

Modernization Act back up, consider even more amendments, and then take a final vote on it.

I was encouraged to see the Democratic leader yesterday agreeing that this is important legislation. It will support more American jobs, more American growth, and more American energy independence, and we will finish our work soon.

Passage of this bill will represent the culmination of more than a year's worth of hard work, countless listening sessions and oversight hearings, numerous amendment votes and debate hours, and impressive reserves of determination from both the chair, Senator MURKOWSKI, and the ranking member, Senator CANTWELL.

Senator MURKOWSKI and Senator CANTWELL never gave up. Even when passage of this bill seemed impossible, they never stopped pushing for it. I have been impressed by their efforts just as I have been impressed with what this broad bipartisan energy bill can achieve for our country.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ENERGY AND FAA BILLS

Mr. REID. Mr. President, I agree with the Republican leader that the energy bill is a good bill. As I said yesterday, it is just 3 years behind time. We have tried many times to move forward on it, but filibusters took place by the Republicans, and we were unable to get it done.

He is right that Senator CANTWELL and Senator MURKOWSKI never gave up and they worked through lots of problems. I wish we could have taken care of Flint in the process. That held things up for a little while but not long, and we are still looking at ways to take care of the people of Flint who have been really damaged by bad government.

So we are glad that Flint will come up in the near future, and we think we have ways of getting that done. Maybe we will see it in the appropriations bills that we are doing.

Energy is good, and I am glad we got it done. Now, we have allowed this to move forward. We have not been blocking the bill. We agreed, even though the bill is long overdue, and we are not going to treat people the way we were treated. So we are glad that is done.

On the FAA bill, I am glad we are going to get something done. As we know, we missed an opportunity to take care of a lot of people who are desperate for help. People in the State of Nevada—geothermal—they need help. Fuel cells, biomass, and other energy initiatives were left out. By inadvertence in the drafting of the bill, they were left out. The Republican leader said he will take care of that, and I am confident that he will. It is a longer wait for people, and it makes it difficult for people to hang on to their businesses. I know that his job is hard. He has told me and he has told Leader PELOSI that he will get this done this

year. So we are looking forward to that.

PASSING A BUDGET RESOLUTION AND FILLING THE SUPREME COURT VACANCY

Mr. President, tomorrow is April 15. Under the Congressional Budget Act, that is the day by which Congress is supposed to have completed a budget resolution.

This Republican Congress will not meet tomorrow's deadline. We have known that for some time. By all indications, they have no intention of doing anything to pass a budget resolution any time soon.

As the Republican leader told reporters earlier this week, in the absence of a budget resolution, Republicans will simply use the top-line spending numbers that we agreed upon last year. Here is what he said:

We're waiting to see if the House is able to do a budget. In the meantime I've already announced, and I'll announce again today that we're going to move to appropriations next week, probably starting with energy and water, and we'll mark these bills to the top line that we agreed to in the agreement last year.

As we know, just a minute ago, he filed cloture on the energy and water bill.

If this statement he made sounds familiar, it should, because that is what we did when we were in the majority. We used the top line numbers in the Murray-Ryan budget agreement as a basis for spending bills. Republicans will begin that same process today as the appropriations process gets under way with the first full committee markup of the year.

But how did Republicans react when we did the same thing? They were falling all over themselves—speech after speech—to criticize us. They had charts and graphs and anything to focus on there being no budget. They came out endlessly to taunt us with over-the-top rhetoric. They shed crocodile tears by the bucket. They even threatened to withhold Members' pay as punishment. There was legislation produced to that effect, but it was all for show.

Republicans promised voters that, once in power, they would pass a budget each and every year. That is what the Republican leader promised in 2012, saying:

I don't think the law says, "Pass a budget unless it's hard," so I think there's no question that we would take up our responsibility. . . . We will be passing a budget. . . . Every year.

That was the Republican pledge: Give us the majority, and we will pass a budget every year.

Well, it is pretty clear that they are going to break that promise.

This is just the latest example of the Republicans refusing to meet their commitments—refusing to do their jobs—even according to their own terms.

It is just like the refusal to consider Supreme Court nominee Merrick Garland. We have years and years' worth

of statements from the Republican leader and the chairman of the Judiciary Committee in which they said unequivocally that it is the Senate's duty to consider the President's Supreme Court nominees. I have read their quotes on this floor endlessly.

These statements go back decades. The Republican leader wrote papers in law school demanding the Senate give Supreme Court nominees all due consideration. Well, all due consideration is not refusing to meet with a man, not holding hearings, and not allowing a vote.

But now that he, the Republican leader, is in a position to do something about that article he wrote in law school and the other statements that have been made by the chairman of the Judiciary Committee, he won't give Merrick Garland a hearing or a vote. He won't even meet with him, even though the chairman of the Judiciary Committee met with him in secret, not in his office but in the private dining room downstairs, and then went out the back door, described as stumbling over chairs to vacate the premises.

So, basically, what I ask is this: Where are all the Republican Senators who came to the floor to bash Democrats for the lack of a budget resolution? They have gone silent. I am just asking: When are the Republicans going to do their job?

Mr. President, I see no one on the floor wishing to speak, so I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

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

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 636, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 636) to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Pending:

McConnell (for Thune/Nelson) amendment No. 3679, in the nature of a substitute.

Thune amendment No. 3680 (to amendment No. 3679), of a perfecting nature.

The PRESIDING OFFICER (Mr. ROUNDS). The senior Senator from South Dakota.

Mr. THUNE. Mr. President, I urge my colleagues to support the motion to end debate so the Senate can vote and pass the pro-security and pro-consumer provisions within the bipartisan Federal Aviation Administration Reauthorization Act of 2016.

For the past 2 weeks on the Senate floor and earlier at the Commerce Committee, we have engaged in a constructive and open process to consider amendments making important changes to this legislation that sets

aviation policies for our country. On the Senate floor we added 19 amendments, 10 from Democrats and 9 from Republican Senators, and at the Commerce Committee we approved 57 amendments, 34 from Democrats and 23 from Republicans. A number of these amendments were substantial, including the vast majority of the aviation security provisions within the legislation.

We have also agreed to set aside discussions on certain issues for now so we could continue to have a bill with broad bipartisan support. On some policy issues where there was disagreement, we found the will of the Senate through negotiation and votes. Our debate has been constructive, and I value the process by which we have allowed Senators to make their mark on this bill.

After 2 weeks of consideration, it is now time to conclude our work on the bipartisan legislation I introduced along with my friend, the ranking member from Florida, Senator BILL NELSON, and our Aviation Subcommittee leaders, KELLY AYOTTE and MARIA CANTWELL.

The bill we can vote on today has been described in the Washington Post as “one of the most passenger-friendly Federal Aviation Administration reauthorization bills in a generation.”

Even more important, this bill includes strong, new security measures that address the threat that ISIS and other terrorist groups pose to airline passengers. It is a comprehensive bill addressing needs in cyber security, the aircraft design approval process, undue regulatory burdens on noncommercial pilots, airport infrastructure, rural air service, lithium battery safety, mental health screening for pilots, communicable disease preparedness, drone safety, and many other important issues. This bill helps the public that relies on our air transportation system, and we shouldn't let them down.

A vote yes on the motion to end debate allows us to move forward and to get these reforms going forward by agreeing to ultimately vote on them and to vote on passage of this bill.

Again, I thank all who are involved. Senator NELSON and I started this process months ago. I think we had somewhere on the order of seven hearings, full committee and subcommittee, in debating and helping shape the bill. It was a very constructive process as we went through the markup, where we incorporated the suggestions and good ideas that came from many Members of our committee. We tried to continue that process on the floor of the Senate, and we have been successful in adding some amendments that strengthen the bill. I wish we could add more. I hope we can still reach agreement. There are still negotiations underway for another package of 25 or 30 amendments that we would like to get added to this bill if we can get the level of cooperation that is necessary to accomplish that.

In the end, we need to pass this. It is important for the American people. It is a piece of legislation that needs to get voted on in the Senate, hopefully on to the House, and eventually on the President's desk.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I thank the Senator from South Dakota. He has been a real friend and a champion in being able to work together in the best traditions of the Senate in trying to craft—and I think we have successfully—a bipartisan piece of legislation that continues, as the Senator has quoted from one of the papers, to advance the FAA in a way that we should be sensitive to the needs of the flying public.

It is also this Senator's hope that where we have disagreements on just a few amendments, that after we have a big vote invoking cloture so we can move on with the bill, that a package of 30-some amendments—noncontroversial, bipartisan—would then be allowed to be adopted by unanimous consent, and then it is possible that we could move on to the final passage early this afternoon. That is this Senator's hope.

Let me underscore what the Senator has already said. There are a lot of challenges in how we conduct ourselves in the airspace of this country. There are a lot of important things that we have to do, such as modernizing the air traffic control system, the next generation of technology in moving us efficiently, and in the process it has to be safe.

Therefore, as we see new kinds of challenges because of technology—for example, unmanned aerial vehicles, drones—we have to approach that with great caution and make sure we know what we are doing so the flying public is safe.

I hope we get a big vote on this motion for cloture.

I yield the floor.

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 senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3679.

Mitch McConnell, Daniel Coats, Roger F. Wicker, Roy Blunt, Orrin G. Hatch, Thom Tillis, John Hoeven, Rob Portman, James Lankford, John Thune, Mike Rounds, John Cornyn, John Barrasso, Johnny Isakson, James M. Inhofe, Jerry Moran, Kelly Ayotte.

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

The question is, Is it the sense of the Senate that debate on amendment No. 3679, offered by the Senator from Kentucky, Mr. McCONNELL, to H.R. 636, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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 Texas (Mr. CRUZ).

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

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

The yeas and nays resulted—yeas 94, nays 4, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—94

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

NAYS—4

Boxer	Portman
Lee	Rubio

NOT VOTING—2

Cruz	Sanders
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The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 4.

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

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT REQUEST—S. 627

Ms. AYOTTE. Mr. President, America was horrified 2 years ago as the scandal at the VA unfolded. We heard about veterans dying while they were waiting for care. Meanwhile, we discovered that VA employees manipulated appointment wait lists to hide the fact that the VA couldn't provide the care our veterans needed in a timely fashion.

The denial of earned care is always tragic, but it is inexcusable when the denial is driven by bureaucratic tampering and falsifications. Cooking the books was one bureaucratic offense, but not holding accountable those responsible is an additional bureaucratic failure, and one that continues to haunt our system.

These weren't just a few scattered incidents either. The VA inspector general investigated 73 VA facilities across

the country and found problems in 51 of them, ranging from rule violations to outright fraud. These reports demonstrate that inappropriate scheduling practices were systematic at the VA.

This map shows how widespread the wait-list rule violations and manipulations have been. The inspector general's office found out how our veterans were treated when they called up looking for care. The information the VA gave was manipulated to make it seem as though the VA was doing much better than it was. We literally know that veterans died while waiting for care. That is shameful, and we owe it to those who served this Nation to serve them. They earned this by defending us and our freedoms.

Unfortunately, one of those 51 cases was the VA medical center in my home State of New Hampshire.

A New Hampshire newspaper summarizes the inspector general's report as follows:

Staff at the Manchester VA Medical Center manipulated appointment dates and refused to schedule referrals beyond 14 days in some speciality departments, all to make it appear patients were being seen quickly.

One report also shows that top officials at the Manchester VA discouraged the use of electronic waiting lists.

Another shows extremely long waits at the facility's Pain Clinic, where one patient waited an average of seven to eight months for injection treatments.

The reports show a near obsession with keeping numbers down when it comes to the length of time that veterans had to wait for appointments, which is one of the ways bonuses for hospital officials were determined.

Bonuses were determined by how you performed on the scheduling and whether you were actually meeting the needs of our veterans on time. Yet we know they were manipulating wait lists across the country to show that they were, in fact, serving our veterans when they were not.

Last week I met with the current Manchester VA medical center director to discuss the findings of the inspector general's report. Even though it didn't occur under her leadership, these findings are serious and must be dealt with appropriately. While I was encouraged to hear of the steps the director has taken to address the scheduling misconduct, I will be closely following the medical center's practices and performance.

We cannot let this happen again. Part of not letting it happen again is what brings me to the floor today. I will make sure we aren't incentivizing misconduct and allowing wrongdoers to get away with it, whether it is the wait-list manipulations or misconduct.

Unfortunately, the wait-list scandal isn't the only scandal at the VA. There is a common theme with all these scandals: Those committing misconduct are getting bonuses—yes, bonuses. Those involved in wrongdoing are getting checks paid by the American taxpayer. That is unacceptable, and that is why I introduced bipartisan legislation to improve accountability at the Depart-

ment of Veterans Affairs by requiring the VA Secretary to claw back bonuses paid to VA employees who were involved in serious misconduct or felonies. It would also require the VA to retain a copy of any reprimand or admonishment given to an employee by the Department which would then be in that employee's permanent record. Keeping that information in someone's employment record seems like common sense, but we have to pass this bill in order to do that. Amazingly, the Secretary of the VA doesn't currently have the authority to claw back bonuses even if, as with the wait list, the perpetrator's misconduct led to a bigger bonus check. That is unacceptable. We cannot reward those who commit fraud and misconduct by doling out taxpayer dollars.

A recent report noted that in 2014 the VA paid out \$140 million in bonuses. Nearly half of the VA's employees got bonuses. More importantly, we know that individuals who were implicated in an array of scandals also received bonuses. For example, the director of the Phoenix VA hospital who was fired for her misconduct got a \$9,000 bonus. The VA senior managers who improperly leveraged their positions to get hundreds of thousands of dollars in relocation funds to move to new facilities, along with a bump in pay—even though they were committing misrepresentations and fraud—got bonuses. A VA employee who recently pleaded the Fifth Amendment before a congressional committee got a bonus. Executives overseeing the \$1 billion-over-budget VA medical center construction project in Colorado got bonuses. A doctor implicated in overprescribing opioids at the Tomah VA facility called "Candy Land," where veterans were harmed—bonus.

