an operational right-of-way, subject to the approval of the Bureau of Indian Affairs and the Secretary.

''(2) TRIBAL PUBLIC SAFETY PROJECT.—

''(A) IN GENERAL.—The term 'tribal public safety project' means a project subject to this section that—

''(i) corrects or improves a hazardous road location or feature; or

''(ii) addresses a highway safety problem.

''(B) INCLUSIONS.—The term 'tribal public safety project' includes a project for 1 or more of the following:

''(i) An intersection safety improvement.

''(ii) Pavement and shoulder widening, including addition of a passing lane to remedy an unsafe condition.

''(iii) Installation of a rumble strip or other warning device, if the rumble strip or other warning device does not adversely affect the safety or mobility of bicyclists, pedestrians, or the disabled.

''(iv) Installation of a skid-resistant surface at an intersection or other location with a high frequency of accidents.

''(v) An improvement for pedestrian or bicyclist safety or safety of the disabled.

''(vi) Construction of any project for the elimination of hazards at a railway-highway crossing that is eligible for funding under section 130 of title 23, United States Code, including the separation or protection of grades at railway-highway crossings.

''(vii) Construction of a railway-highway crossing safety feature, including installation of protective devices.

''(viii) The conduct of a model traffic enforcement activity at a railway-highway crossing.

''(ix) Construction of a traffic calming feature.

''(x) Elimination of a roadside obstacle.

''(xi) Improvement of highway signage and pavement markings.

''(xii) Installation of a priority control system for emergency vehicles at signalized intersections.

''(xiii) Installation of a traffic control or other warning device at a location with high accident potential.

''(xiv) Safety-conscious planning.

''(xv) Improvements in the collection and analysis of crash data.

''(xvi) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities, including police assistance, relating to workzone safety.

''(xvii) Installation of guardrails, barriers, including barriers between construction work zones and traffic lanes for the safety of motorists and workers, and crash attenuators.

''(xviii) The addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife.

''(xix) Installation and maintenance of signs, including fluorescent, yellow-green signs, at pedestrian-bicycle crossings and in school zones.

''(xx) Construction and yellow-green signs at pedestrian-bicycle crossings and in school zones.

''(xxi) Construction and operational improvements on high-risk rural roads.

''(xxii) Any other project that the Secretary determines qualifies.'';

(2) by redesignating subsections (a) and (b) as subsections (b) and (a), respectively, and moving the subsections so as to appear in alphabetical order;

(3) in subsection (b) (as so redesignated), in the subsection heading, by striking ''IN GENERAL'' and inserting ''DESIGNATION''; and

(4) by adding at the end the following:

''(c) PROJECTS WITHIN EXISTING OPERATIONAL RIGHTS-OF-WAY.—

''(1) APPLICABILITY.—This subsection applies to a project within an existing operational right-of-way on an Indian reservation (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) that is—

''(A) for a maintenance or preservation activity, whether or not federally funded, within the existing operational right-of-way, including for roadside ditches; or

''(B) a project that—

''(i) is a tribal public safety project or a project that the tribal department of transportation or the equivalent (or in the case of an Indian tribe without a tribal department of transportation or equivalent, an official representing the Indian tribe) certifies to the Secretary as providing a safety benefit to the public; and

''(ii) is an action that—

''(I) is categorically excluded under section 771.117 of title 23, Code of Federal Regulations (or successor regulations); or

''(II) would be categorically excluded under section 771.117 of title 23, Code of Federal Regulations (or successor regulations), if the applicant were a State agency.

''(2) FINAL ACTION.—Except as provided in paragraph (3), a Federal agency shall take final action on an application by an Indian tribe for a permit, approval, or jurisdictional determination for a project described in paragraph (1) not later than 45 days after the date of receipt of the application.

''(3) EXTENSIONS.—A Federal agency may extend the period to take final action on an application by an Indian tribe under paragraph (2) by an additional 30 days by providing to the Secretary and the Indian tribe notice of the extension, including a statement of the need for the extension.

''(4) CONSTRUCTIVE APPROVAL.—If a Federal agency does not take final action on an application by an Indian tribe under paragraphs (2) and (3)—

''(A) the permit or approval for the project described in paragraph (1) shall be considered approved; and

''(B) the Indian tribe shall notify the Secretary of approval under this paragraph.

''(5) REPORT.—Not later than 4 years after the date of enactment of the 'TIRES Act', the Secretary shall submit to Congress a report that describes the operation of this subsection, including any recommendations.''.

SEC. 5. BUREAU OF INDIAN AFFAIRS REDUCTION IN ADMINISTRATIVE FEE.

Section 202(a)(6) of title 23, United States Code, is amended by striking ''6 percent'' and inserting ''5 percent for each fiscal year''.

SEC. 6. OPTION OF ASSUMING NEPA APPROVAL AUTHORITY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of the Interior or the Secretary of Transportation, as applicable.

(b) ASSUMPTION OF FEDERAL RESPONSIBILITIES.—An Indian tribe participating in tribal self-governance or a contract or agreement under subsection (a)(2) or (b)(7) of section 202 of title 23, United States Code, and carrying out construction projects on the Indian reservation over which the Indian tribe has jurisdiction, may elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), division A of subtitle III of title 54, United States Code, and other applicable Federal law that would apply if the Secretary were to undertake a construction project if the Indian tribe—

(1) designates an officer—

(A) to represent the Indian tribe; and

(B) to assume the status of a responsible Federal official under those laws; and

(2) accepts the jurisdiction of the Federal court for the purpose of enforcement of the responsibilities of the responsible Federal official under those laws.

SEC. 7. TRIBAL GOVERNMENT TRANSPORTATION SAFETY DATA REPORT.

(a) FINDINGS.—Congress finds that—

(1) in many States, the Native American population is disproportionately represented in fatalities and crash statistics;

(2) improved crash reporting by tribal law enforcement agencies would facilitate safety planning and would enable Indian tribes to apply more successfully for State and Federal funds for safety improvements;

(3) the causes of underreporting of crashes on Indian reservations include—

(A) tribal law enforcement capacity, including—

(i) staffing shortages and turnover; and

(ii) lack of equipment, software, and training; and

(B) lack of standardization in crash reporting forms and protocols; and

(4) without more accurate reporting of crashes on Indian reservations and rural roads located in or around Alaska Native villages and within the boundaries of Regional Corporations (within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), it is difficult or impossible to fully understand the nature of the problem and develop appropriate countermeasures, which may include effective transportation safety planning and programs aimed at—

(A) DUI prevention;

(B) pedestrian safety;

(C) roadway safety improvements;

(D) seat belt usage; and

(E) proper use of child restraints.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Secretary of Transportation, the Secretary of Health and Human Services, the Attorney General, and Indian tribes, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the quality of transportation safety data collected by States and counties for transportation safety systems and the relevance of that data to improving the collection and sharing of data on crashes on or near—

(A) Indian reservations; or

(B) rural roads located in or around Alaska Native villages and within the boundaries of Regional Corporations (within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(2) PURPOSES.—The purposes of the report described in paragraph (1) are—

(A) to improve the collection and sharing of data on crashes on or near Indian reservations; and

(B) to develop data that Indian tribes can use to recover damages to tribal property caused by motorists.

(3) PAPERLESS DATA REPORTING.—In preparing the report under paragraph (1), the Secretary shall provide Indian tribes with options and best practices for transition to a paperless transportation safety data reporting system that—

(A) improves the collection of crash reports;

(B) stores, archives, queries, and shares crash records; and

(C) uses data exclusively—

(i) to address traffic safety issues on—

(I) Indian reservations; and

(II) rural roads located in or around Alaska Native villages and within the boundaries of Regional Corporations (within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)); and

(ii) to identify and improve problem areas on—

(I) public roads on Indian reservations; and

(II) rural roads located in or around Alaska Native villages and within the boundaries of Regional Corporations (within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)).

(4) ADDITIONAL BUDGETARY RESOURCES.—The Secretary shall include in the report under paragraph (1) the identification of Federal transportation funds provided to Indian tribes by agencies in addition to the Department of the Interior.

SEC. 8. BUREAU OF INDIAN AFFAIRS ROAD SAFETY STUDY.

Not later than 2 years after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary for Indian Affairs, in consultation with the Secretary of Transportation, the Attorney General, and States, shall—

(1) complete a study that identifies and evaluates options for improving safety on—

(A) public roads on or near Indian reservations; and

(B) rural roads located in or around Alaska Native villages and within the boundaries of Regional Corporations (within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)); and

(2) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study.

SEC. 9. TRIBAL TRANSPORTATION FUNDING.

(a) IN GENERAL.—Section 1101(a)(3) of MAP–21 (Public Law 112–141; 126 Stat. 414) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code (other than subsection (d) of that section), there are authorized to be appropriated—

''(i) $468,180,000 for fiscal year 2016;

''(ii) $477,540,000 for fiscal year 2017;

''(iii) $487,090,000 for fiscal year 2018;

''(iv) $496,830,000 for fiscal year 2019;

''(v) $506,770,000 for fiscal year 2020; and

''(vi) $516,905,400 for fiscal year 2021.''; and

(2) by adding at the end the following:

''(D) TRIBAL TRANSPORTATION FACILITY BRIDGE PROGRAM.—For the tribal transportation facility bridge program under section 202(d) of title 23, United States Code, there are authorized to be appropriated—

''(i) $16,000,000 for fiscal year 2016;

''(ii) $18,000,000 for fiscal year 2017;

''(iii) $20,000,000 for fiscal year 2018;

''(iv) $22,000,000 for fiscal year 2019;

''(v) $24,000,000 for fiscal year 2020; and

''(vi) $26,000,000 for fiscal year 2021.''.

(3) TRIBAL TRANSPORTATION FACILITY BRIDGE PROGRAM.—Section 202(d) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) TRIBAL TRANSPORTATION FACILITY BRIDGE PROGRAM.—The Secretary shall use funds made available to carry out this subsection—

''(A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of new or replacement tribal transportation facility bridges;

''(B) to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or

''(C) to implement any countermeasure for deficient tribal transportation facility bridges, including multiple-pipe culverts.''.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported amendment be withdrawn; that the Barrasso substitute amendment be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 5184) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1776), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CROSS-BORDER TRADE ENHANCEMENT ACT OF 2016

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 875, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 875) to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes.

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

Mr. PORTMAN. 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. 875) was ordered to a third reading, was read the third time, and passed.

EXEMPTING EXPORTATION OF CERTAIN ECHINODERMS AND MOLLUSKS FROM LICENSING REQUIREMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4245, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4245) to exempt exportation of certain echinoderms and mollusks from licensing requirements under the Endangered Species Act of 1973.

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

Mr. PORTMAN. Mr. President, I further ask that the King amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 5185) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED EXPORTATION OF CERTAIN SPECIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the United States Fish and Wildlife Service (referred to in this section as the ''Director'') shall issue a proposed rule to amend section 14.92 of title 50, Code of Federal Regulations, to establish expedited procedures relating to the export permission requirements of section 9(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(d)(1)) for fish or wildlife described in subsection (c).

(b) EXEMPTIONS.—

(1) IN GENERAL.—As part of the rulemaking under subsection (a), subject to paragraph (2), the Director may provide an exemption from the requirement to procure—

(A) permission under section 9(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(d)(1)); or

(B) an export license under subpart I of part 14 of title 50, Code of Federal Regulations.

(2) LIMITATIONS.—The Director shall not provide an exemption under paragraph (1)—

(A) unless the Director determines that the exemption will not have a significant negative impact on the conservation of the species that is the subject of the exemption; or

(B) to an entity that has been convicted of a violation of a Federal law relating to the importation, transportation, or exportation of wildlife during a period of not less than 5 years ending on the date on which the entity applies for exemption under paragraph (1).

(c) COVERED FISH OR WILDLIFE.—The fish or wildlife described in this subsection are the species commonly known as sea urchins and sea cucumbers (including any product of a sea urchin or sea cucumber) that—

(1) do not require a permit under part 16, 17, or 23 of title 50, Code of Federal Regulations; and

(2) are exported for purposes of human or animal consumption.

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. 4245), as amended, was passed.

AUTHORIZING TAKING PICTURES AND FILMING IN THE SENATE CHAMBER, THE SENATE WING OF THE UNITED STATES CAPITOL, AND SENATE OFFICE BUILDINGS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 642, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 642) authorizing taking pictures and filming in the Senate Chamber, the Senate Wing of the United States Capitol, and Senate Office Buildings for production of a film and a book on the history of the Senate.

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

Mr. PORTMAN. Mr. President, 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. 642) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

AMERICAN INNOVATION AND COMPETITIVENESS ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 695, S. 3084.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3084) to invest in innovation through research and development, and to improve the competitiveness of the United States.

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; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Innovation and Competitiveness Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Authorization of appropriations.

TITLE I—MAXIMIZING BASIC RESEARCH

Sec. 101. Reaffirmation of merit-based peer review.
Sec. 102. Transparency and accountability.
Sec. 103. EPSCoR reaffirmation and update.
Sec. 104. Cybersecurity research.
Sec. 105. Networking and information technology research and development update.
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SEC. 2. DEFINITIONS.

In this Act, unless expressly provided otherwise:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(2) FEDERAL SCIENCE AGENCY.—The term ''Federal science agency'' has the meaning given the term in section 103 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6623).

(3) FOUNDATION.—The term ''Foundation'' means the National Science Foundation.

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 920 U.S.C. 1001(a)).

(5) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(6) STEM.—The term ''STEM'' has the meaning given the term in section 2 of the American COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

(7) STEM EDUCATION.—The term ''STEM education'' has the meaning given the term in section 2 of the STEM Education Act of 2015 (42 U.S.C. 6621 note).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2017.—

(1) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to the Secretary of Commerce $974,000,000 for NIST for fiscal year 2017.

(2) NATIONAL SCIENCE FOUNDATION.—There is authorized to be appropriated to the Foundation $7,510,000,000 for fiscal year 2017.

(b) FISCAL YEAR 2018.—

(1) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to the Secretary of Commerce $1,013,000,000 for NIST for fiscal year 2018.

(2) NATIONAL SCIENCE FOUNDATION.—There is authorized to be appropriated to the Foundation $7,810,000,000 for fiscal year 2018.

TITLE I—MAXIMIZING BASIC RESEARCH

SEC. 101. REAFFIRMATION OF MERIT-BASED PEER REVIEW.

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

(1) the Foundation's intellectual merit and broader impacts criteria remain appropriate for evaluating grant proposals, as concluded by the 2011 National Science Board Task Force on Merit Review;

(2) evaluating proposals on the basis of the Foundation's intellectual merit and broader impacts criteria assures that—

(A) proposals funded by the Foundation are of high quality and advance scientific knowledge; and

(B) the Foundation's overall funding portfolio addresses societal needs through research findings or through related activities; and

(3) as evidenced by the Foundation's contributions to scientific advancement, economic development, human health, and national security, its peer review and merit review processes have successfully identified and funded scientifically and societally relevant research and should be preserved.

(b) MERIT REVIEW CRITERIA.—The Foundation shall maintain the intellectual merit and broader impacts criteria, among other specific criteria as appropriate, as the basis for evaluating grant proposals in the merit review process.

(c) UPDATES.—If after the date of enactment of this Act a change is made to the merit-review process, the Director shall submit a report to the appropriate committees of Congress not later than 30 days after the date of the change.

SEC. 102. TRANSPARENCY AND ACCOUNTABILITY.

(a) FINDINGS.—Congress finds that the Foundation has improved transparency and accountability of the outcomes made through the merit review process.

(b) GUIDANCE.—

(1) IN GENERAL.—The Director of the Foundation shall issue and periodically update, as appropriate, policy guidance for both Foundation staff and other Foundation merit review process participants, clarifying the importance of transparency and accountability of the outcomes made through the merit review process.

(2) REQUIREMENTS.—The guidance under paragraph (1) shall require that each abstract for a Foundation-funded research project—

(A) provide a clear justification for any Federal funds that will be expended, including by—

(i) describing how the project—

(I) reflects the mission statement of the Foundation; and

(II) addresses both of the National Science Board-approved merit review criteria; and

(ii) clearly identifying the research priorities of the project in a manner that can be easily understood by both technical and non-technical audiences; and

(B) be publicly available at the time of award.

(c) EXAMINATION.—Not later than 180 days after the date of enactment of this Act, the National Science Board shall—

(1) examine the efforts by the Foundation to improve transparency and accountability in the merit-review process; and

(2) submit to the appropriate committees of Congress a report on the examination, including any recommendations for how to further improve transparency and accountability of the outcomes made through the merit-review process.

SEC. 103. EPSCOR REAFFIRMATION AND UPDATE.

(a) FINDINGS.—Section 517(a) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''The National'' and inserting ''the National''; and

(B) by striking ''education,'' and inserting ''education'';

(2) in paragraph (2), by striking ''with 27 States'' and all that follows through the semicolon at the end and inserting ''with 28 States and jurisdictions, taken together, receiving only about 12 percent of all National Science Foundation research funding;'';

(3) by striking paragraph (3) and inserting the following:

''(3) each of the States described in paragraph (2) receives only a fraction of 1 percent of the Foundation's research dollars each year;''; and

(4) by adding at the end the following:

''(4) first established at the National Science Foundation in 1979, the Experimental Program to Stimulate Competitive Research (referred to in this section as 'EPSCoR') assists States and jurisdictions historically underserved by Federal research and development funding in strengthening their research and innovation capabilities;

''(5) the EPSCoR structure requires each participating State to develop a science and technology plan suited to State and local research, education, and economic interests and objectives;

''(6) EPSCoR has been credited with advancing the research competitiveness of participating States, improving awareness of science, promoting policies that link scientific investment and economic growth, and encouraging partnerships between government, industry, and academia;

''(7) EPSCoR proposals are evaluated through a rigorous and competitive merit-review process to ensure that awarded research and development efforts meet high scientific standards; and

''(8) according to the National Academy of Sciences, EPSCoR has strengthened the national research infrastructure and enhanced the educational opportunities needed to develop the science and engineering workforce.''.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that—

(A) since maintaining the Nation's scientific and economic leadership requires the participation of talented individuals nationwide, EPSCoR investments into State research and education capacities are in the Federal interest and should be sustained; and

(B) EPSCoR should maintain its experimental component by supporting innovative methods for improving research capacity and competitiveness.

(2) DEFINITION OF EPSCOR.—In this subsection, the term ''EPSCoR'' has the meaning given the term in section 502 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p note).

(c) AWARD STRUCTURE UPDATES.—Section 517 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9) is amended by adding at the end the following:

''(g) AWARD STRUCTURE UPDATES.—In implementing the mandate to maximize the impact of Federal EPSCoR support on building competitive research infrastructure, and based on the inputs and recommendations of previous EPSCoR reviews, the head of each Federal agency administering an EPSCoR program shall—

''(1) consider modifications to EPSCoR proposal solicitation, award type, and project evaluation—

''(A) to more closely align with current agency priorities and initiatives;

''(B) to focus EPSCoR funding on achieving critical scientific, infrastructure, and educational needs of that agency;

''(C) to encourage collaboration between EPSCoR-eligible institutions and researchers, including with institutions and researchers in other States and jurisdictions;

''(D) to improve communication between State and Federal agency proposal reviewers; and

''(E) to continue to reduce administrative burdens associated with EPSCoR;

''(2) consider modifications to EPSCoR award structures—

''(A) to emphasize long-term investments in building research capacity, potentially through

the use of larger, renewable funding opportunities; and

''(B) to allow the agency, States, and jurisdictions to experiment with new research and development funding models; and

''(3) consider modifications to the mechanisms used to monitor and evaluate EPSCoR awards—

''(A) to increase collaboration between EPSCoR-funded researchers and agency staff, including by providing opportunities for mentoring young researchers and for the use of Federal facilities;

''(B) to identify and disseminate best practices; and

''(C) to harmonize metrics across participating Federal agencies, as appropriate.''.

(d) REPORTS.—

(1) CONGRESSIONAL REPORTS.—Section 517 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9), as amended, is further amended—

(A) by striking subsection (c);

(B) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(C) in subsection (c), as redesignated—

(i) in paragraph (1), by striking ''Experimental Programs to Stimulate Competitive Research'' and inserting ''EPSCoR''; and

(ii) in paragraph (2)—

(I) in subparagraphs (A) and (E), by striking ''EPSCoR and Federal EPSCoR-like programs'' and inserting ''each EPSCoR'';

(II) in subparagraph (D), by striking ''EPSCoR and other Federal EPSCoR-like programs'' and inserting ''each EPSCoR'';

(III) in subparagraph (E), by striking ''EPSCoR or Federal EPSCoR-like programs'' and inserting ''each EPSCoR''; and

(IV) in subparagraph (G), by striking ''EPSCoR programs'' and inserting ''each EPSCoR''; and

(D) by amending subsection (d), as redesignated, to read as follows:

''(d) FEDERAL AGENCY REPORTS.—Each Federal agency that administers an EPSCoR shall submit to Congress, as part of its Federal budget submission—

''(1) a description of the program strategy and objectives;

''(2) a description of the awards made in the previous fiscal year, including—

''(A) the total amount made available, by State, under EPSCoR;

''(B) the total amount of agency funding made available to all institutions and entities within each EPSCoR State;

''(C) the efforts and accomplishments to more fully integrate the EPSCoR States in major agency activities and initiatives;

''(D) the percentage of EPSCoR reviewers from EPSCoR States; and

''(E) the number of programs or large collaborator awards involving a partnership of organizations and institutions from EPSCoR and non-EPSCoR States; and

''(3) an analysis of the gains in academic research quality and competitiveness, and in science and technology human resource development, achieved by the program over the last 5 fiscal years.''; and

(E) in subsection (e)(1), as redesignated, by striking ''Experimental Program to Stimulate Competitive Research or a program similar to the Experimental Program to Stimulate Competitive Research'' and inserting ''EPSCoR''.

(2) RESULTS OF AWARD STRUCTURE PLAN.—Not later than 1 year after the date of enactment of this Act, the EPSCoR Interagency Coordinating Committee shall brief the appropriate committees of Congress on the updates made to the award structure under 517(f) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p–9(f)), as amended by this subsection.

(e) DEFINITION OF EPSCOR.—

(1) IN GENERAL.—Section 502 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 1862p note) is amended by amending paragraph (2) to read as follows:

''(2) EPSCOR.—The term 'EPSCoR' means—

''(A) the Established Program to Stimulate Competitive Research established by the Foundation; or

''(B) a program similar to the Established Program to Stimulate Competitive Research at another Federal agency.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g) is amended—

*(A) in the heading, by striking ''**EXPERIMENTAL**'' and inserting ''**ESTABLISHED**'';*

(B) in subsection (a), by striking ''an Experimental Program to Stimulate Competitive Research'' and inserting ''a program to stimulate competitive research (known as the 'Established Program to Stimulate Competitive Research')''; and

(C) in subsection (b), by striking ''the program'' and inserting ''the Program''.

SEC. 104. CYBERSECURITY RESEARCH.

(a) FOUNDATION CYBERSECURITY RESEARCH.—Section 4(a)(1) of the Cyber Security Research and Development Act, as amended (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (O), by striking ''and'' at the end;

(2) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(Q) security of election-dedicated voting system software and hardware; and

''(R) role of the human factor in cybersecurity and the interplay of computers and humans and the physical world.''.

(b) NIST CYBERSECURITY PRIORITIES.—

(1) CRITICAL INFRASTRUCTURE AWARENESS.—The Director of NIST, in coordination with the Secretary of Homeland Security, shall continue to raise public awareness of the voluntary, industry-led cybersecurity standards and best practices for critical infrastructure developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)).

(2) QUANTUM COMPUTING.—Under section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) and section 20 of that Act (15 U.S.C. 278g-3), the Director of NIST shall—

(A) research information systems for future cybersecurity needs; and

(B) coordinate with relevant stakeholders to develop a process—

(i) to research and identify or, if necessary, develop cryptography standards and guidelines for future cybersecurity needs, including quantum-resistant cryptography standards; and

(ii) to provide recommendations to Congress, Federal agencies, and industry for a secure and smooth transition to the standards under clause (i).

(3) VOTING.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by redesignating paragraphs (16) through (23) as paragraphs (17) through (24), respectively; and

(B) by inserting after paragraph (15) the following:

''(16) perform research to support the development of voluntary, consensus-based, industry-led standards and recommendations on the security of computers, computer networks, and computer data storage used in voting systems to ensure voters can vote securely and privately.''.

SEC. 105. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT UPDATE.

(a) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.—Section 101(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''IN GENERAL.—'' before ''The President'';

(2) in subparagraph (H), by striking ''and'' at the end;

(3) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(J) provide for research on the interplay of computing and people, including social computing and human-robot interaction;

''(K) provide for research on cyber-physical systems and improving the methods available for the design, development, and operation of those systems that are characterized by high reliability, safety, and security;

''(L) provide for the understanding of the science, engineering, policy, and privacy protection related to networking and information technology;

''(M) provide for the understanding of the human facets of cyber threats and secure cyber systems;

''(N) provide for the transition of high-performance computing in hardware, system software, development tools, and applications into development and operations; and

''(O) foster public-private collaboration with government, industry research laboratories, academia, and nonprofit organizations to maximize research and development efforts and the benefits of networking and information technology, including high-performance computing.''.

(b) REVIEW AND PLAN.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following:

''(d) PERIODIC REVIEWS.—The heads of the applicable agencies and departments working through the National Science and Technology Council and the Networking and Information Technology Research and Development Program shall—

''(1) not later than 1 year after the date the advisory committee submits a report under subsection (b)(2), assess the structure of the Program, including the Program Component Areas and associated contents and funding levels, taking into consideration any relevant recommendations of the advisory committee; and

''(2) ensure that the Program includes foundational and interdisciplinary information technology research and development activities.

''(e) STRATEGIC PLANS.—

''(1) IN GENERAL.—The heads of the applicable agencies and departments, working through the National Science and Technology Council and the Networking and Information Technology Research and Development Program shall develop and implement strategic plans to guide emerging activities in specific Program Component Areas, as the advisory committee determines relevant under subsection (b), of Federal networking and information technology research and development, and to guide the activities described in subsection (a)(1).

''(2) UPDATES.—The heads of the applicable agencies and departments shall update the strategic plans as appropriate.

''(3) CONTENTS.—Each strategic plan shall—

''(A) specify near-term and long-term objectives for the Program, the anticipated schedule for achieving the near-term and long-term objectives, and the metrics to be used for assessing progress toward the near-term and long-term objectives;

''(B) specify how the near-term and long-term objectives complement research and development areas in which academia and the private sector is actively engaged;

''(C) describe how the heads of the applicable agencies and departments will support mechanisms for foundational and interdisciplinary research and development in networking and information technology, including through collaborations—

''(i) across Federal agencies and departments;

''(ii) across Program Component Areas; and

''(iii) with industry, Federal and private research laboratories, research entities, universities, institutions of higher education, relevant

nonprofit organizations, and international partners of the United States;

''(D) describe how the heads of the applicable agencies and departments will foster the rapid transfer of research and development results into new technologies and applications;

''(E) describe how the Program will address long-term challenges for which solutions require large-scale, long-term, foundational and interdisciplinary research and development; and

''(F) place emphasis on innovative and high-risk projects having the potential for substantial societal returns on the research investment.

''(4) PRIVATE SECTOR EFFORTS.—In developing, implementing, and updating strategic plans, the heads of the applicable agencies and departments, working through the National Science and Technology Council and Networking and Information Technology Research and Development Program, shall coordinate with industry, academia, and other interested stakeholders to ensure, to the extent practicable, that the Federal networking and information technology research and development activities carried out under this section do not duplicate the efforts of the private sector.

''(5) RECOMMENDATIONS.—In developing and updating strategic plans, the heads of the applicable agencies and departments shall solicit recommendations and advice from—

''(A) the advisory committee under subsection (b); and

''(B) a wide range of stakeholders, including industry, academia, including representatives of minority serving institutions and community colleges, National Laboratories, and other relevant organizations and institutions.

''(f) REPORTS.—The heads of the applicable agencies and departments, working through the National Science and Technology Council and the Networking and Information Technology Research and Development Program, shall submit to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives—

''(1) the strategic plans developed under subsection (e)(1); and

''(2) each update under subsection (e)(2).

''(g) DEFINITION OF APPLICABLE AGENCIES AND DEPARTMENTS.—In this section, the term 'applicable agencies and departments' means the Federal agencies and departments identified in subsection (a)(3)(B) or designated under clause (xii) of that subsection.''.

(c) RESEARCH COORDINATION.—Section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''REQUIREMENTS.—'' before ''The Director''; and

(2) by amending subparagraph (C) to read as follows:

''(C) provide for the coordination of Federal networking and information technology research, development, networking, and other activities—

''(i) among the applicable agencies and departments under the Program; and

''(ii) to the extent practicable, with other Federal agencies not identified in subsection (a)(3)(B), other Federal and private research laboratories, industry, research entities, universities, institutions of higher education, relevant nonprofit organizations, and international partners of the United States;''.

(d) BUDGET.—Section 101(a)(3) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''CONTENTS OF ANNUAL REPORTS.—'' before ''The annual'';

(2) in subparagraph (B), by striking clauses (i) through (xi) and inserting the following—

''(i) the Department of Commerce;

''(ii) the Department of Defense;

''(iii) the Department of Education;

''(iv) the Department of Energy;

''(v) the Department of Health and Human Services;

''(vi) the Department of Homeland Security;

''(vii) the Department of Justice;

''(viii) the Environmental Protection Agency;

''(ix) the National Aeronautics and Space Administration;

''(x) the National Archives and Records Administration;

''(xi) the National Science Foundation; and

''(xii) such other agencies and departments as the President or the Director considers appropriate;'';

(3) in subparagraph (C), by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,'';

(4) in subparagraph (D)—

(A) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(B) by striking ''and'' after the semicolon;

(5) by redesignating subparagraph (E) as subparagraph (F); and

(6) by inserting after subparagraph (D) the following:

''(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan under subsection (e);''.

(e) CONFORMING AMENDMENTS TO HIGH-PERFORMANCE COMPUTING ACT OF 1991.—The High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.) is amended—

(1) in section 2 (15 U.S.C. 5501)—

(A) in paragraphs (2) and (5), by striking ''high-performance computing'' and inserting ''networking and information technology, including high-performance computing,''; and

(B) in paragraph (3), by striking ''high-performance computing'' and inserting ''networking and information technology, including high-performance computing'';

(2) in section 3 (15 U.S.C. 5502)—

(A) in the matter preceding paragraph (1) and paragraph (1), by striking ''high-performance computing'' and inserting ''networking and information technology'' each place it appears; and

(B) in paragraph (2)—

(i) by striking ''high-performance computing and'' and inserting ''networking and information technology and''; and

(ii) by striking ''high-performance computing network'' and inserting ''networking and information technology'';

(3) in section 4 (15 U.S.C. 5503)—

(A) in paragraphs (2) and (3), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(B) by striking paragraph (5);

(C) in paragraph (6), by striking ''National High-Performance Computing'' and inserting ''Networking and Information Technology Research and Development''; and

(D) by redesignating paragraphs (3), (4), (6), and (7) as paragraphs (4), (3), (5), and (6), respectively;

(4) in section 101 (15 U.S.C. 5511)—

(A) in the heading, by striking ''**NATIONAL HIGH-PERFORMANCE COMPUTING**'' *and inserting* ''**NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT**'';

(B) in subsection (a)—

(i) in the heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT'';

(ii) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''National High-Performance Computing'' and inserting ''Networking and Information Technology Research and Development'';

(II) in subparagraph (A), by striking ''high-performance computing, including networking'' and inserting ''networking and information technology'';

(III) in subparagraphs (B) and (C), by striking ''high-performance computing'' and inserting ''high-end computing, including high-performance computing,''; and

(IV) in subparagraph (G), by striking ''high-performance computing'' and inserting ''networking and information technology, including high-performance computing,''; and

(iii) in paragraph (2)—

(I) in subparagraph (A), by striking ''high-performance computing research, development, networking'' and inserting ''networking and information technology research and development'';

(II) in subparagraph (E), by striking ''high-performance computing and networking systems'' and inserting ''high-end computing and networking systems''; and

(III) in subparagraph (F), by striking ''high-performance computing'' and inserting ''high-end, including high-performance, computing'';

(C) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology'';

(D) in subsection (b)(2), by striking ''Committee on Science and Technology'' and inserting ''Committee on Science, Space, and Technology''; and

(E) in subsection (c)(1)(A), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(5) in section 201(a)(1) (15 U.S.C. 5521(a)(1)), by striking ''high-performance computing and advanced high-speed computer networking'' and inserting ''networking and information technology'';

(6) in section 202(a) (15 U.S.C. 5522(a)), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(7) in section 203 (15 U.S.C. 5523(a))—

(A) by striking ''high-performance computing and networking'' and inserting ''networking and information technology''; and

(B) by striking ''high-performance computing systems'' and inserting ''high-end, including high-performance, computing systems'';

(8) in section 204 (15 U.S.C. 5524)—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking ''high-performance computing systems and networks'' and inserting ''networking and information technology systems'';

(ii) in subparagraph (B), by striking ''high-performance computing systems in networks'' and inserting ''networking and information technology systems''; and

(iii) in subparagraph (C), by striking ''high-performance computing systems'' and inserting ''networking and information technology''; and

(B) in subsection (b)—

(i) in the heading, by striking ''HIGH-PERFORMANCE COMPUTING AND NETWORK'' and inserting ''NETWORK AND INFORMATION TECHNOLOGY SECURITY''; and

(ii) by striking ''sensitive information in Federal computer systems'' and inserting ''agency information and information systems''; and

(9) in section 207 (15 U.S.C. 5527)—

(A) in subsection (a)(2), by striking ''section 2315(a) of title 10'' and inserting ''section 3552(b)(6)(A) of title 44''; and

(B) in subsection (b), by striking ''high-performance computing systems'' and inserting ''networking and information technology''.

(f) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—

(1) NATIONAL NETWORKING AND INFORMATION TECHNOLOGY PROGRAM.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511), as amended, is further amended—

(A) in subsection (b)—

(i) in paragraph (1), by inserting ''ADVISORY COMMITTEE.—'' before ''The President shall'';

(ii) in paragraph (2), by inserting ''ADDITIONAL DUTIES.—'' before ''In addition to''; and

(iii) in paragraph (3), by inserting ''FACA.—'' before ''Section 14''; and

(B) in subsection (c)—

(i) in paragraph (1), by inserting ''REPORTS.—'' before ''Each Federal''; and

(ii) in paragraph (2), by inserting ''OMB REVIEW.—'' before ''The Office''.

(2) MISCELLANEOUS.—

(A) NATIONAL SCIENCE FOUNDATION RESEARCH.—Section 4(b)(5)(K) of the Cyber Security Research and Development Act (15 U.S.C. 7403(b)(5)(K)) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(B) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—Section 13202(b) of the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 17912(b)) is amended by striking ''National High-Performance Computing Program'' and inserting ''Networking and Information Technology Research and Development Program''.

(C) FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.—Section 201(a)(4) of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7431(a)(4)) is amended by striking ''clauses (i) through (x) of section 101(a)(3)(B) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)(B)) or designated under clause (xi) of that section'' and inserting ''clauses (i) through (xi) of section 101(a)(3)(B) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)(B)) or designated under clause (xii) of that section''.

(D) NATIONAL RESEARCH AND EDUCATION NETWORK.—Section 102 of the High-Performance Computing Act of 1991 (15 U.S.C. 5512) is repealed.

(E) NEXT GENERATION INTERNET.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is repealed.

(F) FOSTERING UNITED STATES COMPETITIVENESS IN HIGH-PERFORMANCE COMPUTING AND RELATED ACTIVITIES.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is repealed.

SEC. 106. HIGH-ENERGY PHYSICS COORDINATION.

(a) IN GENERAL.—The Physical Science Subcommittee of the National Science and Technology Council shall define and continue to coordinate Federal efforts, including activities of relevant advisory committees, related to high-energy physics research to maximize the efficiency and effectiveness of United States investment in high-energy physics.

(b) PURPOSES.—The purposes of the Physical Science Subcommittee include—

(1) to advise and assist the Committee on Science and the National Science and Technology Council on United States policies, procedures, and plans in the physical sciences, including high-energy physics; and

(2) to identify emerging opportunities, stimulate international cooperation, and foster the development of the physical sciences in the United States, including—

(A) in high-energy physics research, including related underground science and engineering research;

(B) in physical infrastructure and facilities;

(C) in information and analysis; and

(D) in coordination activities.

(c) RESPONSIBILITIES.—In regard to coordinating Federal efforts related to high-energy physics research, the Physical Science Subcommittee shall—

(1) provide recommendations on planning for construction and stewardship of large facilities participating in high-energy physics;

(2) provide recommendations on research coordination and collaboration among the programs and activities of Federal agencies;

(3) establish goals and priorities for high-energy physics, related underground science, and research and development that will strengthen United States competitiveness in high-energy physics;

(4) propose methods for engagement with international, Federal, and State agencies and Federal laboratories not represented on the National Science and Technology Council to identify and reduce regulatory, logistical, and fiscal barriers that inhibit United States leadership in high-energy physics and related underground science; and

(5) develop, and update as necessary, a strategic plan to guide Federal programs and activities in support of high-energy physics research, including—

(A) the efforts taken in support of subsection (b) since the last strategic plan;

(B) an evaluation of the current research needs for maintaining United States leadership in high-energy physics; and

(C) an identification of future priorities in the area of high-energy physics.