We can't let these bonuses keep going to wrongdoers. It will just continue the erosion of trust of our veterans, who have done so much to defend this Nation and our freedom. That is why we need to pass this bill. The VA Secretary must be active in pursuing the disciplinary actions against VA employees guilty of misconduct so they aren't getting bonuses and taking away resources that could go to help our veterans. Without my legislation, the VA Secretary does not have the authority right now to go after a bonus, even if the bonus is given to a wrongdoer, to claw that money back.

This bill passed out of committee by a voice vote. The records retention provisions in this bill passed out of the House of Representatives by voice vote. Let's put this authority into law so that those who break the law don't get bonuses. That is why I am standing on the floor today asking for unanimous consent to pass this legislation.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 240, S. 627. I further ask that the Ayotte and Brown amendments be agreed to; the committee-reported sub-

stitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the title amendment be agreed to; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. CARDIN. Mr. President, reserving the right to object, I agree with much of what the Senator from New Hampshire said, and that is that our veterans deserve to have the highest quality care by the Veterans Administration. Those employees at the Veterans Administration who have not carried out their responsibility should be disciplined, and when there are adverse findings, there should be consequences to them. So I agree with much of what she has said.

However, let us be mindful that the overwhelming number of Federal workers, including those at the Veterans Administration, are hard-working public servants, asked to do more with less resources. They have been through freezes, furloughs, government shutdowns, sequestration—you name it.

I understand that the Veterans' Affairs Committee is considering more comprehensive legislation, as they should. As my colleague from New Hampshire has mentioned, this deals with one aspect of those who have adverse findings in regard to their ability to get bonuses or the reprimand on their record.

Here is my problem. If we use a unanimous consent request, there is no opportunity for amendment, and there is no opportunity for debate. When I finish my comments, I am going to ask that the Senator amend her unanimous consent request to include an amendment that I wish to offer. Let me explain what it does.

Yes, we want to hold the employee accountable—those who have not carried out the public trust in which there are adverse findings. But there also has to be accountability for the supervisors, for those who should be managing the agency so that we don't have employees doing what they did.

Managers need to have tools. They need to be able to manage their employees. They need to be able to determine how their employees are handled if we are going to hold them accountable, and I want to hold the supervisors accountable. So my amendment would allow the supervisor to determine the length of the suspension of the bonus that the individual could receive.

The PRESIDING OFFICER. If I could just ask Members to take their conversations out of the Senate Chamber.

Mr. CARDIN. I appreciate that, and I thank the Presiding Officer very much. I thought I was getting an agreement here.

So to continue, it could be longer than the 5 years that is in the bill of the Senator from New Hampshire, but it would be the manager or supervisor who would determine the length of the suspension of the right to receive the

bonus, so that the manager has the tools in order to manage the workforce and we can hold the supervisor accountable.

The second amendment is similar, as it relates to the reprimand being retained in the records. It allows the manager to have the discretion as to the length of time.

The bill that the Senator from New Hampshire is recommending is a hard 5-year period, and it doesn't give the manager the ability to use these tools as ways to advance service to our veterans.

The bottom line here is service to our veterans. That is the bottom line—that they get the services they deserve.

So I ask unanimous consent that the Senator modify her request so that the Senate proceed to the immediate consideration of Calendar No. 240, S. 627; that in lieu of the committee-reported substitute and title amendments, that the Cardin substitute amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed; that the Cardin title amendment be agreed to; and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

That would carry out the modifications that I said, giving the manager the ability to impose either a shorter or longer period of time than the bill of the Senator from New Hampshire.

The PRESIDING OFFICER. Does the Senator from New Hampshire so modify her request?

Ms. AYOTTE. No, I do not.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. CARDIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I certainly thank the Senator from Maryland. I agree, and I believe there are many hard-working Federal employees. The reason that I have been fighting for this bill in particular is, No. 1, to make sure that those who commit misconduct are held accountable. No. 2, I actually want to make sure that we aren't sending the wrong message to the people who are working hard and doing their jobs. When they see someone else who has committed misconduct by literally manipulating wait lists get a bonus, that actually demoralizes the good, hard-working employees who are doing their jobs and serving veterans.

So this is about making sure that the people who actually do a good job get recognized. But when you give a bonus to someone who has committed misconduct, you not only obviously undermine our system—thinking about the veterans who have served our Nation with so much courage and done so much for us—not only do we corrode their trust, but I think we corrode the trust of the workforce that is doing really great work every day, and I want to thank those who are doing the

good work on our behalf. I have had a chance to meet many of them.

I want to address the point of the Senator from Maryland about giving managers authority. I wish to point out that the problem we have here is that this is rampant—absolutely rampant. If we look at what happened with the director of the Phoenix VA who lost her job—fired for misconduct—where literally wait lists were manipulated and veterans died, she got a \$9,000 bonus. So who are we going to leave discretion to here? Many of the managers, I know, need to manage the facilities, which is important. But when it comes to the bonus issue, we literally would be putting, for example in the Phoenix situation, the individual who gets fired for overseeing all of this in charge of whether and how long other people's bonuses are clawed back. I would also say that this has been rampant, unfortunately, about management, and not just of the director of the Phoenix VA but the other examples I gave, including the VA senior managers who improperly leveraged their positions to get hundreds of thousands of dollars in relocation funds. So, in other words, they were misappropriating taxpayer dollars. They got bonuses too. They are managers.

We have executives overseeing the huge cost overrun in the Colorado VA who got bonuses. We have many examples. If we put this at the discretion of how long this is going to go in place instead of putting a logical time period in place, which my bill does, then we are going to keep perpetuating the same situation where the discretion makes it so it doesn't happen. That worries me, because, unfortunately, we have a pattern here that needs to be addressed.

Second, I would just say that, as we look at even the ability to retain records, most employers do have standard recordkeeping in terms of if you receive a reprimand or an admonishment and how long that is retained. So if we just leave that completely loosey-goosey discretion among managers, where we have already established some of them have been part of this misconduct, then I fear there really will be no accountability and these provisions will not have the teeth in them that they should.

Let me just say that this bill that we have been working on, that did pass out of committee, is something that I have been working on and negotiating for months, working and taking people's concerns into account. It does ensure that, before any employee is subject to having the bonus clawed back, they do have the opportunity for due process. So that is built into this to challenge the underlying claims made against them. But if we put this all into a discretionary basis, then we are just going to be in the same situation that we are right now and not have the teeth that we need in this commonsense measure.

I talked to some of my constituents about this issue, and they can't believe

that we actually have to pass a law to say that if you got a bonus and you committed misconduct—in fact, one of the reasons you got the bonus is because of the misconduct, because you manipulated the wait list—yes, you can give that money back, and you shouldn't be receiving a bonus. It is kind of shocking that this isn't just common sense. But right now the VA Secretary does not have this authority.

Our veterans deserve better. This is plain common sense. I am disappointed that the modification that was sought on the floor would weaken this commonsense bill. I am going to continue to fight for more accountability in our VA. But let's have some common sense in all of this. We shouldn't be rewarding our employees who are committing misconduct for the very conduct that they are committing and that unfortunately is harming our veterans who have done so much for this Nation.

I am the granddaughter of a World War II veteran. My husband is an Iraq veteran. I have had the privilege in my job of meeting so many of our veterans, both current Active-Duty military and those who have served in conflicts going back to World War II. There is no greater example of patriotism and what makes our country great than our veterans. Really, if we think about what has happened in our VA and how shameful it is, this is something that we need to make sure we get right once and for all for those who have defended this Nation and who really show us what it means to be an American.

So I am going to continue to fight for such a commonsense piece of legislation, but I hope my colleagues will join me in this so that we can make sure that the VA performs its mission, which is to give our veterans the best care they can receive and that they certainly have earned defending our great Nation.

Thank you, Mr. President.

Mr. CARDIN. Mr. President, I appreciate the hard work Senator AYOTTE has put into her bill and her willingness to work across the aisle with the ranking member of the Veterans Affairs Committee, Senator BLUMENTHAL, and Senator BROWN. Since I objected to her unanimous consent request and she objected to my counteroffer, I would like to take a few moments to outline my concerns about her bill and explain why I offered a complete substitute amendment that reflects those concerns and an amendment to change the title.

At the outset, I want to make it clear that I do not condone malfeasance by any Federal executive or employee. The well-documented problems at the Veterans Administration, VA, are particularly troubling because they harmed the men and women who have defended our Nation—and their families. That is unacceptable.

There is an old proverb, "You can fix the blame or you can fix the problem." Actually, VA Secretary Robert McDonald, his leadership team, and the VA rank-and-file are doing both.

To that end, I would encourage my colleagues to read the December 9, 2015, testimony of Sloan D. Gibson, Deputy Secretary of the Department of Veterans Affairs, before the House Committee on Veterans' Affairs.

In the context of patient access and scheduling data manipulation concerns that came to light at the Phoenix VA Medical Center, Deputy Secretary Gibson reported that, as of October 2015, VA completed 97 percent of appointments within 30 days of the clinically indicated or veteran's preferred date; 91 percent within 14 days; 87 percent within 7 days; and 24 percent on the same day. VA's average wait time for completed primary care appointments is 4 days; specialty care is 5 days; and mental health care is 3 days.

The Veterans Benefits Administration, VBA, completed 1.4 million claims in fiscal year 2015, nearly 67,000 more than the previous year and the highest completion rate in VA history. Fiscal year 2015 marked the 6th year in a row of more than 1 million claims.

VBA reduced its claims backlog 88 percent from a peak of 610,000 in March 2013 to a historic low of 75,122 and reduced inventory 58 percent from a peak of 884,000 in July 2012 to 369,328, 28 percent lower than fiscal year 2014.

The average number of days a veteran is waiting for a claims decision, pending, is 91 days, a 191-day reduction from a peak of 282 days in March 2013 and the lowest average number of days pending in the 21st century. VBA's average days to complete is now 129 days—a 60-day reduction from fiscal year 2014. So VA is improving its services to veterans. That is fixing the problem.

Now, what about VA supervisors and employees who engaged in misbehavior or wrongdoing? There is a popular misconception that you can't get rid of Federal workers. In fact, in fiscal year 2015, 2,348 VA employees were removed, terminated during probation, or retired or resigned with a removal action pending. Over 1,800 of these individuals—or more than 75 percent—were fired. To be clear, these numbers pertain to the entire Department for all infractions and are not limited to the wait list problem.

It is a mistake just to focus on those numbers. As Secretary McDonald and Deputy Secretary Gibson wrote in the January 21, 2016, Wall Street Journal, "You can't fire your way to excellence." But the point here is that punishments have been and are being meted out; people have had their careers ended. That is fixing the blame.

I will briefly outline my concerns with S. 627, even as reported and as it would be modified by the Ayotte and Brown amendments.

First, the bill deprives the Secretary of the discretionary authority needed to manage and discipline the VA workforce appropriately.

Second, the bill establishes new precedents for punishing Federal workers that haven't been thoroughly vet-

ted and may have harmful unintended consequences.

Third the bill has two major components. The first deals with bonuses; the second deals with employees' personnel records and reprimands and admonishments. The second component was added at mark-up and was not a subject considered when the Veterans Affairs Committee held its hearing on bonuses on May 13, 2015. The Republican leader talks about the need to restore regular order. There ought to be a hearing regarding the second component. And fairness dictates that a witness from a Federal employee union, such as the American Federation of Government Employees, which represents many VA workers, should be invited to testify.

As Senators BLUMENTHAL, MURRAY, SANDERS, BROWN, TESTER, and HIRONO stated in their Minority Views in Senate Report 114-148:

Besides the substantive issues with the provision that we have identified, section 2 of S. 627 was derived from S. 1496, a bill that has not been considered in a legislative hearing. For a significant and controversial provision like section 2 of S. 627, the Committee should have held a legislative hearing to give all Members the opportunity to hear from witnesses and fully understand the consequences of this provision.

I am not objecting simply to object. I would like to work with the junior Senator from New Hampshire to see if we can find common ground, and that is why I sent a substitute amendment and title change amendment, which needs to be done separately, to the desk, and asked her to modify her consent request to reflect these two amendments.

Let me explain exactly what I am proposing. The unanimous consent that has been hot-lined consists of three elements. The first is S. 627 as reported. The second is an Ayotte amendment modifying provisions of that bill dealing with bonuses. The third is a Brown amendment modifying provisions of that bill dealing with reprimands and admonishments.

What I have done is to combine all three elements into a single substitute and modify it to restore to the Secretary some managerial discretion, which I feel is essential for someone charged with running a department the size of a Fortune Six company.

As reported, the title of the bill is "To require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, and for other purposes".

While the wait list problem may have spawned this bill, that title is inaccurate. The bill has no such limitations implied by that title; it applies Department-wide for any offense.

So I propose a simple amendment changing the title to read: "To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to recoup inappropriate bonuses paid to or on behalf of employees of the Department of Veterans Affairs, and for other purposes."

Section 1 of S. 627 as reported and as further modified by the Ayotte amendment prohibits the Secretary from awarding bonuses for 5 years to any employee who is the subject of an "adverse finding." My substitute amendment changes that provision to give the Secretary discretion to withhold future bonuses "until such date as the Secretary considers appropriate."

Now, my language theoretically empowers the Secretary to withhold bonuses for more than 5 years. The point here is to provide the Secretary with the flexibility needed to manage, discipline, and incentivize 340,000 people in an appropriate fashion. I wonder if there is any Senator who has managed a workforce as large as the VA's and, if so, would have preferred surrendering his or her discretion to make personnel decisions as he or she thought necessary.

Section 1 of S. 627 as reported and further modified by the Ayotte amendment of the bill states in part that:

The Secretary may base an adverse finding . . . on an investigation by, determination of, or information provided by the Inspector General of the Department or another senior ethics official of the Department or the Comptroller General of the United States . . .

I believe the Secretary must base an adverse finding on an independent determination. As I have stated, I fully support increasing accountability at the VA—and that includes making sure that a VA employee does not receive a bonus while engaging in misconduct.