SEC. 107. LABORATORY PROGRAM IMPROVEMENTS.

(a) IN GENERAL.—The Director of NIST, acting through the Associate Director for Laboratory Programs, shall develop and implement a comprehensive strategic plan for laboratory programs that expands—

(1) interactions with academia, international researchers, and industry; and

(2) commercial and industrial applications.

(b) OPTIMIZING COMMERCIAL AND INDUSTRIAL APPLICATIONS.—In accordance with the purpose under section 1(b)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 271(b)(3)), the comprehensive strategic plan shall—

(1) include performance metrics for the dissemination of fundamental research results, measurements, and standards research results to industry, including manufacturing, and other interested parties;

(2) document any positive benefits of research on the competitiveness of the parties described in paragraph (1); and

(3) clarify the current approach to the technology transfer activities of NIST.

SEC. 108. INTERNATIONAL ACTIVITIES.

Section 17(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g(a)) is amended to read as follows:

''(a) FINANCIAL ASSISTANCE TO FOREIGN NATIONALS.—The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, within the limit of appropriated funds, through direct support for activities of international organizations and foreign national metrology institutes with which the Institute cooperates to advance measurement methods, standards, and related basic technologies and, as the Secretary may deem desirable, through the grant of fellowships or any other form of financial assistance, to defray the expenses of foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at the Institute or participating in the exchange of scientific or technical information at the Institute.''.

SEC. 109. STANDARD REFERENCE DATA ACT UPDATE.

Section 2 of the Standard Reference Data Act (15 U.S.C. 290a) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''For the purposes of this Act:

''(1) STANDARD REFERENCE DATA.—The term 'standard reference data' means data that is—

''(A) either—

''(i) quantitative information related to a measurable physical or chemical property of a substance or system of substances of known composition and structure;

''(ii) measurable characteristics of a physical artifact or artifacts;

''(iii) engineering properties or performance characteristics of a system; or

''(iv) 1 or more digital data objects that serve—

''(I) to calibrate or characterize the performance of a detection or measurement system; or

''(II) to interpolate or extrapolate, or both, data described in subparagraph (A) through (C); and

''(B) that is critically evaluated as to its reliability under section 3 of this Act.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.''.

SEC. 110. NSF MID-SCALE PROJECT INVESTMENTS.

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

(1) The Foundation funds major research facilities, infrastructure, and instrumentation that provide unique capabilities at the frontiers of science and engineering.

(2) Modern and effective research infrastructure is critical to maintaining United States leadership in science and engineering.

(3) Many proposed instruments, equipment, or upgrades to major research facilities fall between programs currently funded by the Foundation, creating a gap between Major Research Instrumentation and Major Research Equipment and Facilities Construction, including projects that have been identified as cost-effective additions of high priority to the advancement of scientific understanding.

(4) The 2010 Astronomy and Astrophysics Decadal Survey recommended a vigorous mid-scale innovations program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the addition of a competitive mid-scale funding opportunity that includes research, instruments, and infrastructure is essential to the portfolio of the Foundation and advancing scientific understanding.

(c) MID-SCALE PROJECTS.—

(1) IN GENERAL.—The Foundation shall evaluate the existing and future needs, across all disciplines supported by the Foundation, for mid-scale projects.

(2) STRATEGY.—The Director of the Foundation shall develop a strategy to meet the needs identified in paragraph (1).

(3) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director of the Foundation shall provide a briefing to the appropriate committees of Congress on the evaluation under paragraph (1) and the strategy under paragraph (2).

(4) DEFINITION OF MID-SCALE PROJECTS.—In this subsection, the term ''mid-scale projects'' means research, instrumentation, and infrastructure investments that fall between the instrumentation funded by the major research instrumentation program and the very large projects funded by the major research equipment and facilities construction program as described in section 507 of the AMERICA Competes Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 4008).

SEC. 111. OVERSIGHT OF NSF LARGE-SCALE RESEARCH FACILITY PROJECTS.

(a) FACILITIES OVERSIGHT.—

(1) IN GENERAL.—The Director of the Foundation shall strengthen oversight and accountability over the full life-cycle of large-scale research facility projects, including planning, development, procurement, construction, operations, and support, and shut-down of such facilities, in order to maximize research investment.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Director shall—

(A) prioritize the scientific outcomes of large-scale research facility projects and the internal management and financial oversight of the projects;

(B) clarify the roles and responsibilities of all organizations, including offices, panels, committees, and directorates, involved in supporting large-scale research facility projects, including the role of the Major Research Equipment and Facilities Construction Panel;

(C) establish policies and procedures for the planning, management, and oversight of large-

scale research facility projects at each phase of the life-cycle of the project;

(D) ensure that policies for estimating and managing costs and schedules are consistent with the best practices described in the Government Accountability Office Cost Estimating and Assessment Guide, the Government Accountability Office Schedule Assessment Guide, and the Office of Management and Budget Uniform Guidance (2 C.F.R. Part 200);

(E) establish the appropriate project management and financial management expertise required for Foundation staff to oversee large-scale research facility projects effectively, including by improving project management training and certification; and

(F) coordinate the sharing of the best management practices and lessons learned from large-scale research facility projects.

(b) FACILITIES FULL LIFE-CYCLE COSTS.—

(1) IN GENERAL.—Subject to subsection (c)(1), the Director of the Foundation shall require that any pre-award analysis of a large-scale research facility includes the development and consideration of the full life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note)) in accordance with section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4).

(2) IMPLEMENTATION.—Based on the pre-award analysis described in paragraph (1), the Director shall include projected operational costs within the Foundation's out years as part of the President's yearly budget submissions to Congress.

(c) COST OVERSIGHT.—

(1) PRE-AWARD ANALYSIS.—

(A) IN GENERAL.—The Director of the Foundation and the National Science Board may not approve any proposed large-scale research facility project unless—

(i) an analysis of the proposed budget has been conducted to ensure the proposal is complete and reasonable;

(ii) the analysis under clause (i) follows the Government Accountability Office Cost Estimating and Assessment Guide;

(iii) except as provided under subparagraph (C), an analysis of the accounting systems has been conducted;

(iv) an independent cost estimate of the construction of the project has been conducted using the same detailed technical information as the project proposal estimate to determine whether the estimate is well-supported and realistic; and

(v) the Foundation and the National Science Board has considered the analyses under clauses (i) and (iii) and the independent cost estimate under clause (iv) and resolved any major issues identified therein.

(B) AUDITS.—A Foundation analysis under subparagraph (A)(i) may include an audit.

(C) EXCEPTION.—The Director, at the Director's discretion, may waive the requirement under subparagraph (A)(iii) if a similar analysis of the accounting systems was conducted in the prior years.

(2) CONSTRUCTION OVERSIGHT.—The Director shall require for each large-scale research facility project—

(A) periodic external reviews on project management and performance;

(B) adequate internal controls, policies, and procedures, and reliable accounting systems in preparation for the incurred cost audits under subparagraph (D);

(C) annual incurred cost submissions of financial expenditures; and

(D) an incurred cost audit of the project—

(i) at least once during construction at a time determined based on risk analysis and length of the award, except that the length of time between audits may not exceed 3 years; and

(ii) at the completion of the construction phase.

(3) OPERATIONS COST ESTIMATE.—The Director shall require an independent cost estimate of the operational proposal for each large-scale research facility project.

(d) CONTINGENCY.—

(1) IN GENERAL.—The Foundation shall strengthen internal controls to improve oversight of contingency on a large-scale research facility project.

(2) REQUIREMENTS.—In carrying out paragraph (1), not later than 180 days after the date of enactment of this Act, the Foundation shall—

(A) retain control over a portion of the budget contingency funds of each awardee;

(B) distribute the retained funds with other incremental funds as needed; and

(C) track contingency use.

(e) OVERSIGHT IMPLEMENTATION PROGRESS.—The Director of the Foundation shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the response to or progress made toward implementation of—

(A) this section;

(B) all of the issues and recommendations identified in cooperative agreement audit reports and memoranda issued by the Inspector General of the National Science Foundation in the last 5 years; and

(C) all of the issues and recommendations identified by a panel of the National Academy of Public Administration in the December 2015 report entitled ''National Science Foundation: Use of Cooperative Agreements to Support Large Scale Investment in Research''; and

(2) not later than 1 year after the date of enactment of this Act, notify the appropriate committees of Congress when the Foundation has implemented the recommendations identified in a panel of the National Academy of Public Administration report issued December 2015.

(f) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.

(2) LARGE-SCALE RESEARCH FACILITY PROJECT.—The term '' 'large-scale research facility project' '' means a science and engineering facility project funded by the major research equipment and facilities construction account, or any successor thereto.

SEC. 112. CONFLICTS OF INTEREST.

The Director of the Foundation shall update the policy and procedure of the Foundation relating to conflicts of interest to improve documentation and management of any known conflict of interest of an individual on temporary assignment at the Foundation, including an individual on assignment under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

SEC. 113. MANAGEMENT OF THE NSF ANTARCTIC PROGRAM.

(a) REVIEW.—

(1) IN GENERAL.—The Director of the Foundation shall continue to review the efforts by the Foundation to sustain and strengthen scientific efforts in the face of logistical challenges for the United States Antarctic Program.

(2) ISSUES TO BE EXAMINED.—In conducting the review, the Director shall examine, at a minimum, the following:

(A) Implementation by the Foundation of issues and recommendations identified by—

(i) the Inspector General of the National Science Foundation in audit reports and memoranda on the United States Antarctic Program in the last 4 years;

(ii) the U.S. Antarctic Program Blue Ribbon Panel report, More and Better Science in Antarctica through Increased Logistical Effectiveness, issued July 23, 2012; and

(iii) the National Research Council report, Future Science Opportunities in Antarctica and the Southern Ocean, issued September 2011.

(B) Efforts by the Foundation to track its progress in addressing the issues and recommendations under subparagraph (A).

(C) Efforts by the Foundation to address other opportunities and challenges, including efforts on scientific research, coordination with other Federal agencies and international partners, logistics and transportation, health and safety of participants, oversight and financial management of awardees and contractors, and resources and policy challenges.

(b) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director shall brief the appropriate committees of Congress on the ongoing review, including findings and any recommendations.

SEC. 114. NIST CAMPUS SECURITY.

(a) SUPERVISORY AUTHORITY.—Consistent with the enforcement authority delegated by the Secretary of Homeland Security under section 1315 of title 40, United States Code, the Department of Commerce Office of Security shall directly manage the law enforcement and security programs of NIST through an assigned Director of Security for NIST.

(b) REPORTS.—The Director of Security for NIST shall provide an activities and security report on a quarterly basis for the first year after the date of enactment of this Act, and on an annual basis thereafter, to the Under Secretary for Standards and Technology.

SEC. 115. FEDERAL COORDINATION OF SUSTAINABLE CHEMISTRY RESEARCH AND DEVELOPMENT.

(a) IMPORTANCE OF SUSTAINABLE CHEMISTRY.—It is the sense of Congress that—

(1) the science of chemistry is vital to improving the quality of human life and plays an important role in addressing critical global challenges, including water quality, energy, health care, and agriculture;

(2) sustainable chemistry can reduce risk to human health and the environment, reduce waste and improve pollution prevention, promote safe and efficient manufacturing, and promote efficient use of resources in developing new materials, processes, and technologies that support viable long-term solutions;

(3) sustainable chemistry can stimulate innovation, encourage new and creative approaches to problems, create jobs, and save money; and

(4) a coordinated national effort on sustainable chemistry will allow for a greater return on Federal research investment in this space.

(b) NATIONAL COORDINATION FOR SUSTAINABLE CHEMISTRY.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall convene an entity under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of sustainable chemistry, including, as appropriate, at the National Science Foundation, the Department of Energy, the Department of Agriculture, the Environmental Protection Agency, the National Institute of Standards and Technology, the Department of Defense, the National Institutes of Health, and other related Federal agencies.

(2) CHAIRS.—The entity described in paragraph (1) shall be chaired by representatives from the National Science Foundation, the Environmental Protection Agency, or other agencies, as appropriate.

(3) DUTIES.—

(A) IN GENERAL.—The entity described in paragraph (1) shall—

(i) develop a working definition of sustainable chemistry, after seeking advice and input from stakeholders as described in clause (iv);

(ii) coordinate and support existing Federal research, development, education, and training efforts in sustainable chemistry;

(iii) develop a strategic plan to guide Federal programs and activities in support of sustainable chemistry research, development, technology transfer, education, and training as described in subsection (c), including support for public-private partnerships; and

(iv) as appropriate, consult and coordinate with stakeholders qualified to provide advice and information on the development of the definition of sustainable chemistry and the strategic plan.

(B) STAKEHOLDERS.—In choosing the stakeholders described in subparagraph (A)(iv), the entity described in paragraph (1) is strongly encouraged to include representatives from—

(i) industry (including small- and medium-sized enterprises from across the value chain);

(ii) the scientific community (including the National Academy of Sciences, scientific professional societies, and academia);

(iii) the defense community;

(iv) State, tribal, and local governments;

(v) State or regional sustainable chemistry programs;

(vi) non-governmental organizations; and

(vii) other appropriate organizations.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the entity described in subsection (b)(1) shall submit to the Committee on Science, Space, and Technology and the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, a 5-year strategic plan that shall include—

(A) a summary of Federally funded sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training activities;

(B) a summary of the financial resources allocated to sustainable chemistry activities;

(C) an evaluation of best practices and coordination among participating agencies; and

(D) a framework for advancing sustainable chemistry, including strategies for and benefits of Federal support for—

(i) sustainable chemistry research and development conducted at Federal and national laboratories, Federal agencies, and public and private institutions of higher education;

(ii) technology transfer and commercialization of sustainable chemistry, including incentives and impediments to development of sustainable chemicals, best practices, and costs and benefits;

(iii) education and training of undergraduate and graduate students and professional scientists and engineers, including through partnerships with industry, in sustainable chemistry science and engineering;

(iv) economic, legal, and other appropriate social science research to identify barriers to commercialization and methods to advance commercialization of sustainable chemistry; and

(v) public-private partnerships in support of sustainable chemistry research, development, education, and training.

(2) SUBMISSION TO GAO.—The entity described in subsection (b)(1) shall submit the strategic plan described in paragraph (1) to the Government Accountability Office for consideration in future Congressional inquiries.

(d) SUSTAINABLE CHEMISTRY BASIC RESEARCH.—Subject to the availability of appropriated funds, the Director of the National Science Foundation shall continue to carry out the Sustainable Chemistry Basic Research program authorized under section 509 of the National Science Foundation Authorization Act of 2010 (42 U.S.C. 1862p–3).

TITLE II—ADMINISTRATIVE AND REGULATORY BURDEN REDUCTION

SEC. 201. INTERAGENCY WORKING GROUP ON RESEARCH REGULATION.

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

(1) Scientific and technological advancement have been the largest drivers of economic growth in the last 50 years, with the Federal Government being the largest investor in basic research.

(2) Federally funded grants are increasingly competitive, with the Foundation funding only approximately 1 in every 5 grant proposals.

(3) Researchers spend as much as 42 percent of their time complying with Federal regulations, including administrative tasks such as applying for grants or meeting reporting requirements.

(4) The time spent on the activities described in paragraph (3) affects efficiency and reduces valuable research time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that administrative burdens faced by researchers may be reducing the return on investment of federally funded research and development.

(c) ESTABLISHMENT.—The Director of the Office of Management and Budget, in coordination with the Office of Science and Technology Policy, shall establish an interagency working group (referred to in this section as the ''Working Group'') to reduce administrative burdens on federally funded researchers while protecting the public interest in the transparency of and accountability for federally funded activities.

(d) RESPONSIBILITIES.—

(1) IN GENERAL.—The Working Group shall—

(A) regularly review relevant, administration-related regulations imposed on federally funded researchers; and

(B) recommend those regulations or processes that may be eliminated, streamlined, or otherwise improved for the purpose described in subsection (c).

(2) GRANT REVIEW.—

(A) IN GENERAL.—The Working Group, in consultation with the Office of Management and Budget, shall—

(i) conduct a comprehensive review of Federal science agency grant proposal documents; and

(ii) develop, to the extent practicable, a simplified, uniform grant format to be used by all Federal science agencies.

(B) CONSIDERATIONS.—In developing the uniform grant format, the Working Group shall consider whether to implement—

(i) procedures for preliminary project proposals in advance of peer-review selection;

(ii) increased use of ''Just-In-Time'' procedures for documentation that does not bear directly on the scientific merit of a proposal;

(iii) simplified initial budget proposals in advance of peer review selection; and

(iv) detailed budget proposals for applicants that peer review selection identifies as likely to be funded.

(3) CENTRALIZED RESEARCHER PROFILE DATABASE.—

(A) ESTABLISHMENT.—The Working Group shall establish, to the extent practicable, a secure, centralized database for investigator biosketches, curriculum vitae, licenses, publications, and other documents considered relevant by the Working Group.

(B) CONSIDERATIONS.—In establishing the centralized database under subparagraph (A), the Working Group shall consider incorporating existing investigator databases.

(C) GRANT PROPOSALS.—To the extent practicable, all grant proposals shall utilize the centralized researcher profile database established under subparagraph (A).

(D) REQUIREMENTS.—Each investigator shall—

(i) be responsible for ensuring the investigator's profile is current and accurate; and

(ii) be assigned a unique identifier linked to the database and accessible to all Federal funding agencies.

(4) CENTRALIZED ASSURANCES REPOSITORY.—The Working Group shall—

(A) establish a central repository for all of the assurances required for Federal research grants; and

(B) provide guidance to universities and Federal science agencies on the use of the centralized assurances repository.

(5) COMPREHENSIVE REVIEW.—

(A) IN GENERAL.—The Working Group, in consultation with the Office of Management and Budget, shall—

(i) conduct a comprehensive review of the mandated progress reports for federally funded research; and

(ii) develop a strategy to simplify investigator progress reports.

(B) CONSIDERATIONS.—In developing the strategy, the Working Group shall consider limiting progress reports to performance outcomes.

(e) CONSULTATION.—In carrying out its responsibilities under subsection (d)(1), the Working Group shall consult with academic researchers outside the Federal Government, including—

(1) federally funded researchers;

(2) non-federally funded researchers;

(3) institutions of higher education and their representative associations;

(4) scientific and engineering disciplinary societies and associations;

(5) nonprofit research institutions;

(6) industry, including small businesses;

(7) federally funded research and development centers; and

(8) members of the public with a stake in ensuring effectiveness, efficiency, and accountability in the performance of scientific research.

(f) REPORTS.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Working Group shall submit to the appropriate committees of Congress an annual report on its responsibilities under this section, including recommendations under subsection (d)(1)(B).

SEC. 202. SCIENTIFIC AND TECHNICAL COLLABORATION.

(a) DEFINITION OF SCIENTIFIC AND TECHNICAL WORKSHOP.—In this section, the term ''scientific and technical workshop'' means a symposium, seminar, or any other organized, formal gathering where scientists or engineers working in STEM research and development fields assemble to coordinate, exchange and disseminate information or to explore or clarify a defined subject, problem or area of knowledge in the STEM fields.

(b) POLICY.—It is the policy of the United States to encourage broad dissemination of Federal research findings and engagement of Federal researchers with the scientific and technical community.

(c) AUTHORITY.—Laboratory, test center, and field center directors and other similar heads of offices may approve scientific and technical workshop attendance if—

(1) that attendance would meet the mission of the laboratory or test center; and

(2) sufficient laboratory or test center funds are available for that purpose.

(d) ATTENDANCE POLICIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Director of the Office of Science and Technology Policy and the heads of other relevant Federal science agencies, shall revise current policies and streamline processes, in accordance with the policy under subsection (b), for attendance at scientific and technical workshops while ensuring appropriate oversight, accountability, and transparency.

(2) CONSIDERATIONS.—In revising the policy under paragraph (1), the Director of the Office of Management and Budget shall consider the goal of adjudicating a request to attend a scientific and technical workshop not later than 30 days after the date of the request.

(3) IMPLEMENTATION.—Not later than 90 days after the date the Director of the Office of Management and Budget revises the policies under paragraph (1), the head of each Federal science agency shall update that agency's policies for attendance at scientific and technical workshops.

(e) NIST WORKSHOPS.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), as amended by section 104 of this Act, is further amended—

(1) by redesignating paragraphs (19) through (24) as paragraphs (22) through (27), respectively; and

(2) by inserting after paragraph (18) the following:

''(19) host, participate in, and support scientific and technical workshops (as defined in section 202 of the American Innovation and Competitiveness Act);

''(20) collect and retain any fees charged by the Secretary for hosting a scientific and technical workshop described in paragraph (19);

''(21) notwithstanding title 31 of the United States Code, use the fees described in paragraph (20) to pay for any related expenses, including subsistence expenses for participants;''.

SEC. 203. NIST GRANTS AND COOPERATIVE AGREEMENTS UPDATE.

Section 8(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3706(a)) is amended by striking ''The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.''.

SEC. 204. REPEAL OF CERTAIN OBSOLETE REPORTS.

(a) REPEAL OF CERTAIN OBSOLETE REPORTS.—

(1) NIST REPORTS.—

(A) REPORT ON DONATION OF EDUCATIONALLY USEFUL FEDERAL EQUIPMENT TO SCHOOLS.—Section 6(b) of the Technology Administration Act of 1998 (15 U.S.C. 272 note) is amended—

(i) in paragraph (1), by striking ''(1) IN GENERAL.—'' and indenting appropriately; and

(ii) by striking paragraph (2).

(B) THREE-YEAR PROGRAMMATIC PLANNING DOCUMENT.—

(i) IN GENERAL.—Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278i) is amended by striking subsections (c) and (d).

(ii) CONFORMING AMENDMENT.—Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended by striking the last sentence.

(2) MULTIAGENCY REPORT ON INNOVATION ACCELERATION RESEARCH.—Section 1008 of the America COMPETES Act (42 U.S.C. 6603) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(3) NSF REPORTS.—

(A) FUNDING FOR SUCCESSFUL STEM EDUCATION PROGRAMS; REPORT TO CONGRESS.—Section 7012 of the America COMPETES Act (42 U.S.C. 1862o-4) is amended by striking subsection (c).

(B) ENCOURAGING PARTICIPATION; EVALUATION AND REPORT.—Section 7031 of the America COMPETES Act (42 U.S.C. 1862o-11) is amended by striking subsection (b).

(C) MATH AND SCIENCE PARTNERSHIPS PROGRAM COORDINATION REPORT.—Section 9(c) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(c)) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraph (5) as paragraph (4).

(b) NATIONAL NANOTECHNOLOGY INITIATIVE REPORTS.—The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by amending section 2(c)(4) (15 U.S.C. 7501(c)(4)) to read as follows:

''(4) develop, not later than 5 years after the date of the release of the most-recent strategic plan, and update every 5 years thereafter, a strategic plan to guide the activities described under subsection (b) that describes—

''(A) the near-term and long-term objectives for the Program;

''(B) the anticipated schedule for achieving the near-term objectives; and

''(C) the metrics that will be used to assess progress toward the near-term and long-term objectives;

''(D) how the Program will move results out of the laboratory and into application for the benefit of society;

''(E) the Program's support for long-term funding for interdisciplinary research and development in nanotechnology; and

''(F) the allocation of funding for interagency nanotechnology projects;'';

(2) by amending section 4(d) (15 U.S.C. 7503(d)) to read as follows:

''(d) REPORTS.—Not later than 4 years after the date of the most recent assessment under subsection (c), and quadrennially thereafter, the Advisory Panel shall submit to the President, 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 its assessments under subsection (c) and its recommendations for ways to improve the Program.''; and

(3) in section 5 (15 U.S.C. 7504)—

*(A) in the heading, by striking ''**TRIENNIAL**'' and inserting ''**QUADRENNIAL**'';*

(B) in subsection (a), in the matter preceding paragraph (1), by striking ''triennial'' and inserting ''quadrennial'';

(C) in subsection (b), by striking ''triennial'' and inserting ''quadrennial'';

(D) in subsection (c), by striking ''triennial'' and inserting ''quadrennial''; and

(E) by amending subsection (d) to read as follows:

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 30 days after the date the first evaluation under subsection (a) is received, and quadrennially thereafter, the Director of the National Nanotechnology Coordination Office shall report to the President its assessments under subsection (c) and its recommendations for ways to improve the Program.

''(2) CONGRESS.—Not later than 30 days after the date the President receives the report under paragraph (1), the Director of the Office of Science and Technology Policy shall transmit a copy of the report to Congress.''.

(c) MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—Section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4) is amended—

(1) by amending subsection (a) to read as follows:

''(a) PRIORITIZATION OF PROPOSED MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION.—

''(1) DEVELOPMENT OF PRIORITIES.—The Director shall—

''(A) develop a list indicating by number the relative priority for funding under the major research equipment and facilities construction account that the Director assigns to each project the Board has approved for inclusion in a future budget request; and

''(B) submit the list described in subparagraph (A) to the Board for approval.

''(2) CRITERIA.—The Director shall include in the criteria for developing the list under paragraph (1) the readiness of plans for construction and operation, including confidence in the estimates of the full life-cycle cost (as defined in section 2 of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862k note)) and the proposed schedule of completion.

''(3) UPDATES.—The Director shall update the list prepared under paragraph (1) each time the Board approves a new project that would receive funding under the major research equipment and facilities construction account and periodically submit any updated list to the Board for approval.'';

(2) by striking subsection (e);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(4) by amending subsection (c), as redesignated, to read as follows:

''(c) BOARD APPROVAL OF MAJOR RESEARCH EQUIPMENT AND FACILITIES PROJECTS.—The Board shall explicitly approve any project to be funded out of the major research equipment and facilities construction account before any funds may be obligated from such account for such project.''.

SEC. 205. REPEAL OF CERTAIN PROVISIONS.

(a) TECHNOLOGY INNOVATION PROGRAM.—

(1) IN GENERAL.—Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) ADDITIONAL AWARD CRITERIA.—Section 4226(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 278n note) is repealed.

(B) MANAGEMENT COSTS.—Section 2(d) of the National Institute of Standards and Technology Act (15 U.S.C. 272(d)) is amended by striking ''sections 25, 26, and 28'' and inserting ''sections 25 and 26''.

(C) ANNUAL AND OTHER REPORTS TO SECRETARY AND CONGRESS.—Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended by striking '', including the Program established under section 28,''.

(b) TEACHERS FOR A COMPETITIVE TOMORROW.—Sections 6111 through 6116 of the America COMPETES Act (20 U.S.C. 9811, 9812, 9813, 9814, 9815, 9816) and the items relating to those sections in the table of contents under section 2 of that Act (Public Law 110-69; 121 Stat. 572) are repealed.

SEC. 206. GRANT SUBRECIPIENT TRANSPARENCY AND OVERSIGHT.

By not later than 1 year after the date of enactment of this Act, the Inspector General of the Foundation shall prepare and submit to the appropriate committees of Congress an audit of the Foundation's policies and procedures governing the monitoring of pass-through entities with respect to subrecipients. The audit shall include the following:

(1) Information regarding the Foundation's process to oversee—

(A) the compliance of pass-through entities pursuant to section 200.331 and subpart F of part 200 of chapter II of subtitle A of title 2, Code of Federal Regulations, and the other requirements of such title 2 for subrecipients;

(B) whether pass-through entities have processes and controls in place regarding financial compliance of subrecipients, where appropriate; and

(C) whether pass-through entities have processes and controls in place to maintain approved grant objectives for subrecipients, where appropriate.

(2) Any recommendations to increase the transparency and oversight of the selection process, grant objectives, and financial oversight of the pass-through entities, while balancing administrative burdens.

SEC. 207. MICRO-PURCHASE THRESHOLD FOR PROCUREMENT SOLICITATIONS BY RESEARCH INSTITUTIONS.

(a) MICRO-PURCHASE THRESHOLD.—The micro-purchase threshold for procurement activities administered under sections 6303 through 6305 of title 31, United States Code, awarded by the National Science Foundation, the National Aeronautics and Space Administration, or the National Institute of Standards and Technology to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or related or affiliated nonprofit entities, or to nonprofit research organizations or independent research institutes is—

(1) $10,000 (as adjusted periodically to account for inflation); or

(2) such higher threshold as determined appropriate by the head of the relevant executive agency and consistent with audit findings under chapter 75 of title 31, United States Code, internal institutional risk assessment, or State law.

(b) UNIFORM GUIDANCE.—The Uniform Guidance shall be revised to conform with the requirements of this section. For purposes of the

preceding sentence, the term ''Uniform Guidance'' means the uniform administrative requirements, cost principles, and audit requirements for Federal awards contained in part 200 of title 2 of the Code of Federal Regulations.

TITLE III—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH EDUCATION

SEC. 301. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM UPDATE.

Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a) is amended by adding at the end the following:

''(k) STEM TEACHER SERVICE AND RETENTION.—

''(1) IN GENERAL.—The Director shall develop and implement practices for increasing the proportion of individuals receiving fellowships under this section who—

''(A) fulfill the service obligation required under subsection (h); and

''(B) remain in the teaching profession in a high need local educational agency beyond the service obligation.

''(2) PRACTICES.—The practices described under paragraph (1) may include—

''(A) partnering with nonprofit or professional associations or with other government entities to provide individuals receiving fellowships under this section with opportunities for professional development, including mentorship programs that pair those individuals with currently employed and recently retired science, technology, engineering, mathematics, or computer science professionals;

''(B) increasing recruitment from high need districts;

''(C) establishing a system to better collect, track, and respond to data on the career decisions of individuals receiving fellowships under this section;

''(D) conducting research to better understand factors relevant to teacher service and retention, including factors specifically impacting the retention of teachers from underrepresented groups, including women and minorities; and

''(E) conducting pilot programs to improve teacher service and retention.''.

SEC. 302. SPACE GRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Space Grant College and Fellowship Program has been an important program by which the Federal Government has partnered with universities, colleges, industry, and other organizations to provide hands-on STEM experiences, fostering of multidisciplinary space research, and supporting graduate fellowships in space-related fields, among other purposes.

(b) ADMINISTRATIVE COSTS.—Section 40303 of title 51, United States Code, is amended by adding at the end the following:

''(d) PROGRAM ADMINISTRATION COSTS.—In carrying out the provisions of this chapter, the Administrator—

''(1) shall maximize appropriated funds for grants and contracts made under section 40304 in each fiscal year; and

''(2) in each fiscal year, the Administrator shall limit its program administration costs to no more than 5 percent of funds appropriated for this program for that fiscal year.

''(e) REPORTS.—For any fiscal year in which the Administrator cannot meet the administration cost target under subsection (d)(2), if the Administration is unable to limit program costs under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report, including—

''(1) a description of why the Administrator did not meet the cost target under subsection (d); and

''(2) the measures the Administrator will take in the next fiscal year to meet the cost target under subsection (d) without drawing upon other Federal funding.''.

SEC. 303. STEM EDUCATION ADVISORY PANEL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment this Act, Director of the Foundation, the Secretary of Education, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the National Oceanic and Atmospheric Administration shall jointly establish an advisory panel (referred to in this section as the ''STEM Education Advisory Panel'') to advise the Committee on STEM Education of the National Science and Technology Council (referred to in this section as ''CoSTEM'') on matters relating to STEM education.

(b) MEMBERS.—

(1) IN GENERAL.—The STEM Education Advisory Panel shall be composed of not less than 11 members.

(2) APPOINTMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director of the Foundation, in consultation with the Secretary of Education and the heads of the Federal science agencies, shall appoint the members of the STEM Education Advisory Panel.

(B) CONSIDERATION.—In selecting individuals to appoint under subparagraph (A), the Director of the Foundation shall seek and give consideration to recommendations from Congress, industry, the scientific community, including the National Academy of Sciences, scientific professional societies, academia, State and local governments, organizations representing groups underrepresented in STEM fields, such as women and minorities, and such other organizations as the Director considers appropriate.

(C) QUALIFICATIONS.—Members shall—

(i) primarily be individuals from academic institutions, nonprofit organizations, and industry, including in-school, out-of-school, and informal education practitioners; and

(ii) be individuals who are qualified to provide advice and information on STEM education research, development, training, implementation, interventions, professional development, or workforce needs or concerns.

(c) RESPONSIBILITIES.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The STEM Education Advisory Panel shall advise CoSTEM and periodically assess its progress in carrying out its responsibilities under section 101(b) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(b)).

(B) CONSIDERATIONS.—In its advisory role, the STEM Education Advisory Panel shall consider—

(i) the appropriateness of criteria used by Federal agencies to evaluate the effectiveness of Federal STEM education programs and activities;

(ii) ways to leverage private and nonprofit STEM investments and encourage public-private partnerships to strengthen STEM education and help build the STEM workforce pipeline; and

(iii) how Federal agencies incentivize colleges and universities to improve retention of STEM students.

(2) RECOMMENDATIONS.—The STEM Education Advisory Panel shall make recommendations to improve Federal STEM education programs and activities based on the assessment under paragraph (1).

(d) FUNDING.—The Director of the Foundation, the Secretary of Education, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the National Oceanic and Atmospheric Administration shall jointly make funds available on an annual basis to support the activities of the STEM Education Advisory Panel.

(e) REPORTS.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the STEM Education Advisory Panel shall submit to the appropriate committees of Congress, and CoSTEM a report on its assessment under subsection (c)(1) and recommendations under subsection (c)(2).

(f) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—

(1) IN GENERAL.—Non-Federal members of the STEM Education Advisory Panel, while attending meetings of the panel or while otherwise serving at the request of a co-chairperson away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit members of the STEM Advisory Panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

SEC. 304. COMMITTEE ON STEM EDUCATION.

(a) RESPONSIBILITIES.—Section 101(b) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(b)) is amended—

(1) in paragraph (5)(D), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) collaborate with the STEM Education Advisory Panel established under section 303 of the American Innovation and Competitiveness Act and other outside stakeholders to ensure the engagement of the STEM education community;

''(8) review the measures used by a Federal agency to evaluate its STEM education activities and programs;

''(9) request and review feedback from States on how the States are utilizing Federal STEM education programs and activities; and

''(10) recommend the reform, termination, or consolidation of Federal STEM education activities and programs, taking into consideration the recommendations of the STEM Education Advisory Panel.''.

(b) REPORTS.—Section 101 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621) is amended—

(1) by striking ''(c) REPORT.—'' and inserting ''(d) REPORTS.—'';

(2) by striking ''(b) RESPONSIBILITIES OF OSTP.—'' and inserting ''(c) RESPONSIBILITIES OF OSTP.—''; and

(3) in subsection (d), as redesignated—

(A) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) a description of all consolidations and terminations of Federal STEM education programs and activities implemented in the previous fiscal year, including an explanation for the consolidations and terminations;

''(7) recommendations for reforms, consolidations, and terminations of STEM education programs or activities in the upcoming fiscal year; and

''(8) a description of any significant new STEM education public-private partnerships.''.

SEC. 305. GRANT PROGRAMS TO EXPAND STEM OPPORTUNITIES.

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

(1) Economic projections by the Bureau of Labor Statistics indicate that by 2018, there could be 2.4 million unfilled STEM jobs.

(2) Women represent slightly more than half the United States population, and projections indicate that 54 percent of the population will be a member of a racial or ethnic minority group by 2050.

(3) Despite representing half the population, women comprise only about 30 percent of STEM workers according to a 2015 report by the National Center for Science and Engineering Statistics.

(4) A 2014 National Center for Education Statistics study found that women and underrepresented minorities leave the STEM fields at higher rates than their counterparts.

(5) The representation of women in STEM drops significantly at the faculty level. Overall,

women hold only 25 percent of all tenured and tenure-track positions and 17 percent of full professor positions in STEM fields in our Nation's universities and 4-year colleges.

(6) Black and Hispanic faculty together hold about 6.5 percent of all tenured and tenure-track positions and 5 percent of full professor positions.

(7) Many of the numbers in the American Indian or Alaskan Native and Native Hawaiian or Other Pacific Islander categories for different faculty ranks were too small for the National Science Foundation to report publicly without potentially compromising confidential information about the individuals being surveyed.

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

(1) it is critical to our Nation's economic leadership and global competitiveness that we educate, train, and retain more scientists, engineers, and computer scientists;

(2) there is currently a disconnect between the availability of and growing demand for STEM-skilled workers;

(3) women, minorities, and persons with disabilities are the largest untapped STEM talent pools in the United States; and

(4) given the shifting demographic landscape, the United States should encourage full participation of individuals described in paragraph (3) in STEM fields.

(c) REAFFIRMATION.—The Director of the Foundation shall continue to support existing programs designed to broaden participation of women, minorities, and persons with disabilities in STEM fields.

(d) PROGRAM TO BROADEN PARTICIPATION IN STEM FIELDS.—

(1) IN GENERAL.—The Director of the Foundation shall award grants on a competitive, merit-reviewed basis, to eligible entities to increase the participation of women and groups underrepresented in STEM fields.

(2) APPLICATIONS.—An applicant seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(3) USE OF FUNDS.—Activities supported by grants under this section may include the following:

(A) Online workshops.

(B) Mentoring programs that partner science, technology, engineering, mathematics, or computer science professionals with applicable students.

(C) Internships for applicable undergraduate and graduate students in STEM fields.