Senator AYOTTE's bill, however, does not require the Secretary to base an adverse finding on the determination of an independent decisionmaker. My amendment would cure this defect and set appropriate limits by requiring the Secretary to base an adverse finding on an independent determination. By doing so, it would ensure that bonus bans are not arbitrary.

Section 1 of S. 627 as reported and further modified by the Ayotte amendment requires the Secretary to recoup bonuses paid to employees if they are subsequently subject to an adverse finding with respect to the years during which the bonuses were awarded.

Furthermore, section 1 requires VA employees to certify that they will repay any bonus received during a year in which an adverse finding may subsequently be made.

These provisions raise many unanswered questions, including how such actions would be treated with respect to determining Federal and State tax liabilities. But I have left these provisions unchanged.

Section 1 of S. 627 as reported and further modified by the Ayotte amendment states that "The Secretary may promulgate such rules as the Secretary considers appropriate to carry out this section."

Considering the unprecedented nature of the sanctions in section 1, I believe it is imperative that the Secretary engage in a formal rulemaking

to allow all interested parties the opportunity to weigh in with their concerns and suggestions.

S. 627 is characterized as a legislative response to a specific management crisis at the VA. Yet it sets several new precedents and penalties that will be applied in a much broader context. As such, I believe it would be appropriate to sunset the bill after 3 years to encourage Congress to revisit whether it is an appropriate legislative remedy to the “wait list” problem at the VA and whether the bill is causing any adverse unintended consequences.

My original proposal to the junior Senator from New Hampshire included two sunset provisions, for section 1 and for section 2, which I will discuss momentarily. Senator AYOTTE objected to the sunset provisions, so I have removed them from my substitute amendment at the desk.

Section 2 of S. 627 as reported and further modified by the Brown amendment requires the Secretary to retain reprimands and/or admonishments in the personnel records of affected employees for a minimum of 5 years. While this is a significant improvement over the original provision, which was to retain such actions permanently, it is still problematic.

First, as I mentioned previously, this provision was added after the Veterans Affairs Committee conducted its hearing and, consequently, hasn’t been sufficiently considered.

Furthermore, Active-Duty personnel can request that reprimands be removed from their military personnel records jackets, MPRJs, at any time, and reprimands can only remain in the MPRJ for a maximum of 3 years.

One in three VA employees is a veteran. Should someone have fewer rights to clear his or her personnel record as a civilian than he or she had while serving on Active Duty?

Section 2 of the bill is unlikely to increase accountability at the VA. However well intentioned the provision may be, it is much more likely to cause significant increases in taxpayer-funded litigation costs because the VA will no longer be able to resolve routine personnel disputes through Clear Record Settlement Agreements, CRAs. The Merit Systems Protection Board, MSPB, reported in 2013 that 95 percent of agency representatives resolved disputes using Negotiated Settlement Agreements, NSAs, and 89 percent of these agreements involved CRAs.

Quoting again from the Minority Views I referred to previously:

In testimony before the House Committee of Veterans’ Affairs, VA noted that it is the standard practice across the Federal government, including the Department of Defense, for letters of reprimand and/or admonishment to be retained on a time-limited basis. According to VA, making letters of reprimand or admonishment permanent would prevent VA managers from “settling workplace grievances with employees with terms that would limit the amount of time these documents remain in the employee’s permanent record,” and it would restrict VA man-

agers from removing these documents as a “term of settlement.” Both of these tools are frequently used by VA managers to “resolve complaints before they go into costly and high-risk” litigation. These tools also allow VA managers to promote good performance of employees “because they are usually conditioned upon no further misconduct of the type that initially led to the reprimand or admonishment.”

Given all of these problems with section 2, even as it has been significantly improved by the amendment offered by the senior Senator from Ohio, I come back to the basic proposition that the Secretary must have sufficient discretion when it comes to managing the VA workforce. My amendment gives the Secretary that discretion by allowing, not mandating, that reprimands and/or admonishments may be retained for 5 years. Note that this still represents a significant departure from current practices government-wide. And, as I mentioned a moment ago, I originally proposed sunseting section 2 after 3 years, but I removed that provision from the current version of the substitute amendment.

I sincerely believe these changes are reasonable and improve S. 627, and I hope the junior Senator from New Hampshire will ultimately agree.

To reiterate, no one condones what happened at the VA. But it is important to acknowledge that accountability is being restored and the miscreants are being punished.

As Secretary McDonald and Deputy Secretary Gibson wrote in the Wall Street Journal:

You can’t fire your way to excellence. You have to inspire the people you keep to do better, and you have to recruit and inspire new talent. You can’t do either by capriciously punishing people on the basis of unsubstantiated rumors, complaints or media reports . . . Neither we nor anyone else can accomplish the VA’s mission of caring for veterans by depriving VA employees of basic fairness. To do right by veterans, we must do right by VA employees. We will do right by both, whatever the consequences.

I am privileged to represent 130,000 civilian federal workers, including members of the Senior Executive Service, SES; other senior managers; and rank-and-file employees who work in Maryland. Tens of thousands more live in Maryland or live and work in Maryland. Nearly 20 percent of these individuals have already served our Nation in uniform. Overwhelmingly, these individuals are hard-working, dedicated, and patriotic Americans who perform critical missions under difficult circumstances. In the last 5 years, civilian Federal workers have “contributed” \$182 billion to deficit reduction. They have endured a 3-year pay freeze. They lost \$1 billion in pay due to furloughs related to sequestration. They have been forced during government shutdowns to stay home against their will or to work without being paid on time. And they have been victimized by data breaches that have compromised their most sensitive personal information—some of which the Washington Post reported on January 31, 2016, has

literally been provided to the Islamic State terrorist group.

While we can and will disagree on the proper size and scope of the Federal Government, I would hope we can all agree that we want the “best and brightest” to perform critical missions such as providing our veterans with the care they have earned so valiantly. This is especially true with regard to the senior executives entrusted with managing large workforces and multi-billion dollar budgets.

Depriving or diminishing due process rights at the VA already has caused the number of applicants over the past 3 years for both title 5 SES positions and title 38 equivalent positions to decline significantly.

With respect to VA title 5 SES positions, in fiscal year 2013, there were 8,721 applicants. In fiscal year 2014, that number dropped to 6,908. In fiscal year 2015, it dropped even further to 6,317.

With respect to VA title 38 SES equivalent employees, in fiscal year 2013, there were 1,020 applicants. In fiscal year 2014, that number dropped to 432. In fiscal year 2015, it dropped even further to 228.

One might argue that these declines represent the “winnowing out” of unqualified or underqualified applicants.

I would argue it is just as likely, if not more so, that these declines represent the winnowing out of highly qualified applicants who could have helped to restore greater accountability and better service at the VA, but were discouraged from applying because the deck is being stacked against them.

We all want our veterans to receive the best care possible. So I reiterate my sincere desire to work with the junior Senator from New Hampshire. As I said at the outset of my remarks, I appreciate the hard work Senator AYOTTE has put into her bill and her willingness to work across the aisle with the ranking member of the Veterans’ Affairs Committee, Senator BLUMENTHAL, and Senator BROWN.

Rather than simply leaving the matter here, I would note that the Department of Veterans Affairs has identified several Senate bills that provide the agency with the authority and tools it needs to address what the VA calls “breakthrough priorities” such as: improving the veterans’ experience; improving access to health care; improving community care; developing a simplified appeals process; and reducing homelessness among veterans.

As I understand it, there is an effort underway in the Veterans’ Affairs Committee to develop comprehensive legislation that helps the VA to meet these priorities while also addressing accountability and internal staffing issues. I think it makes sense to work on a comprehensive reform and accountability package bill rather than trying to pass individual bills in a piecemeal fashion, and I look forward to working with the junior Senator

from New Hampshire and every other Senator concerned about our veterans to accomplish this objective in the weeks and months ahead.

Ms. AYOTTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, just a little while ago there was an overwhelming vote to proceed with the FAA bill, the Federal Aviation Administration bill, a very important bill. I know how hard the managers have worked on it—the chairman, the ranking member—and I have a tremendous amount of respect for them. I voted no. Only four of us voted no. It is rare that I do that, and I felt it was important to explain why.

We have in our Nation an amazing system of transportation, and we always have to stay on top of it to make it safer and safer. There is one thing we know without a doubt. We know it intuitively, but we also know it because the National Transportation Safety Board has told us that the No. 1 problem they face in terms of safety is fatigue.

We all know how it is. All of us, regardless of what we do for a living, know how it feels when we are utterly exhausted. We are not making the same decisions we would make. We can't carry them out the way we otherwise would. It is not rocket science. It is sleep science. We know about it because the experts have told us, and the NTSB has told us.

I will show a picture of two planes. They look exactly alike. As our kids say, one of these things is not like the other. Here is a cargo plane and passenger jet. They are the same size. They fly over the same skies. They have pilots whom we trust, whom we count on.

Today, because of special interest pressure, there is a different set of rest rules. The passenger plane pilot can only fly up to 9 hours a day because—rightly so, with all of that responsibility—that pilot has to get rest. The cargo plane pilot flies the same exact plane. That pilot can be on duty up to 16 hours a day before he or she is guaranteed adequate rest.

I know the Presiding Officer has worked very hard in recent months, and I know the energy it took to go out and do what he did. I know what it was like when I was running for the Senate so many times—thank you, California—with almost 40 million people in the State, how hard it was, how much rest was needed to be sharp so we could think. In our work if we make a mistake, it only hurts us, but when a pilot makes a mistake, it can hurt a much larger community because the

cargo plane is flying over the same homes as the passenger jet. How does it make sense to say one can be on duty up to 16 hours and the other cannot, especially when the National Transportation Safety Board has said pilot fatigue is one of the biggest problems we are facing today.

Now one might ask: Can you prove that it is a problem? Yes, I am going to prove it to you. I am going to show a graphic of a conversation that took place between two cargo pilots, the pilot and copilot. This was 2013, and they were over Alabama. These are excerpts from the grave. This is dramatic. It isn't me trying to persuade the Presiding Officer. These are the pilots.

Pilot 1: I mean I don't get that. You know it should be one level of safety for everybody.

Pilot 2: It makes no sense at all.

Pilot 1: No it doesn't at all.

Pilot 2: And to be honest, it should be across the board. To be honest in my opinion whether you are flying passengers or cargo . . . if you're flying this time of day . . . the you know fatigue is definitely. . . .

Pilot 1: Yeah . . . yeah . . . yeah. . . .

Pilot 2: When my alarm went off I mean I'm thinkin', I'm so tired.

Pilot 2: I know.

Look what happened to that plane within hours of that conversation. Look what happened to that plane. This shows what happened, and the pilots are dead.

After the flight recorder was released and this conversation was out, I thought for sure this administration would do the right thing. They did the wrong thing, and the Senate did the wrong thing. This isn't partisan.

We have the Obama administration, which I agree with, and today I heard some amazing news on jobs. I am just saying on this they haven't been right. There ought to be no disparity between a pilot who is flying a passenger jet and a pilot who is flying a cargo jet. The pilots are telling us this. The pilots who are telling us this are not selfish. In fact, many of them are the pilots of passenger jets such as Southwest Airlines—8,000 of them. There are 8,000 of them supporting the Boxer-Klobuchar amendment.

I can't get a vote. That is why I voted no along with three other colleagues who had their reasons. This was my reason. How do we do a bill like this and not address the No. 1 safety issue facing us? I don't get it.

If you don't believe me, fair enough, because I am not a pilot. I admit it. I just trust pilots. What is your choice? You walk on a plane, the pilot is in charge of the aircraft, and you know that pilot wants to land safely. You know that pilot wants to go home to his or her family. You know that pilot has your best interests at heart. Sometimes I am in a rush, and I get on a plane and the pilot says: You know what. We are not going to take off right now because I know there is something wrong in one of the monitors here. It could be nothing, but I put safety first.

Everyone in the plane says: Oh, no. We are going to be late. They get out their cell phones and they call their loved ones, but we know the pilots know what they are talking about. We trust them. I trust them so much I wrote with then-Senator Smith the guns-in-the-cockpit law for pilots. The NRA thinks I am the worst of the worst, but I said I trust pilots. They should have a chance if there is a terrorist on board. I trust them. Why doesn't this administration trust them? Because of special interests that make billions a year—billions.

It is going to cost us a tiny bit more, and it is a tiny bit more. What price would we put on our kids? There is none, for goodness' sake. If it cost a few cents more to ship a package so a pilot doesn't have to fly 16 hours, isn't that the right thing to do?

I will close with a quote from Sully Sullenberger. I think we all remember Sully. Before we show that, let's remind people who he is. We have another chart that shows him. Sully Sullenberger was the "Hero of the Hudson." We remember how he landed his plane in the Hudson River, how he saved all the passengers on that plane and his crew. He is so famous now, he goes all over the world.

He came to the press conference I had with Senator KLOBUCHAR, because she and I are working on this amendment as well as Senator CANTWELL. His words were inspiring because he did not kid around. He said: "Fatigue is a killer." Fatigue is a killer.

You don't have to say any more. If you know fatigue is a killer, then don't say passenger pilots can fly 9 hours but cargo pilots can fly 16. Here is what Sullenberger said when we first introduced our legislation, the Safe Skies Act: "You wouldn't want your surgeon operating on you after only five hours sleep, or your passenger pilot flying the airplane after only five hours sleep, and you certainly wouldn't want a cargo pilot flying a large plane over your house at 3 a.m. on five hours sleep trying to find the airport and land."

Sully said at the press conference that had he been suffering from fatigue on that fateful day that he safely landed that plane in the waters of the Hudson River, if he was suffering from fatigue, he said he never could have done it.

So I can't get a vote on my amendment. It is so simple, even a 6-year-old can understand it. You don't have disparity when you have the same responsibility. You are traveling in the same skies, and a cargo plane can crash into a house or another plane carrying passengers.

I am so disappointed in this administration that they have not done the right thing on this. I am so disappointed in the U.S. Senate that they blocked a vote on this because the special interests don't want to charge 2 or 3 or 4 cents more on their packages. If it is to save lives of our people, this is what I call a classic no-brainer.