(D) Conducting outreach programs that provide applicable elementary school and secondary school students with opportunities to increase their exposure to STEM fields.

(E) Programs to increase the recruitment and retention of underrepresented faculty.

(F) Such additional programs as the Director of the Foundation may consider appropriate.

(e) GRANT PROGRAM FOR GRADES K THROUGH 8.—

(1) IN GENERAL.—The Director of the Foundation shall award grants to be used for research to advance the engagement of students in grades kindergarten through 8 in STEM that are designed to encourage interest, engagement, and skills development of students in STEM fields, particularly those who are members of groups underrepresented in STEM fields.

(2) USE OF FUNDS.—Activities supported by grants under this section may include—

(A) development and implementation of programming described in paragraph (1) for the purpose of research;

(B) use of a variety of engagement methods, including cooperative and hands-on learning;

(C) exposure of students who are members of groups underrepresented in STEM fields to role models, including near-peers, in STEM fields;

(D) mentors;

(E) training of informal learning educators and youth-serving professionals using evidence-based methods consistent with the target student population being served;

(F) education of students on the relevance and significance of STEM careers, provision of academic advice and assistance, and activities designed to help students make real-world connections to STEM content activities;

(G) attendance of underrepresented students at events, competitions, and academic programs to provide content expertise and encourage career exposure in STEM;

(H) activities designed to engage parents of underrepresented students;

(I) innovative strategies to engage underrepresented students, such as using leadership skill outcome measures to encourage youth with the confidence to pursue STEM course work and academic study;

(J) coordination with STEM-rich environments, including other nonprofit, nongovernmental organizations, classroom and out-of classroom settings, institutions of higher education, vocational facilities, corporations, museums, or science centers; and

(K) acquisition of instructional materials or technology-based tools to conduct applicable grant activity.

(3) APPLICATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), an applicant seeking a grant under the section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(B) REQUIREMENTS.—The application shall include, at a minimum, the following:

(i) A description of the target audience to be served by the program.

(ii) A description of the process for recruitment and selection of students, as appropriate.

(iii) A description of how such research activity may inform programming that engages underrepresented students in grades kindergarten through 8 in STEM.

(iv) A description of how such research activity may inform programming that promotes student academic achievement in STEM.

(v) An evaluation plan to determine the impact and efficacy of activities being researched.

(4) CONSIDERATION.—In awarding grants under this section, the Director shall give consideration to applicants which, for the purpose of grant activity, include or partner with an organization that has extensive experience and expertise in increasing the participation of underrepresented students in STEM.

(f) ACCOUNTABILITY AND DISSEMINATION.—

(1) EVALUATION.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director shall evaluate the grants provided under this section.

(B) REQUIREMENTS.—In conducting the evaluation under subparagraph (A), the Director shall—

(i) use a common set of benchmarks and assessment tools to identify best practices and materials developed or demonstrated by the research; and

(ii) to the extent practicable, combine the research resulting from the grant activity under subsection (e) with the current research on serving underrepresented students in grades kindergarten through 8.

(2) REPORT ON EVALUATIONS.—Not later than 180 days after the completion of the evaluation under paragraph (1), the Director shall submit to the appropriate committees of Congress and make widely available to the public a report that includes—

(A) the results of the evaluation; and

(B) any recommendations for administrative and legislative action that could optimize the effectiveness of the program.

(g) COORDINATION.—In carrying out this section, the Director shall consult, cooperate, and coordinate, to enhance program effectiveness and to avoid duplication, with the programs and policies of other relevant Federal agencies.

(h) DEFINITION OF GROUPS UNDERREPRESENTED IN STEM FIELDS.—In this section, the term ''groups underrepresented in STEM fields'' has the meaning given the term ''underrepresented in science and engineering'' in section 637.4(b) of title 34, Code of Federal Regulations.

SEC. 306. CENTERS OF EXCELLENCE FOR INCLUSION IN STEM.

(a) ESTABLISHMENT.—The Director of the Foundation shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education, or consortia thereof, to establish not less than 1 Center of Excellence, (referred to in this section as the ''Center'') to collect, maintain, and disseminate information to increase participation of women and groups underrepresented in STEM fields (as defined in section 305(d)(4)).

(b) PURPOSE.—The purpose of the Center is to promote diversity in STEM fields by building on the success of the INCLUDES programs, providing technical assistance, maintaining best practices, and providing related training at federally-funded academic institutions.

(c) PROGRAM.—The Director of the Foundation shall establish each Center through a merit-reviewed, competitive award to an eligible entity for at least 3, but not more than to 5 years.

(d) PUBLIC DOMAIN.—All program information developed, collected, or maintained by a Center, except for personally identifiable information, is and shall remain part of the public domain.

(e) APPLICATION.—To be eligible to receive a grant under this section, an eligible institution shall prepare and submit to the Director an application at such a time, in such form, and containing such information as the Director may require.

(f) ACTIVITIES.—Activities of a Center may include—

(1) conducting and disseminating research on—

(A) systemic factors and institutional policies that impede or facilitate the recruitment, retention, and success of underrepresented groups in STEM fields; and

(B) best practices for mitigating the systemic factors and institutional policies that impede inclusion of underrepresented groups in STEM fields;

(2) collaborating with institutions of higher education, Federal agencies, industry, and relevant stakeholders to develop policies and practices to facilitate the recruitment, retention, and success of underrepresented groups in STEM;

(3) providing educational opportunities for STEM faculty members, staff, students, trainees, fellows, and administrators to learn about inclusion in STEM and to improve STEM mentoring;

(4) developing and hosting intra- or inter-institutional workshops, and providing ongoing support to workshop participants, to propagate best practices in recruiting, retaining, and advancing STEM faculty members, staff, students, trainees, fellows, and administrators from underrepresented groups at institutions of higher education;

(5) assessing the effectiveness of efforts funded by a Center or related efforts designed to increase inclusion in STEM;

(6) assessing how modern STEM learning environments can increase the inclusion, engagement, and retention of students in STEM fields, particularly for women and groups underrepresented in STEM fields; and

(7) such other actions as a Center determines are necessary to further the inclusion of underrepresented groups in STEM.

SEC. 307. NIST EDUCATION AND OUTREACH.

(a) REPEALS.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by striking section 18 (15 U.S.C. 278g-1); and

(2) by striking section 19A (15 U.S.C. 278g-2a).

(b) EDUCATION AND OUTREACH.—The National Institute of Standards and Technology Act (15

U.S.C. 271 et seq.), as amended, is further amended by inserting after section 17, the following:

"SEC. 18. EDUCATION AND OUTREACH.

''(a) IN GENERAL.—The Director is authorized to expend funds appropriated for activities of the Institute in any fiscal year, to support, promote, and coordinate activities and efforts to enhance public awareness and understanding of measurement sciences, standards and technology at the national measurement laboratories and otherwise in fulfillment of the mission of the Institute. The Director may carry out activities under this subsection, including education and outreach activities to the general public, industry and academia in support of the Institute's mission.

''(b) HIRING.—The Director, in coordination with the Director of the Office of Personnel Management, may revise the procedures the Director applies when making appointments to laboratory positions within the competitive service—

''(1) to ensure corporate memory of and expertise in the fundamental ongoing work, and on developing new capabilities in priority areas;

''(2) to maintain high overall technical competence;

''(3) to improve staff diversity;

''(4) to balance emphases on the noncore and core areas; or

''(5) to improve the ability of the Institute to compete in the marketplace for qualified personnel.

''(c) VOLUNTEERS.—

''(1) IN GENERAL.—The Director may establish a program to use volunteers in carrying out the programs of the Institute.

''(2) ACCEPTANCE OF PERSONNEL.—The Director may accept, subject to regulations issued by the Office of Personnel Management, voluntary service for the Institute for such purpose if the service—

''(A) is to be without compensation; and

''(B) will not be used to displace any current employee or act as a substitute for any future full-time employee of the Institute.

''(3) FEDERAL EMPLOYEE STATUS.—Any individual who provides voluntary service under this subsection shall not be considered a Federal employee, except for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury), and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(d) RESEARCH FELLOWSHIPS.—

''(1) IN GENERAL.—The Director may expend funds appropriated for activities of the Institute in any fiscal year, as the Director considers appropriate, for awards of research fellowships and other forms of financial and logistical assistance, including direct stipend awards to—

''(A) students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute; and

''(B) United States citizens for research and technical activities of the Institute, including programs.

''(2) SELECTION CRITERIA.—The selection of persons to receive such fellowships and assistance shall be made on the basis of ability and of the relevance of the proposed work to the mission and programs of the Institute.

''(3) FINANCIAL AND LOGISTICAL ASSISTANCE.—Notwithstanding section 1345 of title 31, United States Code, or any other law to the contrary, the Director may include as a form of financial or logistical assistance under this subsection temporary housing and transportation to and from Institute facilities.

''(e) EDUCATIONAL OUTREACH ACTIVITIES.—The Director may—

''(1) facilitate education programs for undergraduate and graduate students, postdoctoral researchers, and academic and industry employees;

''(2) sponsor summer internships for STEM high school teachers as appropriate;

''(3) develop programs for graduate student internships and visiting faculty researchers;

''(4) document publications, presentations, and interactions with visiting researchers and sponsoring interns as performance metrics for improving and continuing interactions with those individuals; and

''(5) facilitate laboratory tours and provide presentations for educational, industry, and community groups.''.

(c) POST-DOCTORAL FELLOWSHIP PROGRAM.—Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) is amended to read as follows:

"SEC. 19. POST-DOCTORAL FELLOWSHIP PROGRAM.

''(a) IN GENERAL.—The Institute and the National Academy of Sciences, jointly, shall establish and conduct a post-doctoral fellowship program, subject to the availability of appropriations.

''(b) ORGANIZATION.—The post-doctoral fellowship program shall include not less than 20 nor more than 120 new fellows per fiscal year.

''(c) EVALUATIONS.—In evaluating applications for post-doctoral fellowships under this section, the Director of the Institute and the President of the National Academy of Sciences shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(d) SAVINGS CLAUSES.—

(1) RESEARCH FELLOWSHIPS AND OTHER FINANCIAL ASSISTANCE TO STUDENTS AT INSTITUTES OF HIGHER EDUCATION.—The repeal made by subsection (a)(1) of this section shall not affect any award of a research fellowship or other form of financial assistance made under section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) before the date of enactment of this Act. Such award shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

(2) POST-DOCTORAL FELLOWSHIP PROGRAM.—The amendment made by subsection (c) of this section shall not affect any award of a post-doctoral fellowship or other form of financial assistance made under section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-2) before the date of enactment of this Act. Such awards shall continue to be subject to the requirements to which such funds were subject under that section before the date of enactment of this Act.

SEC. 308. PRESIDENTIAL AWARDS FOR EXCELLENCE IN STEM MENTORING.

(a) IN GENERAL.—The Director of the Foundation shall continue to administer awards on behalf of the Office of Science and Technology Policy to recognize outstanding mentoring in STEM fields.

(b) ANNUAL AWARD RECIPIENTS.—The Director of the Foundation shall provide Congress with a list of award recipients, including the name, institution, and a brief synopsis of the impact of the mentoring efforts.

SEC. 309. WORKING GROUP ON INCLUSION IN STEM FIELDS.

(a) ESTABLISHMENT.—The Office of Science and Technology Policy, in collaboration with Federal departments and agencies, shall establish an interagency working group to compile and summarize available research and best practices on how to promote diversity and inclusions in STEM fields and examine whether barriers exist to promoting diversity and inclusion within Federal agencies employing scientists and engineers.

(b) RESPONSIBILITIES.—The working group shall be responsible for reviewing and assessing research, best practices, and policies across Federal science agencies related to the inclusion of underrepresented groups in the Federal STEM workforce, including available research and best practices on how to promote diversity and inclusion in STEM fields, including—

(1) policies providing flexibility for scientists and engineers that are also caregivers, particularly on the timing of research grants;

(2) policies to address the proper handling of claims of sexual harassment;

(3) policies to minimize the effects of implicit bias and other systemic factors in hiring, promotion, evaluation and the workplace in general; and

(4) other evidence-based strategies that the working group considers effective for promoting diversity and inclusion in the STEM fields.

(c) STAKEHOLDER INPUT.—In carrying out the responsibilities under section (b), the working group shall solicit and consider input and recommendations from non-Federal stakeholders, including—

(1) the Council of Advisors on Science and Technology;

(2) federally funded and non-federally funded researchers, institutions of higher education, scientific disciplinary societies, and associations;

(3) nonprofit research institutions;

(4) industry, including small businesses;

(5) federally funded research and development centers;

(6) non-governmental organizations; and

(7) such other members of the public interested in promoting a diverse and inclusive Federal STEM workforce.

(d) PUBLIC REPORTS.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the working group shall publish a report on the review and assessment under subsection (b), including a summary of available research and best practices, any recommendations for Federal actions to promote a diverse and inclusive Federal STEM workforce, and updates on the implementation of previous recommendations for Federal actions.

(e) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective on the date that is 10 years after the date that the working group is established.

SEC. 310. IMPROVING UNDERGRADUATE STEM EXPERIENCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each Federal science agency should invest in and expand research opportunities for undergraduate students attending institutions of higher education during the undergraduate student's first 2 academic years of postsecondary education.

(b) IDENTIFICATION OF RESEARCH PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the head of each Federal agency shall submit to the President recommendations regarding how the agency could best fulfill the goals described in subsection (a).

(c) BROADER IMPACTS.—Section 526(a)(6) of the America COMPETES Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 4019) is amended to read as follows:

''(6) Improved undergraduate STEM education and instruction.''.

SEC. 311. COMPUTER SCIENCE EDUCATION RESEARCH.

(a) FINDINGS.—Congress finds that as the lead Federal agency for building the research knowledge base for computer science education, the Foundation is well positioned to make investments that will accelerate ongoing efforts to enable rigorous and engaging computer science throughout the Nation.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Director of the Foundation shall award grants to eligible entities to research computer science education and computational thinking.

(2) RESEARCH.—The research described in paragraph (1) may include the development or adaptation, piloting or full implementation, and testing of—

(A) models of preservice preparation for teachers who will teach computer science and computational thinking;

(B) scalable and sustainable models of professional development and ongoing support for the teachers described in subparagraph (A);

(C) tools and models for teaching and learning aimed at supporting student success and inclusion in computing within and across diverse populations, particularly poor, rural, and tribal populations and other populations that have been traditionally underrepresented in computer science and STEM fields; and

(D) instructional materials and high-quality learning opportunities for teaching computer science and, especially in poor, rural, or tribal schools at the elementary school and middle school levels, for integrating computational thinking into STEM teaching and learning.

(c) COLLABORATIONS.—In carrying out the grants established in subsection (b), eligible entities may collaborate and partner with local or remote schools to support the integration of computing and computational thinking within pre-kindergarten through grade 12 STEM curricula and instruction.

(d) METRICS.—The Director of the Foundation shall develop metrics to measure the success of the grant program funded under this section in achieving program goals.

(e) REPORT.—The Director of the Foundation shall report, in the annual budget submission to Congress, on the success of the program as measured by the metrics in subsection (d).

(f) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an institution of higher education or a nonprofit research organization.

SEC. 312. INFORMAL STEM EDUCATION.

(a) NATIONAL STEM PARTNERSHIP GRANTS.—The Director of the National Science Foundation may award, through a cross-Directorate process including the Directorate for Education and Human Resources and at least one additional Directorate of the Foundation, competitive, merit-reviewed grants to support a national partnership of institutions involved in informal STEM learning.

(b) USE OF FUNDS.—Activities supported by grants under this section may include—

(1) fostering and implementing on-going partnerships between institutions involved in informal STEM learning, institutions of higher education, and education research centers; and

(2) developing, adapting, and making available informal STEM education activities and educational materials for broad implementation.

SEC. 313. DEVELOPING STEM APPRENTICESHIPS.

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

(1) The lack of data on the return on investment for United States employers using registered apprenticeships makes it difficult—

(A) to communicate the value of these programs to businesses; and

(B) to expand registered apprenticeships.

(2) The lack of data on the value and impact of employer-provided worker training, which is likely substantial, hinders the ability of the Federal Government to formulate policy related to workforce training.

(3) The Secretary of Commerce has initiated—

(A) the first study on the return on investment for United States employers using registered apprenticeships through case studies of firms in various sectors, occupations, and geographic locations to provide the business community with data on employer benefits and costs; and

(B) discussions with officials at relevant Federal agencies about the need to collect comprehensive data on—

(i) employer-provided worker training; and

(ii) existing tools that could be used to collect such data.

(b) DEVELOPMENT OF APPRENTICESHIP INFORMATION.—The Secretary of Commerce shall continue to research the value to businesses of utilizing apprenticeship programs, including—

(1) evidence of return on investment of apprenticeships, including estimates for the average time it takes a business to recover the costs associated with training apprentices; and

(2) data from the United States Census Bureau and other statistical surveys on employer-provided training, including apprenticeships and other on-the-job training and industry-recognized certification programs.

(c) DISSEMINATION OF APPRENTICESHIP INFORMATION.—The Secretary of Commerce shall disseminate findings from research on apprenticeships to businesses and other relevant stakeholders, including—

(1) institutions of higher education;

(2) State and local chambers of commerce; and

(3) workforce training organizations.

(d) STUDYING APPROACHES TO COLLECTING EMPLOYER-PROVIDED WORKER TRAINING DATA.—The Secretary of Commerce and the Secretary of Labor shall—

(1) collaborate to identify approaches to collecting employer-provided worker training data;

(2) provide a report to the relevant congressional committees on—

(A) the existing tools available to collect such data; and

(B) the time and cost of collecting such data; and

(3) provide recommendations to the relevant congressional committees on additional tools that may be needed to collect such data.

(e) NEW APPRENTICESHIP PROGRAM STUDY.—The Secretary of Commerce and the Secretary of Labor shall collaborate to study approaches for reducing the cost of creating new apprenticeship programs and hosting apprentices for businesses, particularly small businesses, including—

(1) training sharing agreements;

(2) group training models; and

(3) pooling resources and best practices.

(f) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

"SEC. 28. STEM APPRENTICESHIP PROGRAMS.

''(a) IN GENERAL.—The Secretary of Commerce may carry out a grant program to identify the need for skilled science, technology, engineering, and mathematics (referred to in this section as 'STEM') workers and to expand STEM apprenticeship programs.

''(b) ELIGIBLE RECIPIENT DEFINED.—In this section, the term 'eligible recipient' means—

''(1) a State;

''(2) an Indian tribe;

''(3) a city or other political subdivision of a State;

''(4) an entity that—

''(A) is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, or an economic development organization or similar entity; and

''(B) has an application that is supported by a State, a political subdivision of a State, or a native organization; or

''(5) a consortium of any of the entities described in paragraphs (1) through (5).

''(c) NEEDS ASSESSMENT GRANTS.—The Secretary of Commerce may provide a grant to an eligible recipient to conduct a needs assessment to identify—

''(1) the unmet need of a region's employer base for skilled STEM workers;

''(2) the potential of STEM apprenticeships to address the unmet need described in paragraph (1); and

''(3) any barriers to addressing the unmet need described in paragraph (1).

''(d) APPRENTICESHIP EXPANSION GRANTS.—The Secretary of Commerce may provide a grant to an eligible recipient that has conducted a needs assessment as described in subsection (c)(1) to develop infrastructure to expand STEM apprenticeship programs.''.

SEC. 314. NSF REPORT ON BROADENING PARTICIPATION.

Not later than 1 year after the date of enactment of this Act, the National Science Foundation shall—

(1) review data on the participation in Foundation activities of institutions serving groups that are underrepresented in STEM disciplines, including poor, rural, and tribal populations; and

(2) submit to Congress a report on the findings from such review and a recommendation or recommendations regarding how the Foundation could improve outreach and inclusion of these groups in Foundation activities.

SEC. 315. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 4002 of the America COMPETES Act (33 U.S.C. 893a) is amended by inserting after ''from underrepresented groups'' the following: '', including ethnic, racial, and economic minority groups,''.

(b) EDUCATIONAL PROGRAM GOALS.—Paragraph (4) of section 4002(b) of the America COMPETES Act (33 U.S.C. 893a(b)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) by redesignating subparagraph (C) and subparagraph (D);

(3) by inserting after subparagraph (B) the following:

''(C) are designed considering the unique needs of underrepresented racial and ethnic groups, translating such materials and other resources into appropriate multi-lingual curricula;''; and

(4) by adding at the end the following:

''(E) are promoted widely, especially among underrepresented groups (including among racial and ethnic minority communities); and''.

(c) METRICS.—Section 4002 of the America COMPETES Act (33 U.S.C. 893a) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by adding after section (c) the following:

''(d) METRICS.—In executing the National Oceanic and Atmospheric Administration science education plan under subsection (c), the Administrator shall maintain a comprehensive system for evaluating the Administration's educational programs and activities. In so doing, the Administrator shall ensure that such education programs have measurable objectives and milestones as well as clear, documented metrics for evaluating programs. For each such education program or portfolio of similar programs, the Administrator shall—

''(1) encourage the collection of evidence as relevant to the measurable objectives and milestones; and

''(2) ensure that program or portfolio evaluations focus on educational outcomes and not just inputs, activities completed, or the number of participants.''.

TITLE IV—LEVERAGING THE PRIVATE SECTOR

SEC. 401. PRIZE COMPETITION AUTHORITY UPDATE.

Section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking ''PRIZES'' and by inserting ''PRIZE COMPETITIONS'';

(B) in the matter preceding paragraph (1), by striking ''prize may be one or more of the following'' and inserting ''prize competition may be 1 or more of the following types of activities'';

(C) in paragraph (2), by inserting ''competition'' after ''prize''; and

(D) in paragraphs (3) and (4), by striking ''prizes'' and inserting ''prize competitions'';

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''in the Federal Register'' and inserting ''on a publicly accessible Government website, such as www.challenge.gov,'';

(B) in paragraphs (1), (2), and (3), by inserting ''prize'' before ''competition''; and

(C) in paragraph (4), by striking ''prize'' and inserting ''cash prize purse or non-cash prize award'';

(3) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking ''prize'' and inserting ''cash prize purse''; and

(B) in paragraph (1), by inserting ''prize'' before ''competition'';

(4) in subsection (h), by inserting ''prize'' before ''competition'' each place it appears;

(5) in subsection (i)—

(A) in paragraph (1)(B), by inserting ''prize'' before ''competition'';

(B) in paragraph (2)(A), by inserting ''prize'' before ''competition'' each place it appears;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) WAIVERS.—

''(A) IN GENERAL.—An agency may waive the requirement under paragraph (2).

''(B) LIST.—The Director shall include a list of all of the waivers granted under this paragraph during the preceding fiscal year, including a detailed explanation of the reason for granting the waiver.'';

(6) in subsection (j)—

(A) in paragraph (1), by inserting ''prize'' before ''competition'';

(B) by amending paragraph (2) to read as follows:

''(2) LICENSES.—As appropriate and to further the goals of a prize competition, the Federal Government may—

''(A) negotiate a license for the use of intellectual property developed by a registered participant in a prize competition; or

''(B) require a registered participant in a prize competition to provide an open license to the public for the use of the intellectual property if that requirement is disclosed prior to registration.''; and

(C) by adding at the end the following:

''(3) ELECTRONIC CONSENT.—The Federal Government may obtain consent to the intellectual property and licensing terms of a prize competition from participants during the online registration for the prize competition.'';

(7) in subsection (k)—

(A) in paragraph (1), by striking ''each competition'' and inserting ''each prize competition'' each place it appears;

(B) in paragraph (2)(A), by inserting ''prize'' before ''competition''; and

(C) in paragraph (3), by inserting ''prize'' before ''competitions'' each place it appears;

(8) in subsection (l), by striking ''an agreement with'' and all that follows through the period at the end and inserting ''a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity or State or local government agency to administer the prize competition, subject to the provisions of this section.'';

(9) in subsection (m)—

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

''(1) IN GENERAL.—Support for a prize competition under this section, including financial support for the design and administration of a prize competition or funds for a cash prize purse, may consist of Federal appropriated funds and funds provided by private sector for-profit and nonprofit entities. The head of an agency may request and accept funds from other Federal agencies, State, United States territory, local, or tribal government agencies, private sector for-profit entities, and nonprofit entities, to be available to the extent provided by appropriations Acts, to support such prize competitions. The head of an agency may not give any special consideration to any agency or entity in return for a donation.'';

(B) in paragraph (2), by striking ''prize awards'' and inserting ''cash prize purses or non-cash prize awards'';

(C) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

''(A) ANNOUNCEMENT.—No prize competition may be announced under subsection (f) until all the funds needed to pay out the announced amount of the cash prize purse have been appropriated or committed in writing by a private or State, United States territory, local, or tribal government source.''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''a prize'' and inserting ''a cash prize purse or non-cash prize award'';

(II) in clause (i), by inserting ''competition'' after ''prize''; and

(III) in clause (ii), by inserting ''or State, United States territory, local, or tribal government'' after ''private'';

(D) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking ''a prize'' and inserting ''a cash prize purse or a non-cash prize award''; and

(II) by striking ''Science and Technology'' and inserting ''Science, Space, and Technology''; and

(ii) in subparagraph (B), by striking ''cash prizes'' and inserting ''cash prize purses or non-cash prize awards'';

(10) in subsection (n)—

(A) in the heading, by striking ''SERVICE'' and inserting ''SERVICES'';

(B) by striking ''the date of the enactment of the America COMPETES Reauthorization Act of 2010,'' and inserting ''the date of enactment of the American Innovation and Competitiveness Act,''; and

(C) by inserting ''for both for-profit and nonprofit entities and State, United States territory, local, and tribal government entities,'' after ''contract vehicle'';

(11) in subsection (o)(1), by striking ''or providing a prize'' and inserting ''a prize competition or providing a cash prize purse or non-cash prize award''; and

(12) in subsection (p)—

(A) in the heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(B) in paragraph (1)—

(i) by striking ''each year'' and inserting ''every other year'';

(ii) by striking ''Science and Technology'' and inserting ''Science, Space, and Technology''; and

(iii) by striking ''fiscal year'' and inserting ''2 fiscal years''; and

(C) in paragraph (2)—

(i) by striking ''The report for a fiscal year'' and inserting ''A report'';

(ii) in subparagraph (C)—

(I) in the heading, by striking ''PRIZES'' and inserting ''PRIZE PURSES OR NON-CASH PRIZE AWARDS''; and

(II) by striking ''cash prizes'' each place it appears and inserting ''cash prize purses or non-cash prize awards''; and

(iii) by adding at the end the following:

''(G) PLAN.—A description of crosscutting topical areas and agency-specific mission needs that may be the strongest opportunities for prize competitions during the upcoming 2 fiscal years.''.

SEC. 402. CROWDSOURCING AND CITIZEN SCIENCE.

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

(1) the authority granted to Federal agencies under the America COMPETES Reauthorization Act of 2010 (Public Law 111–358; 124 Stat. 3982) to pursue the use of incentive prizes and challenges has yielded numerous benefits;

(2) crowdsourcing and citizen science projects have a number of additional unique benefits, including accelerating scientific research, increasing cost effectiveness to maximize the return on taxpayer dollars, addressing societal needs, providing hands-on learning in STEM, and connecting members of the public directly to Federal agency missions and to each other; and

(3) granting Federal agencies the direct, explicit authority to use crowdsourcing and citizen science will encourage its appropriate use to advance agency missions and stimulate and facilitate broader public participation in the innovation process, yielding numerous benefits to the Federal Government and citizens who participate in such projects.

(b) DEFINITIONS.—In this section:

(1) CITIZEN SCIENCE.—The term ''citizen science'' means a form of open collaboration in which individuals or organizations participate voluntarily in the scientific process in various ways, including—

(A) enabling the formulation of research questions;

(B) creating and refining project design;

(C) conducting scientific experiments;

(D) collecting and analyzing data;

(E) interpreting the results of data;

(F) developing technologies and applications;

(G) making discoveries; and

(H) solving problems.

(2) CROWDSOURCING.—The term ''crowdsourcing'' means a method to obtain needed services, ideas, or content by soliciting voluntary contributions from a group of individuals or organizations, especially from an online community.

(3) PARTICIPANT.—The term ''participant'' means any individual or other entity that has volunteered in a crowdsourcing or citizen science project under this section.

(c) CROWDSOURCING AND CITIZEN SCIENCE.—

(1) IN GENERAL.—The head of each Federal agency, or the heads of multiple Federal agencies working cooperatively, may utilize crowdsourcing and citizen science to conduct activities designed to advance the mission of the respective Federal agency or the joint mission of Federal agencies, as applicable.

(2) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the head of a Federal agency may accept, subject to regulations issued by the Director of the Office of Personnel Management, services from participants under this section if such services—

(A) are performed voluntarily as a part of a crowdsourcing or citizen science project authorized under paragraph (1);

(B) are not financially compensated for their time; and

(C) will not be used to displace any employee of the Federal Government.

(3) OUTREACH.—The head of each Federal agency engaged in a crowdsourcing or citizen science project under this section shall make public and promote such project to encourage broad participation.

(4) CONSENT, REGISTRATION, AND TERMS OF USE.—

(A) IN GENERAL.—Each Federal agency is authorized to determine the appropriate level of consent, registration, or acknowledgment of the terms of use that are required from participants in crowdsourcing or citizen science projects under this section on a per-project basis.

(B) DISCLOSURES.—In seeking consent, conducting registration, or developing terms of use for a project under this subsection, a Federal agency shall disclose the privacy, intellectual property, data ownership, compensation, service, program, and other terms of use to the participant in a clear and reasonable manner.

(C) MODE OF CONSENT.—A Federal agency or Federal agencies, as applicable, may obtain consent electronically or in written form from participants under this section.

(5) PROTECTIONS FOR HUMAN SUBJECTS.—Any crowdsourcing or citizen science project under this section that involves research involving human subjects shall be subject to part 46 of title 28, Code of Federal Regulations (or any successor regulation).

(6) DATA.—

(A) IN GENERAL.—A Federal agency shall, where appropriate and to the extent practicable, make data collected through a crowdsourcing or

citizen science project under this section available to the public, in a machine readable format, unless prohibited by law.

(B) NOTICE.—As part of the consent process, the Federal agency shall notify all participants—

(i) of the expected uses of the data compiled through the project;

(ii) if the Federal agency will retain ownership of such data;

(iii) if and how the data and results from the project would be made available for public or third party use; and

(iv) if participants are authorized to publish such data.

(7) TECHNOLOGIES AND APPLICATIONS.—Federal agencies shall endeavor to make technologies, applications, code, and derivations of such intellectual property developed through a crowdsourcing or citizen science project under this section available to the public.

(8) LIABILITY.—Each participant in a crowdsourcing or citizen science project under this section shall agree—

(A) to assume any and all risks associated with such participation; and

(B) to waive all claims against the Federal Government and its related entities, except for claims based on willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits (whether direct, indirect, or consequential) arising from participation in the project.

(9) SCIENTIFIC INTEGRITY.—Federal agencies coordinating crowdsourcing or citizen science projects under this section shall make all practicable efforts to ensure that participants adhere to all relevant scientific integrity or other applicable ethics policies.

(10) MULTI-SECTOR PARTNERSHIPS.—The head of each Federal agency engaged in crowdsourcing or citizen science under this section, or the heads of multiple Federal agencies working cooperatively, may enter into a contract or other agreement to share administrative duties for such activities with—

(A) a for profit or nonprofit private sector entity, including a private institution of higher education;

(B) a State, tribal, local, or foreign government agency, including a public institution of higher education; or

(C) a public-private partnership.

(11) FUNDING.—In carrying out crowdsourcing and citizen science projects under this section, the head of a Federal agency, or the heads of multiple Federal agencies working cooperatively—

(A) may use funds appropriated by Congress;

(B) may publicize projects and solicit and accept funds or in-kind support for such activities from—

(i) other Federal agencies;

(ii) for profit or nonprofit private sector entities, including private institutions of higher education; or

(iii) State, tribal, local, or foreign government agencies, including public institutions of higher education; and

(C) may not give any special consideration to any entity described in subparagraph (ii) in return for such funds or in-kind support.

(12) FACILITATION.—

(A) GENERAL SERVICES ADMINISTRATION ASSISTANCE.—The Administrator of the General Services Administration, in coordination with the Director of the Office of Personnel Management, shall, at no cost to Federal agencies, identify and develop relevant products, training, and services to facilitate the use of crowdsourcing and citizen science projects under this section, including by specifying the appropriate contract vehicles and technology and organizational platforms to enhance the ability of Federal agencies to carry out the activities under this section.

(B) ADDITIONAL GUIDANCE.—The head of each Federal agency engaged in crowdsourcing or citizen science under this section is encouraged—

(i) to consult any guidance provided by the Director of the Office of Science and Technology Policy, including the Federal Crowdsourcing and Citizen Science Toolkit;

(ii) to designate a coordinator for that Federal agency's crowdsourcing and citizen science projects; and

(iii) to share best practices with other Federal agencies, including participation of staff in the Federal Community of Practice for Crowdsourcing and Citizen Science.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall include, as a component of a report required under section 24(p) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719(p)), a report on the activities carried out under this section.

(2) INFORMATION INCLUDED.—The report required under paragraph (1) shall include—

(A) a summary of each crowdsourcing and citizen science project conducted by a Federal agency during the most recently completed 2 fiscal years, including a description of the proposed goals of each crowdsourcing and citizen science project;

(B) the participation rates, submission levels, number of consents, or any other statistic that might be considered relevant in each crowdsourcing and citizen science project;

(C) a description of—

(i) the resources (including personnel and funding) that were used in the execution of each crowdsourcing and citizen science project;

(ii) the activities for which such resources were used; and

(iii) how the obligations and expenditures relating to the project's execution were allocated among the accounts of the Federal agency;

(D) a summary of the use of crowdsourcing and citizen science by all Federal agencies, including interagency and multi-sector partnerships; and

(E) any other information that the Director of the Office of Science and Technology Policy considers relevant.

(e) SAVINGS PROVISION.—Nothing in this section may be construed—

(1) to affect the authority to conduct crowdsourcing and citizen science authorized by any other provision of law; or

(2) to displace Federal Government resources allocated to the Federal agencies that use crowdsourcing or citizen science authorized under this section to carry out a project.

SEC. 403. NIST OTHER TRANSACTION AUTHORITY UPDATE.

Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended to read as follows:

''(4) to enter into and perform such contracts, including cooperative research and development arrangements, grants, cooperative agreements, real property leases, or other transactions, as may be necessary in furtherance of the purposes of this Act and on such terms as the Director considers appropriate;''.

SEC. 404. NIST VISITING COMMITTEE ON ADVANCED TECHNOLOGY UPDATE.

Section 10(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278(a)) is amended—

(1) in the second sentence, by striking ''15 members appointed by the Director, at least 10 of whom'' and ''not fewer than 9 members appointed by the Director, a majority of whom''; and

(2) in the third sentence, by striking ''National Bureau of Standards'' and inserting ''National Institute of Standards and Technology''.

TITLE V—MANUFACTURING

SEC. 501. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP IMPROVEMENTS.

(a) IN GENERAL.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended to read as follows:

''SEC. 25. HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Science, Space, and Technology of the House of Representatives.

''(2) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' has the meaning given the term in section 3 of the Vocational Education Act of 1963 (20 U.S.C. 2302).

''(3) CENTER.—The term 'Center' means a manufacturing extension center that—

''(A) is created under subsection (b); and

''(B) is affiliated with an eligible entity that applies for and is awarded financial support under subsection (e).

''(4) COMMUNITY COLLEGE.—The term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.

''(5) ELIGIBLE ENTITY.—The term 'eligible entity' means a United States-based nonprofit institution, or consortium thereof, an institution of higher education, or a State, United States territory, local, or tribal government.

''(6) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP OR PROGRAM.—The term 'Hollings Manufacturing Extension Partnership' or 'Program' means the program established under subsection (b).

''(7) MEP ADVISORY BOARD.—The term 'MEP Advisory Board' means the Manufacturing Extension Partnership Advisory Board established under subsection (n).

''(b) ESTABLISHMENT AND PURPOSE.—The Secretary, acting through the Director and, if appropriate, through other Federal officials, shall establish a program to provide assistance for the creation and support of manufacturing extension centers for the transfer of manufacturing technology and best business practices.

''(c) OBJECTIVE.—The objective of the Program shall be to enhance competitiveness, productivity, and technological performance in United States manufacturing through—

''(1) the transfer of manufacturing technology and techniques developed at the Institute to Centers and, through them, to manufacturing companies throughout the United States;

''(2) the participation of individuals from industry, institutions of higher education, State governments, other Federal agencies, and, when appropriate, the Institute in cooperative technology transfer activities;

''(3) efforts to make new manufacturing technology and processes usable by United States-based small and medium-sized companies;

''(4) the active dissemination of scientific, engineering, technical, and management information about manufacturing to industrial firms, including small and medium-sized manufacturing companies;

''(5) the utilization, when appropriate, of the expertise and capability that exists in Federal agencies, other than the Institute, and federally-sponsored laboratories;

''(6) the provision to community colleges and area career and technical education schools of information about the job skills needed in manufacturing companies, including small and medium-sized manufacturing businesses in the regions they serve;

''(7) the promotion and expansion of certification systems, including efforts to assist small- and medium-sized manufacturing businesses in creating new apprenticeships or utilizing existing apprenticeships, such as facilitating training and providing access to information and experts, to address workforce needs and skills gaps; and

''(8) the growth in employment and wages at United States-based small and medium-sized companies.