So I am here today to explain my vote to my constituents—why I voted no for an FAA bill that otherwise is a good bill. But I want just to make a statement that it is ridiculous not to give me an up-or-down vote. They tied it to other issues that are poison pills: immigration issues, gun issues. Come on. This is the biggest problem—fatigue.

Can't we just get an up-or-down vote on it? I am going to try to do that at every chance I get. Now I am working on a modified amendment to see if we can get it into a package. I don't know whether we can or not. But I want to say to the pilots out there who may be listening to this debate: A lot of us here have your backs.

We are not going to forget about this issue just because the FAA bill is moving forward. We are not going to forget about you. We are not going to forget about what it means when you are fatigued. We are not going to forget about the two pilots who, through the recorder, told us before they crashed that they were exhausted. They addressed the issue of the disparity. We are going to be fighting on this.

If we can't get it done here, maybe some brave soul in the House will do it, and it will wind up in the bill. If we can't get it done legislatively, we are going to try to get it done through the FAA regular order of their rules. Where is the FAA on this? I want to say: FAA, you turned your back on too many safety measures that the NTSB, which is in charge of our safety, has recommended.

It took years to get some simple things done. So while we are working to get a modified amendment—which is not going to be the be-all and the end-all; it just moves us a little bit forward—I just want to send a message that it is rare that I vote no—one of four. It does not happen often.

I view this as a moral issue. I view this as a moral issue for those pilots that are on duty up to 16 hours straight in the middle of the night, where, as Sully Sullenberger said, their circadian rhythms are off, and they are not at the top of their game. They are flying over the airspace of the American people.

I thank the presiding officer so much for his attention. I live to fight another day, another hour, another minute on this.

I want the pilots to know and the flying public to know and everyone to know they should engage in this issue. There is no disparity between people who do the same work.

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. GARDNER. 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. GARDNER. Mr. President, I rise today in support of the Federal Aviation Administration Reauthorization Act, to talk about the importance of passing this legislation for Colorado and, indeed, the Nation. I commend Chairman THUNE, our colleague from South Dakota, Ranking Member NELSON, Senator AYOTTE, and Senator CANTWELL for their work in crafting this very important piece of legislation.

It is an economic driver, certainly a national security issue, and a number of issues that we are able to address in this legislation of great importance to Colorado and the country. Our Nation's airspace is clearly one of the most important economic drivers that we have. It is important in the movement of passengers and cargo, along with the many other users of airspace, whether it be for agriculture or unmanned aerial systems.

The economic importance of aviation in Colorado cannot be stated enough when it comes to tourism. In 2014 alone, 71.3 million visitors came to Colorado, with \$18.6 billion in economic impact for the State, according to the Colorado Tourism Office. That tourism results in well over 100,000 jobs throughout the State of Colorado.

Many of those 71 million tourists came through Denver International Airport, the nation's fifth busiest and largest commercial airport. In 2014 alone, more than 50 million people passed through Denver International Airport, a State with a population of about 5.5 million—50 million people passing through the fifth busiest airport, with some of these passengers continuing on to one of Colorado's additional 13 commercial airports or 60 general aviation airports.

The economic impact that airports and aviation have throughout the State is absolutely incredible. When you take in the multiplier effect, nearly 300,000 jobs are a result of aviation in Colorado—a payroll of about \$12.6 billion in Colorado, with the multiplier effect, for an economic output of about \$36.7 billion.

In fact, there is one airport, which is the premier business airport of the United States, Centennial Airport in Colorado, surrounded by 23 different business parks, with about 6,000 different businesses surrounding this airport in those 23 different business parks. This airport, those 6,000 businesses, and the 23 business parks around the airport account for nearly 27 percent of Colorado's total gross domestic product.

Think about that. One airport, one business airport, and the businesses that surround it account for nearly 27 percent of Colorado's economy. So whether it is skiing or snowboarding or visiting one of our great national parks, enjoying the outdoors, hiking, camping, fishing, or visiting one of our world-class cities, it is not easily achievable without well-run, maintained, and secured airspace.

These airports connect cities like Denver, CO, to Durango, Colorado Springs, Pueblo, and smaller cities; rural communities like the city I live in, Lamar and Yuma; and to the rest of the country. They help businesses reach beyond the borders of our State. Maintaining our airport infrastructure then becomes one of the most critical functions we can perform.

Communities in Colorado and across the country continue to push their airport infrastructure improvements, betterments, to help realize the full potential, the economic potential, to access that airspace and the access that airspace indeed brings. That is why I am glad to talk about this legislation and the many achievements we were able to accomplish and the provisions I was able to secure and include in the bill to help improve that airport infrastructure, including improvements to the Airport Improvement Program, or AIP, and a study with recommendations on upgrading and improving the Nation's airport infrastructure.

Additionally, I am pleased that this bill includes language that I pushed to help allow improvements to Pena Boulevard, the prime access road to connecting Denver International Airport with the rest of Colorado. If you have been to Denver International Airport and you have driven to downtown Denver, you have driven on Pena Boulevard.

This bill will address the needs, the infrastructure, and the improvements that are needed to make sure that Pena Boulevard remains an efficient, safe roadway to the Nation's fifth busiest airport. It will allow DIA the flexibility it needs and the clarity to ensure the primary access road that Pena Boulevard represents is capable of handling the traffic that comes with increased use of the airport.

The bill also includes language that builds on a successful pilot program for virtual towers and ensures that those towers will be eligible for AIP funding, Airport Improvement Program funding, once certified by the FAA.

It is important because these virtual towers, such as the one at the Fort Collins-Loveland airport area, will allow small- and medium-sized airports to offer commercial service in an economically viable and sustainable way. Northern Colorado really is the gateway to Colorado's energy hub, the gateway to Colorado's biotech, bioscience, and engineering research university hub. By allowing this virtual tower in northern Colorado at the Fort Collins-Loveland airport, we can help expand the opportunity to reach that area for businesses that wish to locate there, for customers who wish to fly into the area, and also for those businesses that are already there to expand, to have further reach around the country and the world.

Another central responsibility of the FAA is to ensure that the airspace is being safely managed while allowing the industries that are dependent on

aviation to thrive. I think this legislation, after months and months of work, really does strike that appropriate balance. I was proud to support amendments during consideration of the bill that I believe will help ensure that the Transportation Security Administration, law enforcement agencies, and security personnel have the resources they need to provide for the safety of the traveling public.

I believe more could and should be done, however. That is why I filed on the floor an amendment to the bill which will improve TSA's operations at our airports by creating a testing location to help TSA and airports to work hand in hand to develop future screening technologies and passenger screening methods to ensure we are able to keep passengers and airports safe.

If you look at the needs that we have at airports, there is the combination of coming into an airport and checking in at an airport gate or kiosk. Most people use their iPhone or their smartphone to have their digital print-out of a ticket. They don't even go to a kiosk anymore; they just go straight to the security line. But as we have seen, we need to have an increase in security from curb to gate.

It is not just a security concern where people may be gathering around the screening or people may be getting in and out of cars or lining up at the desk; it is an overall curb-to-gate security approach that we need. That is what my amendment will accomplish. So I look forward to continuing to work with Senator THUNE and the Commerce Committee on a path forward for this amendment because it is critically important that we address additional security measures to prevent violence like the recent terrorist attack in Brussels from happening and occurring at our airports.

To remind people, the attack in Brussels did not happen on an airplane; it happened outside where passengers were gathering. So if we can address this curb-to-gate security, alleviate the slowdowns and the spots that make it more difficult for efficiency at the airport to get through security—this amendment can help do that—we can avoid danger to the public from those who wish to do our people harm.

The bill includes important certification reforms that will improve the processing of new aircraft designs and modifications at the FAA. This is important because we had an agricultural aviator, a crop duster, in Colorado who was trying to get his plane certified. This is a spray plane. He was trying to get this plane certified, but what he found out was that, first, the FAA was taking a very, very long time to certify his crop duster, to give him the permission to use this plane to spray crops.

After they said they found his application, he ended up in a queue, a line behind United Airlines, behind Frontier Airlines. So, basically, this crop duster in southeastern Colorado had a very small plane, not a passenger plane

by any means. He was put in line with a 747, a 757, and a 767. That is nonsense. It doesn't make any sense, and we were able to address those certification challenges in this bill.

A couple of years ago I requested the inspector general at the FAA to look at what was happening in the Rocky Mountain regional facility in Denver. They pointed to a number of challenges that region had in terms of its management, in terms of its process, and in certification in other areas. We were able to include the suggestions and the changes that the inspector general's report identified in this legislation in the FAA today.

Finally, the legislation, of course, makes key strides in the future of our aviation industry by addressing unmanned aerial systems. We have a number of great areas in Colorado where we can test and where we can certify, and, of course, the need is great—from agriculture to our ski resorts to wildfires. Think about what we can accomplish in the future with unmanned aerial assistance.

I thank the leadership. I thank Senator THUNE, our colleague from South Dakota for the leadership he provided. I thank the Presiding Officer for the work the Presiding Officer has done to make this legislation a success.

With that, I urge support for the legislation. I conclude my remarks on the FAA bill asking Members to support the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from South Dakota.

Mr. THUNE. Madam President, I compliment the Senator from Colorado for his active participation in shaping this bill. Obviously, he is a very active member of our Commerce Committee and cares deeply and passionately about these issues. He was very involved in the issues that he addressed in his remarks and that were incorporated into this. They were simply and purely a credit to his persistence and hard work. They do make this bill much stronger. I appreciate his good work making that possible.

I wish to say again what I had mentioned earlier today, and that is, as Senator NELSON and I put this bill together, it was done in regular order. We had on the order of seven hearings—either subcommittee or full committee—where we took testimony and tried to assemble the best ideas. We worked together with members of the committee, including the Presiding Officer, in shaping a bill that we brought to a markup—getting it to the markup and through the markup. We adopted 57 amendments—34 Democratic amendments and 23 Republican amendments—before it came to the floor. After coming to the floor last week, we have had 19 amendments that have been added. We have another 30 or thereabouts that have been cleared, if we could get objections withdrawn so

that those amendments could get cleared. But we have some other amendments of Members who would like to get votes.

Madam President, I ask unanimous consent that the following amendments be called up and reported by number: Sessions No. 3591; Paul No. 3693, as modified; and Rubio No. 3722; further, that there be 45 minutes of debate concurrently on the amendments, equally divided between the two leaders or their designees, and that following the use or yielding back of time, the Senate vote in relation to the amendments in the order listed with a 60-affirmative-vote threshold required for adoption of the amendments, and that no second-degree amendments be in order prior to the votes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I so admire the managers of this bill. I really do. As a former chairman and ranking member now, I know how hard this is, but this is not a balanced request.

I would just say that I have spoken on the safety of pilot fatigue so many times. I won't reiterate that here. I feel strongly that I want a vote. I know others on our side do as well. I don't think this is balanced. So, sadly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. NELSON. Madam President, in the same spirit of the chairman of the committee, I ask unanimous consent that the following amendments be called up and reported by number: Boxer No. 3489 and Markey No. 3467; further, that there be 45 minutes of debate to run concurrently on the amendments, equally divided in the usual form; and that following the use or yielding back of time, the Senate vote in relation to the amendments in the order listed, with a 60-affirmative-vote threshold required for adoption of the amendments; and that no second-degree amendments be in order prior to the votes.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I would simply say that we have worked to try to get the amendment from the Senator from California a vote. We have tried to get the other amendment referenced by the Senator from Florida, Senator MARKEY's amendment, a vote. But we have Members on our side who also want votes, and the other side is objecting to those votes. So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. RUBIO. Madam President, as you may have heard a moment ago, one of

the amendments that is being objected to from our end is an amendment that I have filed, and I will describe it briefly.

I wish to first describe the issue I am trying to address.

Madam President, I ask unanimous consent to have printed in the RECORD an article entitled "U.S. welfare flows to Cuba" from October 1, 2015.

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

[From the Sun Sentinel, Oct. 1, 2015]

U.S. WELFARE FLOWS TO CUBA

(By Sally Kestin, Megan O'Matz and John Maines with Tracey Eaton in Cuba)

THEY'RE TAKING BENEFITS FROM THE AMERICAN TAXPAYER TO SUBSIDIZE THEIR LIFE IN ANOTHER COUNTRY

Cuban immigrants are cashing in on U.S. welfare and returning to the island, making a mockery of the decades-old premise that they are refugees fleeing persecution at home.

Some stay for months at a time—and the U.S. government keeps paying.

Cubans' unique access to food stamps, disability money and other welfare is meant to help them build new lives in America. Yet these days, it's helping some finance their lives on the communist island.

America's open-ended generosity has grown into an entitlement that exceeds \$680 million a year and is exploited with ease. No agency tracks the scope of the abuse, but a Sun Sentinel investigation found evidence suggesting it is widespread.

Fed-up Floridians are reporting their neighbors and relatives for accepting government aid while shuttling back and forth to the island, selling goods in Cuba, and leaving their benefit cards in the U.S. for others to use while they are away.

Some don't come back at all. The U.S. has continued to deposit welfare checks for as long as two years after the recipients moved back to Cuba for good, federal officials confirmed.

Regulations prohibit welfare recipients from collecting or using U.S. benefits in another country. But on the streets of Hialeah, the first stop for many new arrivals, shopkeepers like Miguel Veloso hear about it all the time.

Veloso, a barber who has been in the U.S. three years, said recent immigrants on welfare talk of spending considerable time in Cuba—six months there, two months here. "You come and go before benefits expire," he said.

State Rep. Manny Diaz Jr. of Hialeah hears it too, from constituents in his heavily Cuban-American district, who tell of flaunting their aid money on visits to the island. The money, he said "is definitely not to be used . . . to go have a great old time back in the country that was supposed to be oppressing you."

The sense of entitlement is so ingrained that Cubans routinely complained to their local congressman about the challenge of accessing U.S. aid—from Cuba.

"A family member would come into our office and say another family member isn't receiving his benefits," said Javier Correoso, aide to former Miami Rep. David Rivera. "We'd say, 'Where is he?' They'd say, 'He's in Cuba and isn't coming back for six months.'"

"They're taking benefits from the American taxpayer to subsidize their life in another country.

One woman told Miami immigration attorney Grisel Ybarra that her grandmother and

two great aunts came to Florida, got approved for benefits, opened bank accounts and returned to Cuba. Month after month, the woman cashed their government checks—about \$2,400 each time—sending half to the women in Cuba and keeping the rest.

When a welfare agency questioned the elderly ladies whereabouts this summer, the woman turned to Ybarra, a Cuban American. She told Ybarra her grandmother refused to come back, saying: "With the money you sent me, I bought a home and am really happy in Cuba."

Cubans on the island, Ybarra said, have a name for U.S. aid.

They call it "la ayuda." The help.

SPECIAL STATUS ABUSED

Increasing openness and travel between the two countries have made the welfare entitlement harder to justify and easier to abuse. But few charges have been brought, and Congress and the Obama Administration have failed to address the problem even as the United States moves toward détente with Cuba.

Cubans' extraordinary access to U.S. welfare rests on two pillars of special treatment: the ease with which they are admitted to the country, and America's generosity in granting them public support.

Cubans are allowed into the U.S. even if they arrive without permission and are quickly granted permanent residency under the 1966 Cuban Adjustment Act. They're assumed to be refugees without having to prove persecution.

They're immediately eligible for welfare, food stamps, Medicaid and Supplemental Security Income or SSI, cash assistance for impoverished seniors and disabled younger people.

Most other immigrants are barred from collecting aid for their first five years. Those here illegally are not eligible at all.

The Sun Sentinel analyzed state and federal data to determine the annual cost of taxpayer support for Cuban immigrants: at least \$680 million. In Florida alone, costs for welfare, food stamps and refugee cash have increased 23 percent from 2011 through 2014.

Not all Cubans receive government help. Those arriving on visas are ineligible, and some rely on family support. And many who receive aid do so for just a short time until they settle in, as the U.S. intended. Cubans over time have become one of the most successful immigrant groups in America.

"They come to the U.S. to work and make a living for their family," said Jose Alvarez, a Cuba native and city commissioner in Kissimmee. "I don't believe that they come thinking the government will support them."

But some take advantage of the easy money—and then go back and forth to Cuba.

A public housing tenant in Hialeah, who was receiving food stamps and SSI payments for a disabled son, frequently traveled to Cuba to sell food there, records show. She admitted to a city housing investigator in 2012 that she "makes \$700 in two months just in the sales to Cuba."

Another man receiving food stamps admitted to state officials "that he was living in Cuba much of 2015."

A recent arrival with a chronic illness got Medicaid coverage and turned to attorney David Batchelder of Miami to help him get SSI as well. But the man was "going back and forth to Cuba" so much that Batchelder eventually dropped the case. "It was just another benefit he was applying for."

Concerns about Cubans exploiting the aid are especially troubling to exiles who came to this country decades ago and built new lives and careers here.

Dr. Noel Fernandez recalls the assistance his family received from friends and the U.S.

government when they immigrated 20 years ago, help that enabled him to find work as a landscaper, learn English and complete his medical studies. Now medical director of Citrus Health Network in Hialeah, Fernandez sees Cuban immigrants collecting benefits and going back, including three elderly patients who recently left the U.S. for good.

"They got Medicaid, they got everything, and they returned to Cuba," he said. "I see people that said they were refugees [from] Cuba and they return the next year."

State officials have received complaints about Cubans collecting aid while repeatedly going to Cuba or working as mules ferrying cash and goods, a common way of financing travel to the island.

Another way of paying for the trips: cheating. Like other welfare recipients, some Cubans work under the table or put assets in others' names to appear poor enough to meet the programs' income limits, according to records and interviews. Some married couples qualify for more money as single people by concealing marriages performed in Cuba, where the U.S. can't access records.

"Stop the fraud please!" one person urged in a complaint to the state. Another pleaded with authorities to check airport departure records for a woman suspected of hiding income. "It would show how many times she has traveled to Cuba."

Florida officials typically dismissed the complaints for lack of information, because names didn't match their records or because the allegations didn't involve violations of eligibility rules. Travel abroad is not expressly prohibited, but benefits are supposed to be used for basic necessities within the U.S.

"Our congressional folks should be looking at this," said Miami-Dade County Commissioner Esteban Bovo Jr., a Cuban American. "There could be millions and millions of dollars in fraud going on here."

MONEY TO CUBA

Accessing benefits from Cuba typically requires a U.S. bank account and a willing relative or friend stateside. Food stamps and welfare are issued monthly through a debit-type card, and SSI payments are deposited into a bank account or onto a MasterCard.

A joint account holder with a PIN number can withdraw the money and wire it to Cuba. Another option: entrust the money to a friend traveling to Cuba.

Roberto Pizano of Tampa, a political prisoner in Cuba for 18 years, said he worked two jobs when he arrived in the U.S. in 1979 and never accepted government help. He now sees immigrants "abusing the system."

"I know people who come to the U.S., apply for SSI and never worked in the USA," he said. They "move back to Cuba and are living off of the hard-earned taxpayer dollars."

He said family friend Gilberto Reyno got disability money from the U.S. and renovated a house in Cuba. The Sun Sentinel found Reyna living in that house in Camaguey, Cuba. He said he was no longer receiving disability, but Pizano and another person familiar with the situation said the payments continue to be deposited into a U.S. bank account. The Social Security Administration would not comment, citing privacy concerns, but is investigating.

Federal investigators have found the same scenario in other cases.

A 2012 complaint alleged a 75-year-old woman had moved to Camaguey two years earlier and a relative was withdrawing her SSI money from a bank account and sending it to her. Social Security stopped payments, but not before nearly \$16,000 had been deposited into her account.

Another recipient went to Cuba on vacation and stayed, leaving his debit card with

a relative. Social Security continued his SSI payments for another six months—\$4,000 total—before an anonymous caller reported he had gone back to Cuba.

One woman reportedly moved to Cuba in 2010 and died three years later, while still receiving SSI and food stamps, according to a 2014 tip to Florida welfare fraud investigators. A state official couldn't find her at her Hialeah home, cut off the food stamps and alerted the federal government.

Former congressman Rivera tried to curb abuses with a bill that would have revoked the legal status of Cubans who returned to the island before they became citizens.

"Public assistance is meant to help Cuban refugees settle in the U.S.," Mauricio Claver-Carone of Cuba Democracy Advocates testified in a 2012 hearing on the bill. "However, many non-refugee Cubans currently use these benefits, which can average more than \$1,000 per month, to immediately travel back to the island, where the average income is \$20 per month, and comfortably reside there for months at a time on the taxpayer's dime."

Rivera recently told the Sun Sentinel that he interviewed welfare workers, Cubans in Miami and passengers waiting for charter flights to Havana. He said he found overwhelming evidence of benefits money going back, especially after the U.S. eased travel restrictions in 2009.

The back and forth undermines the rationale that Cubans are refugees fleeing an oppressive government, Rivera said. And when they return for visits, they boast of the money that's available in the U.S., he said. "They all say, 'It's great. I got free housing. I got free food. I get my medicine.'"

Five Cubans interviewed by the Sun Sentinel in Havana said they were aware of the assistance and knew of Cubans who had gone to America and quickly began sending money back. Two said they believed it was U.S. government aid.

"I don't think it's correct, but everyone does it for the well-being of their family," said one woman, Susana, who declined to give her last name.

Outside welfare offices in Hialeah, the Sun Sentinel found Cuban immigrants who had arrived as recently as three days earlier, applying for benefits. They said family and friends told them about the aid before they left Cuba.

"Back in the '60s, when you came in, they told you the factory that was hiring," said Nidia Diaz of Miami, a former bail bondswoman who was born in Cuba. "Now, they tell you the closest Department of Children and Families [office] so you can go and apply."

CROOKS COLLECT IN CUBA

Miami bail bondswoman Barbara Pozo said many of her Cuban clients talk openly about living in Cuba and collecting monthly disability checks, courtesy of U.S. taxpayers.

"They just come here to pick up the money," Pozo said. "They pretend they're disabled. They just pretend they're crazy."

SSI payments, for those who cannot work due to mental or physical disabilities, go up to \$733 a month for an individual. Most other new immigrants are ineligible until they become U.S. citizens.

Some Cubans try to build a case for SSI by claiming trauma from their life under an oppressive government or the 90-mile crossing to Florida.

Diaz, the former bondswoman, said she has heard Cuban clients talk about qualifying: "Tell them that you have emotional problems. How did you get these problems? Well, trying to get here from Cuba."

Antonio Comin collected disability while organizing missions to smuggle Cubans to

Florida, including one launched from a house in the Keys, federal prosecutors said. Comin claimed he rented the home to celebrate his birthday—after receiving his government check.

Casimiro Martinez was receiving a monthly check for a mental disability—but his mind was sound enough to launder more than \$1 million stolen from Medicare. Martinez was arrested at Miami International Airport after returning from a trip to Cuba.

Government disability programs are vulnerable to fraud, particularly SSI, with applicants faking or exaggerating symptoms. Some view SSI as "money waiting to be taken," said John Webb, a federal prosecutor in Tennessee who has handled fraud cases.

While benefits are supposed to be suspended for recipients who leave the United States for more than 30 days, the government relies on people to self-report those absences, and federal audits have found widespread violations.

The government could significantly reduce abuses by matching international travel records to SSI payments, auditors have recommended since 2003. The Social Security Administration and Department of Homeland Security are still trying to work out a data sharing agreement—12 years later.

Jose Caragol, a Hialeah city councilman and Havana native, said aid for Cubans "was meant to assist those who were persecuted and want a new life. The bleeding has to stop."

Mr. RUBIO. I will not read the whole article. But I am going to paraphrase from it.

By the way, as to the Democratic amendments that have been proposed and on which the Senator from California has just made a presentation regarding travel issues and pilot hours—she referred to the fact I have traveled extensively over the last year—they are issues I am actually very sympathetic toward. Perhaps we can work together to get her a vote on that amendment, because I think that is a legitimate issue.

Mrs. BOXER. Thank you.

Mr. RUBIO. Let me now talk about the one I want to talk about. This is how the article begins. I talked about yesterday.

Let me back up and explain what people are facing. Today, if an immigrant enters the United States from another country legally and comes here on a green card, with 5-year residency, they cannot receive Federal benefits. If you immigrate to the United States from any country in the world with an immigrant visa legally—not illegal immigration, as illegal immigrants do not qualify for Federal benefits—a legal immigrant to the United States does not qualify for any Federal benefits. There is an exception in the law, however, and that is if you happen to be someone who comes from Cuba without a visa.

There is a law called the Cuban Adjustment Act. When the Cuban Adjustment Act was passed during the Cold War, it was passed so that Cubans who came to the United States fleeing communist oppression were immediately admitted to the United States. In essence, that is why there is really no such thing as an illegal immigrant from Cuba. If a Cuban makes it to the

shores of the United States, they become legal in this country, and a year and a day after they have arrived, they are allowed to apply for a green card. But unlike any immigrant from any part of the world, they are allowed to receive Federal benefits because they are automatically presumed to be refugees. That is a status that I am not trying to change in terms of the Cuban Adjustment Act. I have said that I am open to that being examined, but I am not trying to change that law in my amendment.

I do want to discuss why we should automatically assume at this point that anyone who comes from Cuba is a political refugee. The reason why that now is in doubt is because many of the people who are coming from Cuba, supposedly as refugees seeking to flee oppression, are traveling back to Cuba 15, 20, 30 times a year.

There are people being oppressed politically in Cuba, absolutely. It is one of the reasons why I think the President's policies toward Cuba have been misguided, because they refuse to see that even after this opening to Cuba, the political situation on the island has deteriorated. It has gotten worse, not better. There are absolutely people from Cuba who are coming here as refugees. But we also cannot ignore the fact that many of the people coming from Cuba no longer are coming here for political reasons. The evidence is that shortly after they arrive, they are going back to Cuba 15, 20, 30 times a year. You do not normally travel back to a place where you are fleeing from oppression, much less repeatedly over an extended period of time.

So as a result, we now have a law that basically says that if you come from Cuba, you are automatically entitled to a full platform of Federal benefits.

This is how the article begins:

Cuban immigrants are cashing in on U.S. welfare and returning to the island, making a mockery of the decades-old premise that they are refugees fleeing persecution at home. . . .

Cubans' unique access to food stamps, disability money, and other welfare is meant to help them build new lives in America. Yet these days, it's helping some finance their lives on the communist island.

America's open-ended generosity has grown into an entitlement that exceeds \$680 million a year and is exploited with ease. No agency tracks the scope of this abuse, but a Sun Sentinel investigation found evidence suggesting it is widespread.

Fed-up Floridians—

Where a lot of these Cubans are moving to—

are reporting their neighbors and their relatives for accepting government aid while shuttling back and forth to the island, selling goods in Cuba and leaving their benefit cards in the U.S. for others to use while they are away.

Some do not even come back at all. The U.S. has continued to deposit welfare checks for as long as two years after the recipients moved back to Cuba for good.

It goes on to talk about several people. For example there is a shopkeeper

in Hialeah, FL, where a lot of these folks are coming and moving. He says he hears about it all the time. He is a barber. He has been in the United States for 3 years, and he said:

Recent immigrants on welfare talk of spending considerable time in Cuba—six months there, two months here. “You come and go before benefits expire.”

The article goes on:

The sense of entitlement is so ingrained that Cubans are now routinely complaining to the local Congressman about the challenge of accessing U.S. aid—from Cuba.

What they are complaining about is that they are coming into the office. This is what a former aide to a former Congressman from Miami said: A family member would come into our office and say a family member isn’t receiving his benefits. They would ask: Where is he? And they would say: He is in Cuba, and he isn’t coming back for 6 months.