''(d) ACTIVITIES.—The activities of a Center shall include—

''(1) the establishment of automated manufacturing systems and other advanced production technologies, based on Institute-supported research, for the purpose of demonstrations and technology transfer;

''(2) the active transfer and dissemination of research findings and Center expertise to a wide range of companies and enterprises, particularly small and medium-sized manufacturers; and

''(3) the facilitation of collaborations and partnerships between small and medium-sized manufacturing companies , community colleges, and area career and technical education schools, to help those entities better understand the specific needs of manufacturers and to help manufacturers better understand the skill sets that students learn in the programs offered by such colleges and schools.

''(e) FINANCIAL ASSISTANCE.—

''(1) AUTHORIZATION.—Except as provided in paragraph (2), the Secretary may provide financial assistance for the creation and support of a Center through a cooperative agreement with an eligible entity.

''(2) COST SHARING.—The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to establish and support a Center.

''(3) RULE OF CONSTRUCTION.—For purposes of paragraph (2), any amount received by an eligible entity for a Center under a provision of law other than paragraph (1) shall not be considered an amount provided under paragraph (1).

''(f) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) PROGRAM DESCRIPTION.—The Secretary shall establish and update, as necessary—

''(A) a description of the Program;

''(B) the application procedures;

''(C) performance metrics;

''(D) criteria for determining qualified applicants; and

''(E) criteria for choosing recipients of financial assistance from among the qualified applicants.

''(F) procedures for determining allowable cost share contributions; and

''(G) such other program policy objectives and operational procedures as the Secretary considers necessary.

''(3) COST SHARING.—

''(A) IN GENERAL.—To be considered for financial assistance under this section, an applicant shall provide adequate assurances that the applicant and if applicable, the applicant's partnering organizations, will obtain funding for not less than 50 percent of the capital and annual operating and maintenance funds required to establish and support the Center from sources other than the financial assistance provided under subsection (e).

''(B) AGREEMENTS WITH OTHER ENTITIES.—In meeting the cost-sharing requirement under subparagraph (A), an eligible entity may enter into an agreement with 1 or more other entities, such as a private industry, an institution of higher education, or a State, United States territory, local, or tribal government for the contribution by that other entity of funding if the Secretary determines the agreement—

''(i) is programmatically reasonable;

''(ii) will help accomplish programmatic objectives; and

''(iii) is allocable under Program procedures under subsection (f)(2).

''(4) LEGAL RIGHTS.—Each applicant shall include in the application a proposal for the allocation of the legal rights associated with any intellectual property which may result from the activities of the Center.

''(5) MERIT REVIEW OF APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall subject each application to merit review.

''(B) CONSIDERATIONS.—In making a decision whether to approve an application and provide financial assistance under subsection (e), the Secretary shall consider, at a minimum—

''(i) the merits of the application, particularly those portions of the application regarding technology transfer, training and education, and adaptation of manufacturing technologies to the needs of particular industrial sectors;

''(ii) the quality of service to be provided;

''(iii) the geographical diversity and extent of the service area; and

''(iv) the type and percentage of funding from other sources under paragraph (3).

''(g) EVALUATIONS.—

''(1) THIRD AND EIGHTH YEAR EVALUATIONS BY PANEL.—

''(A) IN GENERAL.—The Secretary shall ensure that each Center is evaluated during its third and eighth years of operation by an evaluation panel appointed by the Secretary.

''(B) COMPOSITION.—The Secretary shall ensure that each evaluation panel appointed under subparagraph (A) is composed of—

''(i) private experts, none of whom are connected with the Center evaluated by the panel; and

''(ii) Federal officials.

''(C) CHAIRPERSON.—For each evaluation panel appointed under subparagraph (B), the Secretary shall appoint a chairperson who is an official of the Institute.

''(2) FIFTH YEAR EVALUATIONS BY SECRETARY.—In the fifth year of operation of a Center, the Secretary shall conduct a review of the Center.

''(3) PERFORMANCE MEASUREMENT.—In evaluating a Center an evaluation panel or the Secretary, as applicable, shall measure the performance of the Center against—

''(A) the objective specified in subsection (c);

''(B) the performance metrics under subsection (f)(2)(C); and

''(C) such other criterion as considered appropriate by the Secretary.

''(4) POSITIVE EVALUATIONS.—If an evaluation of a Center is positive, the Secretary may continue to provide financial assistance for the Center—

''(A) in the case of an evaluation occurring in the third year of a Center, through the fifth year of the Center;

''(B) in the case of an evaluation occurring in the fifth year of a Center, through the eighth year of the Center; and

''(C) in the case of an evaluation occurring in the eighth year of a Center, through the tenth year of the Center.

''(5) OTHER THAN POSITIVE EVALUATIONS.—

''(A) PROBATION.—If an evaluation of a Center is other than positive, the Secretary shall put the Center on probation during the period beginning on the date that the Center receives notice under subparagraph (B)(i) and ending on the date that the reevaluation is complete under subparagraph (B)(iii).

''(B) NOTICE AND REEVALUATION.—If a Center receives an evaluation that is other than positive, the evaluation panel or Secretary, as applicable, shall—

''(i) notify the Center of the reason, including any deficiencies in the performance of the Center identified during the evaluation;

''(ii) assist the Center in remedying the deficiencies by providing the Center, not less frequently than once every 3 months, an analysis of the Center, if considered appropriate by the panel or Secretary, as applicable; and

''(iii) reevaluate the Center not later than 1 year after the date of the notice under clause (i).

''(C) CONTINUED SUPPORT DURING PERIOD OF PROBATION.—The Secretary may continue to provide financial assistance under subsection (e) for a Center during the probation period.

''(6) FAILURE TO REMEDY.—

''(A) IN GENERAL.—If a Center fails to remedy a deficiency or to show significant improvement in performance before the end of the probation period under paragraph (5), the Secretary shall conduct a competition to select an operator for the Center under subsection (h).

''(B) TREATMENT OF CENTERS SUBJECT TO NEW COMPETITION.—Upon the selection of an operator for a Center under subsection (h), the Center shall be considered a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of this subsection and subsection (h)(1) shall start anew.

''(h) REAPPLICATION COMPETITION FOR FINANCIAL ASSISTANCE AFTER 10 YEARS.—

''(1) IN GENERAL.—If an eligible entity has operated a Center under this section for a period of 10 consecutive years, the Secretary shall conduct a competition to select an eligible entity to operate the Center in accordance with the process plan under subsection (i).

''(2) INCUMBENT ELIGIBLE ENTITIES.—An eligible entity that has received financial assistance under this section for a period of 10 consecutive years and that the Secretary determines is in good standing shall be eligible to compete in the competition under paragraph (1).

''(3) TREATMENT OF CENTERS SUBJECT TO REAPPLICATION COMPETITION.—Upon the selection of an operator for a Center under paragraph (1), the Center shall be considered a new Center and the calculation of the years of operation of that Center for purposes of paragraphs (1) through (5) of subsection (g) shall start anew.

''(i) PROCESS PLAN.—Not later than 180 days after the date of the enactment of the American Innovation and Competitiveness Act, the Secretary shall implement and submit to Congress a plan for how the Institute will conduct an evaluation, competition, and reapplication competition under this section.

''(j) OPERATIONAL REQUIREMENTS.—

''(1) PROTECTION OF CONFIDENTIAL INFORMATION OF CENTER CLIENTS.—The following information, if obtained by the Federal Government in connection with an activity of a Center or the Program, shall be exempt from public disclosure under section 552 of title 5, United States Code:

''(A) Information on the business operation of any participant in the Program or of a client of a Center.

''(B) Trade secrets of any client of a Center.

''(k) OVERSIGHT BOARDS.—

''(1) IN GENERAL.—As a condition on receipt of financial assistance for a Center under subsection (e), an eligible entity shall establish a board to oversee the operations of the Center.

''(2) STANDARDS.—

''(A) IN GENERAL.—The Director shall establish appropriate standards for each board described under paragraph (1).

''(B) CONSIDERATIONS.—In establishing the standards, the Director shall take into account the type and organizational structure of an eligible entity.

''(C) REQUIREMENTS.—The standards shall address, at a minimum—

''(i) membership;

''(ii) composition;

''(iii) term limits;

''(iv) conflicts of interest; and

''(v) whether to limit board members serving on multiple boards under this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—Each board established under paragraph (1) shall be composed of members as follows:

''(i) The membership of each board shall be representative of stakeholders in the region in which the Center is located.

''(ii) A majority of the members of the board shall be selected from among individuals who own or are employed by small or medium-sized manufacturers.

''(B) LIMITATION.—A member of a board established under paragraph (1) may not serve on

more than 1 board established under that paragraph.

''(4) BYLAWS.—

''(A) IN GENERAL.—Each board established under paragraph (1) shall adopt and submit to the Director bylaws to govern the operation of the board.

''(B) CONFLICTS OF INTEREST.—Bylaws adopted under subparagraph (A) shall include policies to minimize conflicts of interest, including such policies relating to disclosure of relationships and recusal as may be necessary to minimize conflicts of interest.

''(l) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Program, the Secretary and Director may also accept funds from other Federal departments and agencies and from the private sector under section 2(c)(7) of this Act (15 U.S.C. 272(c)(7)), to be available to the extent provided by appropriations Acts, for the purpose of strengthening United States manufacturing.

''(m) MEP ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established within the Institute a Manufacturing Extension Partnership Advisory Board.

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—

''(i) IN GENERAL.—The MEP Advisory Board shall consist of not fewer than 10 members appointed by the Director and broadly representative of stakeholders.

''(ii) REQUIREMENTS.—Of the members appointed under clause (i)—

''(I) at least 2 members shall be employed by or on an advisory board for a Center; and

''(II) at least 5 other members shall be from United States small businesses in the manufacturing sector.

''(iii) LIMITATION.—No member of the MEP Advisory Board shall be an employee of the Federal Government.

''(B) TERM.—Except as provided in subparagraph (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

''(C) VACANCIES.—Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

''(D) SERVING CONSECUTIVE TERMS.—Any person who has completed 2 consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the 1-year period following the expiration of the second such term.

''(3) MEETINGS.—The MEP Advisory Board shall—

''(A) meet not less than biannually; and

''(B) provide to the Director—

''(i) advice on the activities, plans, and policies of the Program;

''(ii) assessments of the soundness of the plans and strategies of the Program; and

''(iii) assessments of current performance against the plans of the Program.

''(4) FACA APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.

''(5) ANNUAL REPORT.—

''(A) IN GENERAL.—At a minimum, the MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to Congress not later than 30 days after the submission to Congress of the President's annual budget request in each year.

''(B) CONTENTS.—The report shall address the status of the Program and describe the relevant sections of the programmatic planning document and updates thereto transmitted to Congress by the Director under subsections (c) and (d) of section 23 (15 U.S.C. 278i).

''(n) SMALL MANUFACTURERS.—

''(1) EVALUATION OF OBSTACLES.—As part of the Program, the Director shall—

''(A) identify obstacles that prevent small manufacturers from effectively competing in the global market;

''(B) implement a comprehensive plan to train the Centers to address the obstacles identified in paragraph (2); and

''(C) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to the obstacles identified in paragraph (2).

''(2) DEVELOPMENT OF OPEN ACCESS RESOURCES.—As part of the Program, the Secretary shall develop open access resources that address best practices related to inventory sourcing, supply chain management, manufacturing techniques, available Federal resources, and other topics to further the competitiveness and profitability of small manufacturers.''.

(b) COMPETITIVE AWARDS PROGRAM.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 25 the following:

''SEC. 25A. COMPETITIVE AWARDS PROGRAM.

''(a) ESTABLISHMENT.—The Director shall establish within the Hollings Manufacturing Extension Partnership under section 25 (15 U.S.C. 278k) and section 26 (15 U.S.C. 278l) a program of competitive awards among participants described in subsection (b) of this section for the purposes described in subsection (c).

''(b) PARTICIPANTS.—Participants receiving awards under this section shall be Centers, or a consortium of Centers.

''(c) PURPOSE, THEMES, AND REIMBURSEMENT.—

''(1) PURPOSE.—The purpose of the program established under subsection (a) is to add capabilities to the Hollings Manufacturing Extension Partnership, including the development of projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Hollings Manufacturing Extension Partnership, the MEP Advisory Board, other Federal agencies, and small and medium-sized manufacturers.

''(2) THEMES.—The Director may identify 1 or more themes for a competition carried out under this section, which may vary from year to year, as the Director considers appropriate after assessing the needs of manufacturers and the success of previous competitions.

''(3) REIMBURSEMENT.—Centers may be reimbursed for costs incurred by the Centers under this section.

''(d) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require in consultation with the MEP Advisory Board.

''(e) SELECTION.—

''(1) PEER REVIEW AND COMPETITIVELY AWARDED.—The Director shall ensure that awards under this section are peer reviewed and competitively awarded.

''(2) GEOGRAPHIC DIVERSITY.—The Director shall endeavor to have broad geographic diversity among selected proposals.

''(3) CRITERIA.—The Director shall select applications to receive awards that the Director determines will achieve 1 or more of the following:

''(A) Improve the competitiveness of industries in the region in which the Center or Centers are located.

''(B) Create jobs or train newly hired employees.

''(C) Promote the transfer and commercialization of research and technology from institutions of higher education, national laboratories or other Federally-funded research programs, and nonprofit research institutes.

''(D) Recruit a diverse manufacturing workforce, including through outreach to women and minorities.

''(E) Such other result as the Director determines will advance the objective set forth in section 25(c) (15 U.S.C. 278k) or in section 26 (15 U.S.C. 278l).

''(f) PROGRAM CONTRIBUTION.—Recipients of awards under this section shall not be required to provide a matching contribution.

''(g) GLOBAL MARKETPLACE PROJECTS.—In making an award under this section, the Director, in consultation with the MEP Advisory Board and the Secretary, may take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace.

''(h) DURATION.—The duration of an award under this section shall be for not more than 3 years.

''(i) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 25 (15 U.S.C. 278k).''.

(c) GAO REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the MEP Advisory Board (as defined in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), 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—

(1) the effectiveness of the changes in the cost share to Centers under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(2) the engagement in services and the characteristics of services provided by 2 types of Centers, including volume and type of service; and

(3) whether the cost-sharing ratio has any effect on the services provided by either type of Center.

(d) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 2199(3) of title 10, United States Code, is amended—

(A) by striking ''regional center'' and inserting ''manufacturing extension center'';

(B) by inserting ''and best business practices'' before ''referred''; and

(C) by striking ''25(a)'' and inserting ''25(b)''.

(2) ENTERPRISE INTEGRATION INITIATIVE.—Section 3(a) of the Enterprise Integration Act of 2002 (15 U.S.C. 278g-5(a)) is amended by inserting ''Hollings'' before ''Manufacturing Extension Partnership''.

(3) ASSISTANCE TO STATE TECHNOLOGY PROGRAMS.—Section 26(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278l(a)) is amended by striking ''Centers program created'' and inserting ''Hollings Manufacturing Extension Partnership''.

(e) SAVINGS PROVISIONS.—Notwithstanding the amendments made by subsections (a) and (b) of this section, the Secretary of Commerce may carry out section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) as that section was in effect on the day before the date of enactment of this Act, with respect to existing grants, agreements, cooperative agreements, or contracts, and with respect to applications for such items that are received by the Secretary prior to the date of enactment of this Act.

SEC. 502. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

Section 26(o) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3721(o)) is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''To the maximum'' and indenting appropriately; and

(2) by adding at the end the following:

''(2) ACCESS TO CAPITAL.—The Secretary, in coordination with the Small Business Administration and the National Institute of Standards and Technology, shall identify any gaps in the access of small- or medium-sized manufacturers to capital for the use or production of innovative technologies that the program could fill,

and develop marketing materials and conduct outreach to target those gaps.''.

SEC. 503. MANUFACTURING COMMUNITIES.

(a) SHORT TITLE.—This section may be cited as the ''Made in America Manufacturing Communities Act of 2016''.

(b) DEFINITIONS.—In this section:

(1) MANUFACTURING COMMUNITY SUPPORT PROGRAM.—The term ''Manufacturing Community Support Program'' means the program established under subsection (c).

(2) PARTICIPATING AGENCY.—The term ''participating agency'' means a Federal agency that elects to participate in the Manufacturing Community Support Program.

(3) PARTICIPATING PROGRAM.—The term ''participating program'' means a program identified by a participating agency under subsection (d)(1)(C).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(c) PROGRAM TO DESIGNATE AND SUPPORT MANUFACTURING COMMUNITIES.—The Secretary shall establish a program to improve the competitiveness of United States manufacturing by—

(1) designating consortiums as manufacturing communities under subsection (e); and

(2) supporting manufacturing communities, as so designated, under subsection (d).

(d) SUPPORT FOR DESIGNATED MANUFACTURING COMMUNITIES.—

(1) PREFERENTIAL CONSIDERATION.—

(A) IN GENERAL.—Except as provided in subparagraph (D), if a member of a consortium designated as a manufacturing community under subsection (e) seeks financial or technical assistance under a participating program of a participating agency, the head of such agency may give preferential consideration to such member with respect to the awarding of such financial or technical assistance if—

(i) such head considers the award of the financial or technical assistance consistent with the economic development strategy of the consortium; and

(ii) the member otherwise meets all applicable requirements for the financial or technical assistance.

(B) PARTICIPATING AGENCIES.—The Secretary shall invite other Federal agencies to become participating agencies of the Manufacturing Community Support Program.

(C) PARTICIPATING PROGRAMS.—The head of each participating agency shall identify all programs administered by such participating agency that are applicable to the Manufacturing Community Support Program.

(D) MULTIPLE MEMBERS OF THE SAME CONSORTIUM SEEKING THE SAME FINANCIAL OR TECHNICAL ASSISTANCE.—

(i) IN GENERAL.—If a participating agency receives applications for the same financial or technical assistance from more than 1 member of the same consortium designated as a manufacturing community under subsection (e), the head of such agency may determine how preference will be given under subparagraph (A), including by requiring the consortium to select which of the members should be given preference.

(ii) COORDINATION.—If the head of a participating agency determines that more than 1 member of a consortium should be given preference under subparagraph (A) for financial or technical assistance, he or she may require such members to demonstrate coordination with each other in developing their applications for the financial or technical assistance.

(E) REPORT.—Not later than 90 days after the date of the enactment of this Act, the head of each participating agency shall submit a report to the Secretary that specifies how the head will give preferential consideration under subparagraph (A).

(2) TECHNICAL ASSISTANCE.—The Secretary may make a Federal point of contact available to each consortium designated as a manufacturing community under subsection (e) to help the members of the consortium access Federal funds and technical assistance.