This is unreal. There are people coming into congressional offices complaining: We are having trouble getting access to our benefits. You ask them why, and they say it is because the person who gets the benefits is not in America; he is in Cuba and he can’t get access to his benefits from Cuba.

One woman told Miami immigration attorney Grisel Ybarra that her grandmother and two great aunts came to Florida, got approved for benefits, opened bank accounts and returned to Cuba. Month after month, the woman cashed their government checks—about \$2,400 each time—sending half to the women in Cuba and keeping the rest.

They kept for themselves a 50 percent commission.

When a welfare agency questioned the elderly ladies’ whereabouts this summer, the woman turned to Ybarra, a Cuban American. She told Ybarra her grandmother refused to come back, saying: “With the money you sent me, I bought a home and I am really happy in Cuba.”

That means your money—the American taxpayers’ money.

Ybarra went on to say that the Cubans on the island have a name for this U.S. aid. It is called “la ayuda,” which means the help.

Cubans are allowed into the U.S. even if they arrive without permission and are quickly granted permanent residency. . . .

As I said earlier, under the 1966 Cuban Adjustment Act, they are automatically assumed to be refugees without having to prove it.

They are immediately eligible for welfare, for food stamps, for Medicaid, and for supplemental social security, or SSI, and also cash assistance for impoverished seniors and for disabled young people.

But let’s be frank, not all Cubans receive government aid. For example, if you come to the United States from Cuba on a visa—because there is a visa lottery and every year the government awards visas to people living in Cuba—you do not qualify for these benefits.

If, however, you arrive in the United States on a raft or if you fly on an airplane to Costa Rica, Honduras, Guatemala, or Mexico and cross the U.S. bor-

der—as is now increasingly happening—then you do qualify for these benefits I have just outlined. So let’s be frank, not everyone who is coming from Cuba is doing this. There are people coming from Cuba who are fleeing persecution, but many are taking advantage of the easy money, and then they are going back and forth to Cuba.

I will give you some examples cited in this article:

A public housing tenant in Hialeah, who was receiving food stamps and SSI payments for a disabled son, frequently traveled to Cuba to sell food there, records showed. She admitted to a city housing investigator in 2012 that she “makes \$700 in two months just in the sales to Cuba.”

And \$700 a month is a lot of money in Cuba.

How does this work? They take the food stamp card. They go to the grocery store. They load up a van with canned goods. They travel back to Cuba. They just got that food with your taxpayer money. They travel back to Cuba with duffel bags full of canned goods, and they sell it in Cuba for a profit—\$700 over a 2-month period.

Another man receiving food stamps admitted to State officials “that he was living in Cuba for much of 2015.”

A recent arrival with a chronic illness got Medicaid coverage and turned to [his] attorney . . . of Miami to help him get SSI as well. But the man was “going back and forth to Cuba” so much that Batchelder eventually dropped the case. “It was just another benefit he was applying for.”

This, of course, concerns people who came to the United States as exiles and are now watching this happen. There is a doctor whose name is Noel Fernandez, and he recalls when his family arrived here from Cuba that the U.S. Government helped them a little. When they immigrated here 20 years ago, he was helped to find work as a landscaper, he was helped to learn English, and he was helped to complete his medical studies. Today he is the medical director of Citrus Health Network in Hialeah.

Fernandez sees Cuban immigrants collecting benefits and then going back, including three elderly patients who recently left the United States for good.

“They got Medicaid, they got everything, and they returned to Cuba,” he said. “I see people that said they were refugees [from] Cuba and they return the next year.”

That is his quote.

State officials—

In my home State of Florida—have received complaints about Cubans collecting aid while repeatedly going to Cuba or working as mules ferrying cash and goods, which is a common way of financing travel to the island.

How that works is, people know you are traveling to Cuba, and they have relatives they want to get money to or clothes to or whatever, and so they pay you. They actually pay you. They give you money and they say: Will you take this with you on your trip to Cuba and deliver it to the people we are trying to get it to? That is why they call them a

mule. Well, from the money you get paid to take these things back to Cuba, that is how you pay for your plane ticket.

Another way of paying for these trips, by the way, is cheating. According to the Sentinel article:

Like other welfare recipients, some Cubans work under the table or put their assets in others’ names to appear poor enough to meet the programs’ income limits, according to records and interviews. Some married couples qualify for more money as single people.

Many of our welfare programs actually give you more money if you are not married because you don’t have to combine your incomes. So because they were married in Cuba, they simply conceal the fact that they are married because the United States can’t access those records. That is another way of cheating.

Now look, “accessing benefits from [someone who is in] Cuba typically requires a U.S. bank account and a willing relative or friend stateside.” By the way, that is just for now because as part of this opening to Cuba, the Obama administration is going to make it easier for there to be banking transactions with Cuba. So what we are facing here, my friends, is that in a very short period of time—once banking becomes regularized with American banks—they will not even need to rely on their relatives in order to get this stuff. All they are going to need is an ATM or debit card or a credit card secured to that account, and you—the American taxpayer—will deposit the welfare check, the SSI, into their bank account, and they will then be conducting transactions or withdrawing the cash from Cuba directly.

So they will not even need a relative to do it, but right now they still need that. “Food stamps and welfare are issued monthly to a debit-type card and SSI payments are deposited into a bank account or onto a MasterCard.” And soon they will be able to use that in Cuba. Then what you need is “a joint account holder with a PIN number who can withdraw the money and wire it to you in Cuba.”

Another option is just to entrust the money to a friend who is traveling to Cuba.

Roberto Pizano of Tampa, a political prisoner in Cuba for 18 years, said he worked two jobs when he arrived in the U.S. in 1979 and never accepted government help. He now sees immigrants “abusing the system.”

He says he has a “family friend,” and this family friend got “disability money from the U.S.” and with the disability money he “renovated a house in Cuba.” The Sun Sentinel found this man. His name is Gilberto Reyno. You know where they found him? They found him living in Camaguey, Cuba. Quoting from the article:

The Sun Sentinel found Reyno living in that house in Camaguey, Cuba. He said he was no longer receiving disability, but Pizano and another person familiar with the situation said the payments continue to be deposited into a U.S. bank account.

Here is another example that Federal investigators found, according to the article:

A 2012 complaint alleged a 75-year-old woman had moved to Camaguey two years earlier and a relative was withdrawing her SSI money from a bank account and sending it to her. Social Security stopped payments, but not before nearly \$16,000 had been deposited into her account.

Another recipient went to Cuba on vacation and then stayed, leaving his debit card with a relative. Social Security continued his SSI payments for another six months—\$4,000 total—before an anonymous caller reported he had gone back to Cuba.

One woman reportedly moved to Cuba in 2010 and died three years later, while still receiving SSI and food stamps, according to a 2014 tip to Florida welfare fraud investigators.

Five Cubans interviewed by the Sun Sentinel in Havana said they were aware of the assistance and knew of Cubans who had gone to America and quickly began sending money back. Two said they believed it was U.S. government aid.

That means this is now spreading through word-of-mouth. So you live in Cuba, you know someone who left for the United States, they qualified for these benefits, and they start coming back and bringing the money with them or sending it back to their relatives, and word gets around. That is why it is not a surprise to read in this article:

Outside welfare offices in Hialeah, the Sun Sentinel found Cuban immigrants who had arrived as recently as three days earlier, applying for benefits. They said family and friends told them about the aid before they left Cuba.

"Back in the '60s, when you came in, they told you the factory that was hiring," said Nidia Diaz of Miami, a former bail bondswoman who was born in Cuba. "Now they tell you the closest Department of Children and Families [office] so you can go and apply."

This is a quote from another bail bondswoman:

Miami bail bondswoman Barbara Pozo said many of her Cuban clients talk openly about living in Cuba and collecting monthly disability checks, courtesy of U.S. taxpayers.

"They just come here to pick up the money," Pozo said. "They pretend they're disabled. They just pretend they're crazy."

SSI payments, for those who cannot work due to mental or physical disabilities, go up to \$733 a month for an individual. Most other new immigrants are ineligible until they become U.S. citizens.

Some Cubans try to build a case for SSI by claiming trauma from their life under an oppressive government or the 90-mile crossing to Florida.

Diaz, the former bondswoman, said she has heard Cuban clients talk about qualifying: "Tell them that you have emotional problems. How did you get these problems? Well, trying to get here from Cuba."

Here is one that should really gall everybody, though these are all bad stories.

Antonio Comin collected disability while organizing missions to smuggle Cubans to Florida, including one he launched from a house in the Keys. Federal prosecutors said. Comin claimed he rented the home to celebrate his birthday—after receiving his government check.

Casimiro Martinez was receiving a monthly check for a mental disability—but his

mind was sound enough to launder more than \$1 million stolen from Medicare. Martinez was arrested at Miami International Airport after returning from a trip to Cuba.

While benefits are supposed to be suspended for recipients who leave the United States for more than 30 days, the government relies on people to self-report those absences, and Federal audits have found widespread violations.

So the only way you can find that someone is actually doing this is they have to call and say: Hey, by the way, I am now living in Cuba, and I am still collecting my checks. Well, that ain't gonna happen. This is an outrage.

Listen, my parents came from Cuba. I live in a community where Cuban exiles are a plurality of the people who live there. So no one can say this is an anti-immigrant thing or a mean-spirited thing. We have the support of every elected Cuban American Member of the House for this idea.

I myself come from a Cuban American family. This is an outrage. It is happening right underneath our noses. Who can be for this? Let me rephrase it. Who can be against doing something about this? We are talking about close to \$700 million a year of American taxpayer money that could be spent right now to deal with the Zika virus issue that we are facing, for example. Instead, this money is being abused. It is being stolen.

So one would think: Wow, that is a commonsense thing; right? People here in the gallery, people at home—if anyone is actually watching C-span—would say: That is common sense. They will do something about it. Yet I can't get a vote on this amendment. I cannot get the Senate to vote on an amendment to stop this practice.

Here is the only thing I am asking. I am asking that if you come from Cuba, you have to prove you are a refugee. Prove that to us. I am not even saying we are not going to let you in. I am just saying that if you come from Cuba using the Cuban Adjustment Act, prove that you have been persecuted in Cuba. That is not hard to do. You were in jail; you were beaten. We know who the people are who are being persecuted. All I am saying is prove that you are a refugee, and then you will qualify for the benefits because we help refugees. But, apparently, that is too much to ask.

Here is the thing. Everybody here comes up to me and says: I am for your amendment. I support what you are trying to do. Great. Why can't we vote on it? We can't vote on it because if we give you your amendment, then we have to give the other side their amendments. And let me just tell you guys that this is why people are so sick of politics.

I don't want to get too much into the weeds on this, but suffice it to say I have spent from April 13 of 2015 through very recently traveling all over this country on another endeavor, and one of the things you hear from people is that they are just angry. They are just fed up. They think: No-

body whom we elect, whom we vote for, whom we send to Washington—nothing ever changes or happens. It doesn't matter. You can vote Republican, you can vote Democrat, or you can vote for a vegetarian. It doesn't matter whom you vote for. Nothing happens. These people don't do anything.

They are right. I have just come here today and laid this out. No one can argue against what I have just said—no one. I challenge any Member of this Senate to come here now—I will give the rest of the time I have apportioned to me—and tell me why changing this is a bad idea. But I can't even vote get a vote on an amendment to change this.

The excuses are long: Oh, we can't do it because we don't want to open the tax portion of the bill because then other people will want their amendments. This is crazy. This is nuts. We can't solve problems. We can't solve something as clear and simple as that. We can't even get a vote. If you want to vote against what I am proposing, vote against it. We can't even get a vote on an amendment like this. It makes no sense.

This is not a small issue. We are talking \$700 million. This is not an issue of national coverage. It is not in the news every day. This is not controversial. This is bipartisan. The chairwoman of the Democratic National Committee, DEBBIE WASSERMAN SCHULTZ, a Congresswoman from Florida, is a cosponsor of this bill in the House. So this is not partisan. It is not about getting anyone elected to anything. I am not running for anything. This is about doing what is right.

This is about being able to go back to my home community and say to people: This abuse has been addressed. But if I go home tonight or tomorrow to Florida and I run into somebody at the grocery store, I can't explain to them with a straight face why the Senate will not give me a vote on this because it makes no sense. If I came to you and said: They are stealing \$700 million a year from you, and here is a very simple way to stop it, you would say: Let's do it. We have to do it. But here they are saying: We can't do it. And no one will tell you why we can't do it, except for some procedural internal Senate thing.

This is ridiculous. This is why people are angry. This is why people are so upset. This is why people have taken on this attitude to get rid of everyone. And I have to tell you, it is hard to blame them after seeing what is happening here now. This is total and complete outrage.

There is another amendment being debated, by the way, by Senator SESSIONS. It is another one of the amendments that was denied a vote. It has to do with the entry-exit tracking system, which basically means that when you come into the United States with a visa—you get a visa to visit the United States for 90 days as a tourist. You want to go to Washington, you want to

go to Disney World, you want to go to New York City, and you have 60 to 90 days to visit the United States. When you arrive, we check you in. But we never check you out. So we never know when or if someone has left.

As a result, today, of the 12 or 13 or 14 million people who are here illegally, about 40 percent or so of them are people who have overstayed their visas. They didn't cross the border illegally. They came on an airplane, and they overstayed their visa.

Everyone says they are in favor of a system that tracks entries and exits so we can crack down on these overstayed visas. Everyone says they are in favor of it. In 2013, the Senate passed a controversial immigration reform bill that I was a part of and we helped craft, and an entry-exit tracking system was part of that bill.

Everyone—Democrat, Republican, liberal, conservative—says they are in favor of doing that. But you can't get a vote on an amendment dealing with it. Again, it makes no sense. This place can't solve anything, and this is ridiculous.

So what happens when you don't solve things for a long time? The problems stack up. The problems stack up and people lose confidence. People lose faith.

Look, I understand this process. I know everyone is not always going to get everything. You are not going to achieve everything you want when you get involved in these issues, but these are commonsense issues. An entry-exit tracking system—of course that makes sense.