(3) FINANCIAL AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—Under the Manufacturing Community Support Program, the head of a participating agency may award financial or technical assistance to a member of a consortium designated as a manufacturing community under subsection (e) as he or she considers appropriate for purposes of such program and consistent with the economic development strategy of the consortium.

(B) USE OF FUNDS.—

(i) IN GENERAL.—A recipient of financial or technical assistance under subparagraph (A) may use such financial or technical assistance to support an investment in an ecosystem that will improve the competitiveness of United States manufacturing.

(ii) INVESTMENTS SUPPORTED.—Investments supported under this subparagraph may include—

(I) infrastructure;

(II) access to capital;

(III) promotion of exports and foreign direct investment;

(IV) equipment or facility upgrades;

(V) workforce training or retraining;

(VI) energy or process efficiency;

(VII) business incubators;

(VIII) site preparation;

(IX) advanced research;

(X) supply chain development; and

(XI) small business assistance.

(4) COORDINATION.—

(A) COORDINATION BY SECRETARY OF COMMERCE.—The Secretary shall coordinate with the heads of the participating agencies to identify programs under paragraph (1)(C)(i).

(B) INTER-AGENCY COORDINATION.—The heads of the participating agencies shall coordinate with each other—

(i) to leverage complementary activities, including from non-Federal sources, such as philanthropies; and

(ii) to avoid duplication of efforts.

(e) DESIGNATION OF MANUFACTURING COMMUNITIES.—

(1) IN GENERAL.—Except as provided in paragraph (7), for purposes of the Manufacturing Community Support Program, the Secretary shall designate eligible consortiums (as described in paragraph (2)) as manufacturing communities through a competitive process.

(2) ELIGIBLE CONSORTIUMS.—

(A) IN GENERAL.—An eligible consortium is a consortium that—

(i) represents a region defined by the consortium in accordance with subparagraph (B);

(ii) includes at least 1—

(I) institution of higher education;

(II) a private sector entity; and

(III) a government entity;

(iii) may include 1 or more—

(I) private sector partners;

(II) institutions of higher education;

(III) government entities;

(IV) economic development and other community and labor groups;

(V) financial institutions; or

(VI) utilities;

(iv) has, as a lead applicant—

(I) a district organization (as defined in section 300.3 of title 13, Code of Federal Regulations, or successor regulation);

(II) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) or a consortium of Indian tribes;

(III) a State or a political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;

(IV) an institution of higher education or a consortium of institutions of higher education; or

(V) a public or private nonprofit organization or association that has an application that is supported by a State, a political subdivision of a State, or a native community.

(B) REGIONS.—Subject to approval by the Secretary, a consortium may define the region that it represents if the region—

(i) is large enough to contain critical elements of the key technologies or supply chain prioritized by the consortium; and

(ii) is small enough to enable close collaboration among members of the consortium.

(3) DURATION.—Each designation under paragraph (1) shall be for a period of 2 years.

(4) RENEWAL.—

(A) IN GENERAL.—Upon receipt of an application submitted under subparagraph (B), the Secretary may renew a designation made under paragraph (1) for up to 2 additional 2-year periods. Any designation as a manufacturing community or renewal of such designation that is in effect before the date of the enactment of this Act shall count toward the limit set forth in this subparagraph.

(B) APPLICATION FOR RENEWAL.—An eligible consortium seeking a renewal under subparagraph (A) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(C) MODIFICATIONS AUTHORIZED.—The Secretary may renew a designation under subparagraph (A) for an eligible consortium that—

(i) has changed its composition, either by adding or removing members; or

(ii) as part of its application under subparagraph (B), submits a revision to the plan submitted under paragraph (5)(B)(iv) or the strategy submitted under paragraph (5)(B)(v).

(D) EVALUATION FOR RENEWAL.—In determining whether to renew a designation of an eligible consortium under paragraph (1), the Secretary shall assess the eligible consortium based upon—

(i) the performance of the consortium against the terms of the consortium's most recent designation under paragraph (1) and any post-designation awards the consortium may have received;

(ii) the progress the consortium has made with respect to project-specific metrics the consortium proposed in the consortium's application for the most recent designation under paragraph (1), particularly with respect to those metrics that were designed to help communities track their own progress;

(iii) whether any changes to the composition of the eligible consortium or revisions to the plan or strategy described in subparagraph (C)(ii) would improve the competitiveness of United States manufacturing; and

(iv) such other criteria as the Secretary considers appropriate.

(5) APPLICATION FOR DESIGNATION.—

(A) IN GENERAL.—An eligible consortium seeking a designation under paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A) include—

(i) a description of the regional boundaries of the consortium;

(ii) a description of the manufacturing concentration of the consortium, including an assessment of how the manufacturing concentration of the consortium competitively ranks nationally according to measures relating to employment, sales, location quotients for an industry's level of concentration, or such other measures as the Secretary considers appropriate;

(iii) an integrated assessment of the local industrial ecosystem of the region of the consortium, which may include assessment of workforce and training, supplier network, research and innovation, infrastructure or site development, trade and international investment, operational improvements, and capital access components needed for manufacturing activities in such region;

(iv) an evidence-based plan for developing components of such ecosystem (selected by the consortium) by making—

(I) specific investments to address gaps in such ecosystem; and

(II) the manufacturing of the region of the consortium uniquely competitive;

(v) a description of the investments the consortium proposes and the implementation strategy the consortium intends to use to address gaps in such ecosystem;

(vi) a description of the outcome-based metrics, benchmarks, and milestones that the consortium will track and the evaluation methods the consortium will use while designated as a manufacturing community to gauge performance of the strategy of the consortium to improve the manufacturing in the region of the consortium; and

(vii) such other matters as the Secretary considers appropriate.

(6) EVALUATION OF APPLICATIONS.—The Secretary shall evaluate each application received under paragraph (5) to determine—

(A) whether the applicant demonstrates a significant level of regional cooperation in their proposal; and

(B) how the manufacturing concentration of the applicant competitively ranks nationally according to measures described in paragraph (5)(B)(ii).

(7) CERTAIN COMMUNITIES PREVIOUSLY RECOGNIZED.—Each consortium that was designated as a manufacturing community by the Secretary in carrying out the Investing in Manufacturing Communities Partnership initiative of the Department of Commerce before the date of the enactment of this Act shall be deemed a manufacturing community designated under this subsection if such consortium is still designated as a manufacturing community by the Secretary as part of such initiative.

(f) RECEIPT OF TRANSFERRED FUNDS.—The Secretary may accept amounts transferred to the Secretary from the head of another participating agency to carry out this section.

TITLE VI—INNOVATION, COMMERCIALIZATION, AND TECHNOLOGY TRANSFER

SEC. 601. INNOVATION CORPS.

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

(1) The National Science Foundation Innovation Corps (referred to in this section as the ''I-Corps'') was established to foster a national innovation ecosystem by encouraging institutions, scientists, engineers, and entrepreneurs to identify and explore the innovation and commercial potential of National Science Foundation-funded research well beyond the laboratory.

(2) Through I-Corps, the Foundation invests in entrepreneurship and commercialization education, training, and mentoring that can ultimately lead to the practical deployment of technologies, products, processes, and services that improve the Nation's competitiveness, promote economic growth, and benefit society.

(3) By building networks of entrepreneurs, educators, mentors, institutions, and collaborations, and supporting specialized education and training, I-Corps is at the leading edge of a strong, lasting foundation for an American innovation ecosystem.

(4) By translating federally funded research to a commercial stage more quickly and efficiently, programs like the I-Corps create new jobs and companies, help solve societal problems, and provide taxpayers with a greater return on their investment in research.

(5) The I-Corps program model has a strong record of success that should be replicated at all Federal science agencies.

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

(1) commercialization of federally-funded research can improve the Nation's competitiveness, grow the economy, and benefit society;

(2) I-Corps is a useful tool in promoting the commercialization of federally-funded research by training researchers funded by the Foundation in entrepreneurship and commercialization;

(3) I-Corps should continue to build a network of entrepreneurs, educators, mentors, and institutions and support specialized education and training; and

(4) researchers other than those funded by the Foundation may also benefit from the education and training described in paragraph (3).

(c) I-CORPS PROGRAM.—

(1) IN GENERAL.—In order to promote a strong, lasting foundation for the national innovation ecosystem and increase the positive economic and social impact of federally-funded research, the Director of the Foundation shall set forth eligibility requirements and carry out a program to award grants for entrepreneurship and commercialization education, training, and mentoring.

(2) EXPANSION OF I-CORPS.—

(A) IN GENERAL.—The Director—

(i) shall encourage the development and expansion of I-Corps and other training programs that focus on professional development, including education in entrepreneurship and commercialization; and

(ii) may establish an agreement with another Federal science agency—

(I) to make researchers, students, and institutions funded by that agency eligible to participate in the I-Corps program; or

(II) to assist that agency with the design and implementation of its own program that is similar to the I-Corps program.

(B) PARTNERSHIP FUNDING.—In negotiating an agreement with another Federal science agency under subparagraph (A)(ii), the Director shall require that Federal science agency to provide funding for—

(i) the training for researchers, students, and institutions selected for the I-Corps program; and

(ii) the locations that Federal science agency designates as regional and national infrastructure for science and engineering entrepreneurship.

(3) FOLLOW-ON COMMERCIALIZATION GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director, in consultation with the Director of the Small Business Innovation Research Program, shall make funds available for competitive grants, including to I-Corps participants, to help support—

(i) prototype or proof-of-concept development; and

(ii) such activities as the Director considers necessary to build local, regional, and national infrastructure for science and engineering entrepreneurship.

(B) LIMITATION.—Grants under subparagraph (A) shall be limited to participants with innovations that because of the early stage of development are not eligible to participate in a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

(4) STATE AND LOCAL PARTNERSHIPS.—The Director may engage in partnerships with State and local governments, economic development organizations, and nonprofit organizations to provide access to the I-Corps program to support entrepreneurship and commercialization education and training for researchers, students, and institutions under this subsection.

(5) REPORTS.—The Director shall submit to the appropriate committees of Congress a biennial report on I-Corps program efficacy, including metrics on the effectiveness of the program. Each Federal science agency participating in the I-Corps program or that implements a similar program under paragraph (2)(A) shall contribute to the report.

(6) DEFINITIONS.—In this subsection, the terms ''Small Business Innovation Research Program'' and ''Small Business Technology Transfer Program'' have the meanings given those terms in section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 602. TRANSLATIONAL RESEARCH GRANTS.

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

(1) commercialization of federally-funded research may benefit society and the economy; and

(2) not-for-profit organizations support the commercialization of federally-funded research by providing useful business and technical expertise to researchers.

(b) COMMERCIALIZATION GRANTS PROGRAM.—The Director of the Foundation shall continue to award grants on a competitive, merit-reviewed basis to eligible entities to promote the commercialization of federally-funded research results.

(c) USE OF FUNDS.—Activities supported by grants under this section may include—

(1) identifying Foundation-sponsored research and technologies that have the potential for accelerated commercialization;

(2) supporting prior or current Foundation-sponsored investigators in undertaking proof-of-concept work, including development of prototypes of technologies that are derived from Foundation-sponsored research and have potential market value;

(3) promoting sustainable partnerships between Foundation-funded institutions, industry, and other organizations within academia and the private sector with the purpose of accelerating the transfer of technology;

(4) developing multi-disciplinary innovation ecosystems which involve and are responsive to specific needs of academia and industry;

(5) funding the establishment of proof-of-concept and prototype development in partnership with academia to advance technologies; and

(6) providing professional development, mentoring, and advice in entrepreneurship, project management, and technology and business development to innovators.

(d) ELIGIBILITY.—

(1) IN GENERAL.—The following organizations may be eligible for grants under this section:

(A) Institutions of higher education.

(B) Public or nonprofit technology transfer organizations.

(C) A nonprofit organization that partners with an institution of higher education.

(D) A consortia of 2 or more of the organizations described under subparagraphs (A) through (C).

(2) LEAD ORGANIZATIONS.—Any eligible organization under paragraph (1) may apply as a lead organization.

(e) APPLICATIONS.—An eligible entity seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

SEC. 603. OPTICS AND PHOTONICS TECHNOLOGY INNOVATIONS.

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

(1) The 1998 National Research Council Report, ''Harnessing Light'' presented a comprehensive overview on the importance of optics and photonics to various sectors of the United States economy.

(2) In 2012, in response to increased coordination and investment by other nations, the National Research Council released a follow up study recommending a national photonics initiative to increase collaboration and coordination among United States industry, Federal and State government, and academia to identify and further advance areas of photonics critical to regaining United States competitiveness and maintaining national security.

(3) Publicly-traded companies focused on optics and photonics in the United States enable more than $3 trillion in revenue annually.

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

(1) optics and photonics research and technologies promote United States global competitiveness in industry sectors, including telecommunications and information technology, energy, healthcare and medicine, manufacturing, and defense;

(2) Federal science agencies, industry, and academia should seek partnerships with each other to develop basic research in optics and photonics into more mature technologies and capabilities; and

(3) each Federal science agency, as appropriate, should—

(A) survey and identify optics and photonics-related programs within that Federal science agency and share results with other Federal science agencies for the purpose of generating multiple applications and uses;

(B) partner with the private sector and academia to leverage knowledge and resources to maximize opportunities for innovation in optics and photonics;

(C) explore research and development opportunities, including Federal and private sector-sponsored internships, to ensure a highly trained optics and photonics workforce in the United States;

(D) encourage partnerships between academia and industry to promote improvement in the education of optics and photonics technicians at the secondary school level, undergraduate level, and 2-year college level, including through the Foundation's Advanced Technological Education program; and

(E) assess existing programs and explore alternatives to modernize photonics laboratory equipment in undergraduate institutions in the United States to facilitate critical hands-on learning.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS FOR THE REGIONAL INNOVATION PROGRAM.

Section 27(g)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722(g)(2)) is amended to read as follows:

''(2) AUTHORIZATION LEVELS.—From amounts appropriated for economic development assistance programs, the Secretary may use $30,000,000 for each of the fiscal years 2017 and 2018 for grants under this section.''.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be withdrawn, the Gardner substitute amendment 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 committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 5186) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 3084), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DEPARTMENT OF STATE OPERATIONS AUTHORIZATION AND EMBASSY SECURITY ACT, FISCAL YEAR 2016

Mr. PORTMAN. Mr. President, I ask that the Chair lay before the Senate the message from the House to accompany S. 1635.

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

Resolved, That the bill from the Senate (S. 1635) entitled ''An Act to authorize the Department of State for fiscal year 2016, and for other purposes.'', do pass with an amendment.

Mr. PORTMAN. 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.

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

NATIONAL PARK SERVICE CENTENNIAL ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4680, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 4680) to prepare the National Park Service for its Centennial in 2016 and for a second century of promoting and protecting the natural, historic, and cultural resources of our National Parks for the enjoyment of present and future generations, and for other purposes.

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

Mr. PORTMAN. 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. 4680) was ordered to a third reading, was read the third time, and passed.

APPOINTMENTS AUTHORITY

Mr. PORTMAN. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

ORDER FOR PRINTING

Mr. PORTMAN. Mr. President, I ask unanimous consent that any tributes submitted by December 20, 2016, as authorized by the order of December 10, 2016, be printed in the January 3, 2017, CONGRESSIONAL RECORD of the 114th Congress.

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

ORDERS FOR TUESDAY, DECEMBER 13, 2016, THROUGH TUESDAY, JANUARY 3, 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, December 13, at 8:30 a.m.; Friday, December 16, at 10 a.m.; Tuesday, December 20, at 9:30 a.m.; Friday, December 23, at 11:30 a.m.; Tuesday, December 27, at 4:30 p.m.; Friday, December 30, at 10 a.m.; Tuesday, January 3, at 11:55 a.m.

PROGRAM

Mr. PORTMAN. Mr. President, for the information of all Senators, when the Senate adjourns on Tuesday, January 3, 2017, it will next convene at 12 noon on January 3 pursuant to the Constitution.

ADJOURNMENT UNTIL TUESDAY, DECEMBER 13, 2016, AT 8:30 A.M.

Mr. PORTMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the provisions of S. Res. 640, as a further mark of respect to the late John Glenn, former Senator from the State of Ohio.

There being no objection, the Senate, at 6:39 a.m., adjourned until Tuesday, December 13, 2016, at 8:30 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations unanimous consent and the nominations were confirmed:

COAST GUARD NOMINATIONS BEGINNING WITH CAPT. MELVIN W. BOUBOULIS AND ENDING WITH CAPT. MICHAEL P. RYAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016 .

COAST GUARD NOMINATIONS BEGINNING WITH STEPHEN J. ALBERT AND ENDING WITH MATTHEW W. ZINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

COAST GUARD NOMINATIONS BEGINNING WITH JENNIFER L. ADAMS AND ENDING WITH PETER J. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

COAST GUARD NOMINATIONS BEGINNING WITH DARYL P. SCHAFFER AND ENDING WITH LISA H. SCHULZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

COAST GUARD NOMINATIONS BEGINNING WITH DAVID C. CLIPPINGER AND ENDING WITH MATTHEW B. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

COAST GUARD NOMINATIONS BEGINNING WITH MARK E. AMES AND ENDING WITH MATTHEW D. WADLEIGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

COAST GUARD NOMINATIONS BEGINNING WITH JOHN F. BARRESI AND ENDING WITH MARK B. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 9, 2016:

DEPARTMENT OF LABOR

ADRI DAVIN JAYARATNE, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF LABOR.

FEDERAL DEPOSIT INSURANCE CORPORATION

JAY NEAL LERNER, OF ILLINOIS, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION.

EXECUTIVE OFFICE OF THE PRESIDENT

ANDREW MAYOCK, OF ILLINOIS, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) WILLIAM J. GALINIS

DEPARTMENT OF COMMERCE

PEGGY E. GUSTAFSON, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE.

STATE JUSTICE INSTITUTE

JOHN D. MINTON, JR., OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2019.

POSTAL REGULATORY COMMISSION

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2022.

ROBERT G. TAUB, OF NEW YORK, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2022.

DEPARTMENT OF STATE

KAMALA SHIRIN LAKHDHIR, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

DEPARTMENT OF TRANSPORTATION

ANN BEGEMAN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2020.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(E):

To be rear admiral (lower half)

CAPT. MELVIN W. BOUBOULIS
CAPT. DONNA L. COTTRELL
CAPT. MICHAEL J. JOHNSTON
CAPT. ERIC C. JONES
CAPT. MICHAEL P. RYAN

COAST GUARD NOMINATIONS BEGINNING WITH STEPHEN J. ALBERT AND ENDING WITH MATTHEW W. ZINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

COAST GUARD NOMINATIONS BEGINNING WITH JENNIFER L. ADAMS AND ENDING WITH PETER J. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2016.

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