By the way, you have to do that on the FAA bill. You have to because that has to do with airports where most of the entry-exits are happening. This issue is drafted to this bill because this bill has a piece of it that deals with the Tax Code and finance. A moment ago, the chairman said we had a lot of debate. They had an open amendment process on the FAA bill, but there is a finance component to this bill that was not offered until it got here. That is what my amendment is drafted on, so I couldn't have offered this in a committee.

I think people come to Washington and watch this process; they hear me explain this thing. They are wondering, there has to be a catch, right? What is the other side of the argument? There is no other side of the argument. There is none. There is none.

Why should you, the people watching, the people here, why should anybody, why should the American taxpayer be giving money to people who don't live here to build houses in another country? That is what is happening right underneath our noses. Forget about passing it. You can't even get a vote on it, for reasons no one can explain.

Do you want to know why people are upset and frustrated with the political process? This is a small but important example of why people are so frus-

trated. I hope this will change. I hope it will change. I hope it will change on this bill because I don't think you can explain with a straight face why something like this can't pass or why something like this can't even get a vote on it. This makes absolutely no sense, but this is what is happening here every single day on a routine basis. When I say "here," I mean in Washington. The result is, people start to scratch their heads and say: You know what. It doesn't matter whom we elect, nothing changes. That explains a lot about the frustrations that are going on in this country. I hope that will change.

HONORING ASSAULT BRIGADE 2506

Madam President, I want to talk about another topic briefly. It is also related to Cuba but on a much different note. It has to do with the Bay of Pigs, which is something that happened a while back. April 17 will mark the anniversary of a significant event in history. It is an event that many in our government over the years have been eager to forget and is often cited as a blemish on our history, but I beg to differ in some ways. The result wasn't what we wanted, but we have a lot to be proud of. I think it has become increasingly important to remember.

Fifty-five years ago this Sunday, on April 17, 1961, there were 1,500 brave volunteers who embarked upon a mission to liberate Cuba from Fidel Castro's oppressive grip. This force was primarily made up of Cuban exiles, but they were a diverse group from all backgrounds within Cuban society.

They knew they would be badly outnumbered and they would face extraordinary odds. Yet these men stormed the beaches of Playa Giron at the Bay of Pigs. They did it for what at the time was their country, Cuba. They did it for their families. They did it for freedom itself. Over the next 4 days, nearly 100 members of the Brigada de Asalto—Assault Brigade 2506—lost their lives—nearly 100 members. Included in that number were four American pilots and five others who were executed. The majority were captured and imprisoned for many months and years and in inhumane conditions.

Though the Bay of Pigs invasion failed, it was a triumph of courage for the brave Cuban exiles at the mission's helm, and it serves as a reminder of an era when the U.S. Government actually embraced America's role as the watchman on the walls of freedom.

Since taking power those many years ago, the anti-American Castro regime has never relented in its attempts to undermine our security and suppress its own people. More than 1 million Cubans have voted with their feet, fleeing the island in search of political freedom or better economic conditions—we just discussed that a moment ago—often coming to the United States.

Many of these refugees are my neighbors, my friends, and constituents. My own parents left Cuba several years before Castro took over, but their lives were nonetheless marred by his rule as

well. The relationships with family and friends and access to their homeland were abruptly severed.

For the nearly 1,500 Cuban exiles who made up the Assault Brigade 2506, Fidel Castro was not the leader of their country. He was what he has always been—a thief and an imposter. They knew liberty was a God-given right, and they needed to do all in their power to reclaim it.

Their story says as much about their own resilience as it does about America. The very building I stand in, and the proud body I am a Member of, would not exist were it not for men like them over 150 years before.

America's Declaration of Independence says of mankind's inalienable rights that "whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government."

Those who undertook the Bay of Pigs invasion fought for their country, not against it. Their cause was a humanitarian cause, a noble cause, in many ways, an American cause. Many of those who were captured and eventually released and exiled to the United States came with nothing—not a penny—and in many cases no English skills. They went to work and embraced America's blessings, but they never forgot their homeland.

Some made it their life's work to promote the cause of a free Cuba. Others went to work on a different endeavor to provide for their families but dedicated countless hours as faithful volunteers of the cause. Many of the former members of the Brigade 2506 would take up arms for the United States, serving in our Armed Forces with the same bravery and distinction they showed at the Bay of Pigs. In doing so, they served as teachers to an entire community.

For example, today in Miami a Brigade 2506 monument and museum now exists as much to commemorate these heroes as they do to educate others. Far from being forgotten, the example of these brave men has inspired others to carry on their work. Their legacy lives, and it lives on among those of us who follow in their footsteps by making their cause of a free Cuba our cause.

Today the spirit of those who paid the ultimate price is alive and well in the brigade's Veterans Association and continues to stand firmly against the Castro brothers' dictatorship. Their spirit is also alive inside Cuba, represented by all those who stand up to the repressive regime and its beatings, detentions, and suppressions of speech. A strong dissident movement within the island refuses to be silenced, demanding change and the right of every human being to be free.

Sadly, this administration has betrayed that spirit of dissension by treating the Castro government as if it were democratically elected. The President's actions have only motivated the dictatorship to increase in

its very nature, but as long as the spirit of the brigade lives on, the dream of a free Cuba will never die.

Following the Bay of Pigs invasion, in December of 1962, President Kennedy delivered a speech in Miami honoring those who fought. Accepting an honor from them in return, he accepted the flag of their brigade. President Kennedy said: "I can assure you that this flag will be returned to this brigade in a free Havana."

That assurance was not made by a man but by a nation. It came with no expiration date. I believe we as Americans owe it to the fearless men who fought at the Bay of Pigs to ensure that their flag, which last touched the shores of Cuba 55 years ago this week, is one day returned to a free Havana and that everything that flag represents—freedom, sacrifice, the dreams of the Cuban people—remains the cause of the United States.

To the veterans of Assault Brigade 2506, thank you for your service and God bless you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator RUBIO for his comments and his heartfelt expressions. It is important, and his amendment is very commonsensical. It deals with a very real abuse that I know he and many Cuban Americans understand to be an abuse and want to see ended. This would be a good opportunity for us to pass it, and I understand Senator RUBIO's frustrations that we seem to be unable to fix problems around this body.

That is my feeling this afternoon, too—this frustration that we are not able to finally take action on things like the entry-exit visa system and complete it, as we promised to do for years. We get very close, but we don't get there. I thank Senator RUBIO for his excellent leadership on this issue and support for the amendment that I have worked on. I think it is very reasonable and an appropriate amendment. It gives plenty of opportunity for us to carry out the necessary program in a reasonable way.

The amendment I submitted will ensure the implementation of the statutorily required biometric exit system. It has been in law for a long time. It was first set in law in 1996—20 years ago. There were at least eight or more times where we mandated this legislation. The first one was in 1996. These requirements were basically ignored. They were eventually modified and then the terrorist attacks of September 11, 2001, occurred.

Congress responded to that by demanding the government implement this entry-exit system when we passed the PATRIOT Act to provide greater security for America. It stated that an entry-exit data system should be fully implemented for airports, seaports, land border ports of entry "with all deliberate speed and as expeditiously as practical." That was in 2001.

If you remember what happened after 9/11, we had a 9/11 Commission—and it was a bipartisan Commission—and that Commission was charged with a serious responsibility of analyzing our immigration system, analyzing our public safety system, our intelligence system, and all kinds of problems that made us more vulnerable than we need to be. One of their recommendations was that we have a system when you come into America on a visa, you clock yourself in—like many workplaces have—and you clock yourself out when you leave the country and your time on your visa expires. Then the United States would know who would come and who had exited.

Of course, we also know, if you recall back to that day, a number of the 9/11 attackers who killed 3,000 Americans came on visas lawfully. Several of them overstayed with the visas they had. So this was the response.

We have the capability of doing this. We have had the capability for many years, and it has not happened. Ten years after 2001, the 9/11 attack, the 9/11 Commissioners met again. The purpose of their meeting was to ascertain how much of what they had recommended had actually been accomplished by the U.S. Government. One of the very first things they noted was the failure to complete the exit system. This is why it has become such a big issue.

In 2002 we passed a law that further moved forward with the system. It required the government to install biometric readers and scanners at all ports of entry of the United States. In fact, we have a system to collect biometric information from individuals who wish to enter the country, but oddly we don't have the exit system. Why is it so much harder to have a system to allow you to document your exit than it is to document your entry? This is a serious problem.

Subsequently, and consistent with the recommendations of the 9/11 Commission, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004, which mandated the entry-exit system be complete and be biometrically based. That is different from biographic. In a biographically-based system, you give your Social Security number and name and they check to see if somebody has a warrant out for your arrest or if you should be on a no-fly list or if you are connected with terrorism or organized crime or drug-dealing gangs or whatever is in our systems. You can just give a false name. That is not a very secure system at all.

What the 9/11 Commission correctly concluded was, if you used a biometric system where they read your fingerprints, somebody couldn't come in and say they are John Jones and they are really Ralph Smith, who has a warrant out for his arrest for terrorism somewhere. That is the kind of thing this system was designed to do and can be done.

Despite the relatively successful implementation of a biometric entry system, the Department has largely failed to implement the requirements. To date, the Department of Homeland Security has only implemented a handful of pilot programs. It is not hard to do. Yet they have been dragging their feet for years now. However, there are some promising developments on this system. The Consolidated Appropriations Act of 2016 created a dedicated source of money for implementation of the biometric exit. It has been estimated that this will result in approximately \$1 billion in funds that will be used solely for the implementation of the biometric exit system. That is already in law and required to be a part of our legal and immigration system.

Yet, even with this source of funding, hurdles remain to the implementation of this system. My amendment will remove one of the biggest remaining hurdles to the implementation of the system. It simply states that no funds from this Federal aviation bill, which funds airports, runways, safety systems, and all of those different systems, can be expended "for the physical modification of any existing air navigation facility that is a port of entry or construction of a new air navigation facility intended to be a port of entry, unless the Secretary of Homeland Security certifies that the owner or sponsor of the facility has agreed to a plan that guarantees the installation and implementation of the [biometric exit system] at such facility not later than 2 years after the date of the enactment of the Act." In other words, it gives them 2 years. They have to reach an agreement to actually take steps to fix this problem.

I modified my amendment in an attempt to address some concerns that were raised by the airlines by explicitly referring to the \$1 billion appropriated for this system. We received positive feedback from U.S. Customs and Border Protection, which has to deal with this every day. My amendment also has been endorsed by the Border Patrol Union. They know this is a loophole in our system, a gaping hole in our security. They want to see it completed, and it is long overdue.

The amendment allows the U.S. Customs and Border Protection officers and each airport that serves as a port of entry to create a solution that works specifically for the needs of the CBP and the limitations of each individual airport. It does require, however, that the parties agree to a plan that guarantees the system will be installed and implemented.

The suggestions we have had in response as to the kind of language critics and objectors would like to see—it never has an end date. They say, well, you can begin a pilot project or you can do this, that, and the other, but they never give a date as to when it should actually be completed.

Colleagues, this system can be made to work. In my opinion, it can be implemented in every airport in 6

months. We have companies that have this kind of system that is used all over the place, and even Disney World and Disneyland use a fingerprint system. It is on our cell phones. This is the kind of thing that is really no problem to make happen, but we lack the will and determination to see it through, and we let people who don't like it—special interest groups—push back, and as a result, it somehow never gets completed.

In fact, Homeland Security, airports, and airlines have already had a generous amount of time in which to get this completed. It could be done quickly.

One manufacturer said: We should host a special products day. You should just have a day out here. People think it can't be done. Have a day and ask all the manufacturers around the country to bring forth their equipment that is being used in businesses and places all over the country, such as nuclear plants, and set them up and let us show you what we can do with it.

Another company said: You don't even have to touch a screen. You can wave your hand in front of the screen, and it will read your fingerprints.

These are proven products, and the prices are low and falling and at the most basic level. If Apple and Samsung can put it on their phones, we can certainly do it at the airports.

The special interests also say it will take up a lot of space. It will not take up a lot of space. Police officers have these kinds of fingerprint-reading systems in their automobiles. When they arrest somebody for a crime and want to know if there is a warrant for that person's arrest somewhere around the country, they ask that person to put their hand on the screen. The computer reads it and runs the fingerprint against the National Crime Information Center records. If it says bingo, there is a warrant for his arrest for murder, robbery, or drug dealing, they can detain that person.

CBP can work with larger airports with international terminals and install physical equipment at their international departure gates. It is only the international departure gates. CBP—Customs and Border Patrol—can work with smaller airports and even deploy handheld systems similar to the ones that are in cars at the gates that handle international flights. Ultimately, all passengers exiting the United States need to do is place their hands on a simple screen—or with some devices, just wave their hands at it—and it will biometrically identify the passenger as truly the one shown on the flight documents as exiting the United States.

You can come here with a false document. Terrorists work on these things all the time. Terrorists use false identification. We know there are systems out there making them by the thousands and tens of thousands. But if your fingerprint doesn't match the fingerprint of the person whose name you

are using and it turns out to match somebody who is on a terrorist watch list, then you can stop it and create safety. If a person puts out their hand and there is a hit because the person boarding the plane is on a no-fly list, the passenger can be denied boarding or removed from the plane before it takes off, and their baggage can be removed from the plane before it takes off.

Importantly, the United States will have a unified, automatically produced list of people who departed when their visa said they should depart and a list of people who did not depart when their visa expired.

By the way, colleagues, several years ago the Congressional Budget Office found that 40-plus percent of people illegally in America came by visa. They came legally; they just did not leave. They said that number is increasing. I believe it is increasing rather rapidly, and we are going to see more of it in the future. If you don't have a system to identify people who overstay their lawful entry, then you do not have a lawful system of immigration. It is just that simple.

For a host of reasons, this system should be based on fingerprints.

The former Secretary of Homeland Security and former Governor of Pennsylvania, Secretary Ridge, set up this system some time ago. When I talked to him about it, I told him as a former prosecutor that it needed to be based on the fingerprint system. Some people had other ideas about it, such as eye or facial recognition. These things can technically be done, but they can't run a check on somebody who committed murder somewhere and has a warrant out for their arrest and is fleeing the United States, because our basic law enforcement system only has certain data of people who are wanted for criminal activity. You need to use the fingerprint. It has been proven, it works, and it is used in every criminal justice system in the United States.

When he left office after going round and round about this subject, Secretary Ridge said: I have one bit of advice for my successors, and that is, use the fingerprint. I believe he was totally correct, and it still remains the only real system that will work.

Let's also be aware that numerous countries across the world—including New Zealand, Singapore, and Hong Kong—have been using biometric systems for years. This is nothing new. Others do it, and we can do it too.

Ending this failure has bipartisan support. My subcommittee, the Subcommittee on Immigration and the National Interest, held a hearing on January 20 of this year entitled—I thought it was a pretty good title—"Why is the biometric exit tracking system still not in place?" That is a pretty good question. Well, during the hearing, we got promises from government officials, but there was no commitment that they would actually complete the system. They said: Oh, we are doing

pilot projects. We are considering this and working on it. Well, they have been working on it for 20 years. We had our members who were there—all three Democratic members who were at that subcommittee hearing said they favor this. There is no real opposition to it.

Just a few weeks after the hearing, Secretary Johnson of Homeland Security made public statements directing DHS to begin implementation of the system at our airports by 2018. To begin implementation when? In 2018. There was no promise that it would be completed, and there was no assurance that they were going to make the system a reality. This is at least an acknowledgement that it is needed, but we need a completion date.

It is these kinds of lulling comments that we have heard for years that have resulted in no action. If people in the Senate would like to know why the American people are not happy with the performance of Congress, this is a very good example. Congress promises to fix the problem, even claims we voted for and passed laws to fix a problem, and then it stands by while two decades go by and nothing happens. Why? Well, their special interests speak up. We have lobbyists sending out letters telling Members to oppose the Sessions amendment.

It is time for us to represent the national interest. The time for the special interests is over on this subject. Congress has spoken repeatedly. The American people are getting tired of this. I am getting tired of this. Who runs this place? Elected representatives or some high-paid lobbyist somewhere? They have been dragging this out and fighting it tenaciously with every effort they have had for years, and it has not happened and America is at risk because of it. Airports and airlines are happy to get Federal assistance whenever they can. They better be trying to cooperate and make their airlines even safer than they are today.

It is time to fulfill the promise and commitment we made to the American people. How much longer can this go on? We promised the American people a system that will demonstrably improve our national security. We voted for it time and again. We have bipartisan support for it. If we can get a vote on this amendment, we will see a huge bipartisan majority vote for it. I don't know who would vote against it. But we don't get to vote, and as a result nothing happens for years.

This was noted by the former Commissioners on the 9/11 Commission in a report issued in 2014:

Without exit-tracking, our government does not know when a foreign visitor admitted to the United States on a temporary basis has overstayed his or her admission. Had this system been in place on 9/11, we would have had a better chance of detecting the plotters before they struck.

That is why it is important. We have long known that visa overstays pose a serious national security risk. A number of the hijackers on September 11

overstayed their visas. The number of visa overstays implicated in terrorism since that date is certainly a significant number.

A new poll came out earlier this year that indicates that three out of four Americans not only want the Obama administration to find those aliens who overstay their visas but to also deport them.

Why not? They came here for a limited period of time. We have a law that says they can stay for a certain amount of time. It is not that hard to get a visa to the United States, but shouldn't they leave when their visa is up? Do they just get to stay here and take a job, perhaps from an unemployed American citizen?

The same poll indicates that 68 percent of Americans consider visa overstays as a "serious national security risk" and 31 percent consider visa overstays as a "very serious" national security risk. There is no doubt as to why.

The risk to our national security is too high for us to maintain the status quo. We must fulfill this promise. We must do everything we can to implement the system. I hope that some way, somehow, before this bill goes to final passage—dealing with airports and public safety issues—we fix this problem. Why not? I don't know a single person who opposes it, but we couldn't get the amendment up; we couldn't make it pending. The Democrats objected to it. Now we have an objection to having a vote on it before final passage of the legislation.

So I am frustrated. I have been pushing this for years. Even the Gang of 8 bill had it in there. So this is not something that I think is in any way unreasonable. It is time to bring it to a conclusion. I urge my colleagues: Let's figure out a way to make this happen.

I appreciate Senator THUNE, who is managing the bill. He is definitely for it and wants to see it happen. But right now we have objections from the Democratic side, and we don't seem to be able to get it through.

I urge my colleagues to reevaluate and approve passage of this amendment that should have virtually unanimous support in the Senate.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

FILLING THE SUPREME COURT VACANCY

Ms. KLOBUCHAR. Mr. President, I rise to talk about the opening on the Supreme Court. Today I am going to focus my remarks on how important filling the current vacancy on the Supreme Court is for our system of governance.

When our Founding Fathers drafted the Constitution, they envisioned a system of governance upheld by three branches of government. The Federalist Papers outline this balance of power in detail. In Federalist Paper No. 51, James Madison spoke about the importance of checks and balances among three branches of government. As Madison stated: "It is . . . evident that the members of each department should be as little dependent as possible on those of the others." I don't think we always refer to ourselves as members of a department, but what he meant by this is that there are three departments in our government—the executive branch, the legislative branch, and the judicial branch. In Federalist Papers 78 and 80, Alexander Hamilton wrote about the important role of the Federal judiciary in particular. The writings of the Founders make clear that our democracy only works when all three branches are functioning.

In recent years, gridlock has hobbled the ability of the legislative branch to function. Although we have made some progress in starting to turn that around with the passage of the recent Transportation bill, the Education bill, and the budget, we also have had some very difficult times—fiscal cliff, the government shutdown. We cannot take that dysfunction to the third—as was called by James Madison—department of government, which is the judiciary. We cannot have a Supreme Court that doesn't function, which is exactly what is happening as some continue to obstruct the process, when all we want is a hearing.

We have already witnessed the Court split evenly without a ninth Justice to break the tie this year. These types of decisions can prevent the Court from responding to pressing issues in a timely fashion. In some decisions where there has been a 4-to-4 split, the result is effectively the same as if the Supreme Court never heard the case to begin with.

What if there was an emergency case like we had with *Bush v. Gore*? Again, do we want a 4-to-4 split in a case like that? Justice Kagan has said the current Justices on the Court are doing everything they can to avoid a 4-to-4 split, but that is not how it should work. Often these types of decisions provide less guidance to States, offering them less legal certainty.

Last week I held a meeting of the Steering and Outreach Committee, where I heard firsthand about what a serious issue this is for State and local governments. You have patchwork decisions across the country with perhaps 2 years that will go by before you have a High Court of the land that can decide which case and which decision rules when there is a split in the circuit. You can't continue to have a split on the Court.

As the former chief prosecutor from Minnesota's largest county, I know from my own experience how impor-

tant it is to have an ultimate arbiter to settle the law of the land. Cases challenging critical laws are now before the Supreme Court. We want those laws to rise or fall because the Supreme Court has decided the issue—not because of a 4-to-4 split, not because they were unable to do their job.

More split decisions are not the only risks we are facing. The current vacancy on the Supreme Court also has implications for the number of cases the Court is able to take in the first place.

In March of last year, the U.S. Supreme Court granted certiorari—that means they took the case—in eight cases. This year, it only did so for two cases. The current situation is compromising the integrity of our judiciary. If we allow the Supreme Court to become a casualty of the polarization in our politics, if we let politics impede the Court from having another Justice and from doing its job, people will lose confidence in the Court.

That is what sets our country apart. When you talk to companies across the world that want to invest in different countries, they look at the fact that we have a functioning judiciary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, April 18, notwithstanding rule XXII, the Thune amendment No. 3680 be agreed to; the substitute amendment, as amended, No. 3679, be agreed to; and the Senate vote on the motion to invoke cloture on H.R. 636.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. THUNE. Mr. President, again I say to my colleagues that we made a lot of good headway on the FAA reauthorization bill. Throughout the day today—as we did quite late last night—we have attempted to negotiate a path forward to adopt more amendments. We have a package of amendments that have been cleared. A number of our colleagues wanted votes on their amendments, but there have been objections on both sides of the aisle which prevented us from getting to a final resolution.

This morning we adopted cloture on the substitute with a very big vote, but we still have to have a cloture vote on Monday on the underlying bill, which will occur at 5:30 p.m. So I am here to inform my colleagues that there will be no further rollcall votes during today's

session of the Senate and we will proceed with the cloture vote on the underlying bill at 5:30 p.m. on Monday. Shortly after that vote, I hope to get to final passage on the FAA reauthorization so we can move on to other business in the Senate.

MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

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

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

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Mr. KING pertaining to the introduction of S. 2800 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF MERRICK GARLAND

Mr. KING. Mr. President, I also want to address a second issue while I have the floor, and that is a conversation I had yesterday with Judge Merrick Garland. We had an opportunity to talk in my office for about 45 minutes to an hour. We talked about a wide range of topics: the limits on the President's Executive authority, how the Court should provide oversight to regulatory agencies, the Second Amendment, the role of stare decisis respect for precedence, general judicial philosophy. We talked about a number of issues, and I wanted to share with the Senate some observations from that meeting.

No. 1, the first thing I thought of last night after reflecting upon this conversation is that I used to be in the judge-appointing business. As Governor of Maine, I probably appointed 10 or 15 judges over my 8-year term, maybe more. I don't have a specific number, but I do recall the process which brought prospective judges in by a judicial selection committee, and then I would consider their qualifications and interview them in much the same way I did yesterday.

I always look for the same qualities: first, high intellect; knowledge of the law; nonpomposity—as a young lawyer, I didn't like pompous judges, and I don't like people who uphold themselves, particularly when they are in positions of authority, so a kind of modest demeanor; finally, a temperament whereby they can apply the law and make decisions without any dis-

cernible political or ideological bent. Indeed, as I thought back on the conversation I had with Judge Garland yesterday, I realized that he exactly fit that criteria. Were he an applicant or a candidate for the supreme court in the State of Maine and if I were the Governor, he would be the kind of guy I was looking for.

The other thing I reflected on as I was thinking about the conversation is that I wish the people of America had been looking over my shoulder and had heard the conversation, the questions, heard his answers, studied his body language and how he approached these questions, how his mind works, how he thinks.

I thought about the fact that many of us are having these meetings with the judge over these weeks, Members from both parties, and what we are doing is kind of a slow-motion hearing without the public being able to watch what is going on. I think that is where we are missing the boat on this nomination.

I fully understand the discretion every Senator has to make their own decision on whether this is a nomination that should go forward, but we are denying the American people the opportunity to participate in this process by not having a hearing and allowing them to see and hear and meet Judge Garland. I don't understand that.

Well, I guess I do understand the politics, and I will talk about that in a minute, but I don't understand why we are shutting the people out of this process, because if there was a hearing, it would probably go on for hours, there would be dozens of questions, the Senators could ask all the questions they wanted, and the public and the Senators would be able to observe this man and get a feel for who he is, what he would bring to this job, and the kind of person he is.

I have not made a final decision. If and when he is brought to the floor for a vote, I haven't yet decided how I will vote, although based upon my meeting yesterday and my knowledge of his prior judicial experience and his reputation, I am inclined to say yes. But I want to have a hearing. I want to see how he does in that hot seat where he is asked difficult questions by our colleagues. I want to see the reaction not only of the Senators but of the people of America as they have a chance to meet Judge Garland.

One of the things that concerns me about this process—and ironically Chief Justice Roberts commented on this just a few months ago, before the death of Justice Scalia—is the politicization of the Supreme Court. I am not naive, and I realize the Supreme Court makes important fundamental decisions. It is an important part of our governmental structure and makes far-reaching decisions that have effects on many people across the country. But I am afraid that today we have gotten to the point where the Supreme Court is treated as almost like a third

branch of Congress. It is another political body. Instead of being elected by the people, it is being elected by the Senators, and we are arguing about who gets to elect this so-called swing vote and which way the Court is going to be.

The Supreme Court should not be a political body, period. It should be a body made up of people—my impression of Judge Garland—who are servants of the law, who are students of the law, who are moderate and temperate.

I walked out of our meeting and I thought, this guy is a conservative with a small "c." He is a modest man with a deep knowledge of the law and a razor-sharp intellect but no political or ideological agenda that I could discern. I suspect that if and when—I believe it will ultimately be when—he is confirmed, he will turn into a Justice who will vote on one side of issues sometimes and make certain people happy and others unhappy at other times. I think he is going to be a straight-down-the-middle judge who calls it as he sees it, and I think that is exactly what we need on the Supreme Court today.

The other quality he has demonstrated as chief judge of the circuit court is the ability to bring consensus. By all reports of people who have worked with him—judges, people who have known him—he is a consensus builder. He is not a flamboyant, strong, charismatic kind of guy, but he brings people together. He marshals the court. He works toward unanimity. He is not a dissenter. He is not a firebrand. He is principled, but he is a consensus builder, and we definitely need that.

Five-to-four decisions, whichever way they go, in the long run are not good for the country, in my view, because they divide us and illegitimize the Court as a judicial arbiter of the Constitution as opposed to another political branch of our government.

So I believe what we should be doing is fulfilling our constitutional responsibility—not to vote yes, necessarily. The Constitution does not say the President shall nominate and we shall approve—but to consider and to advise and consent. That involves the simple matter of a hearing and would include the American people in the process.

There is a lot of discussion here of "let's hear from the American people." The way to hear from the American people is to have hearings, let them watch, let them take the measure of this person, and let us know how they think we should carry forth our constitutional responsibility in this case.

He appears to be—from what I know so far—an extraordinary candidate, not ideological, not partisan. I have no idea of his partisan background. I did not even ask him. It occurred to me afterward that perhaps I should have, but I didn't. I know he has worked in the Justice Department. He has been a prosecutor. He has been a private attorney, and he has been a very well respected judge.