

“(v) include a scholarship provided by the institution—

“(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

“(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

“(aa) has no affiliation with the institution; and

“(bb) shares no employees with the institution; and

“(vi) exclude from revenues—

“(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

“(II) the amount of funds the institution received under subpart 4 of part A of title IV;

“(III) the amount of funds provided by the institution as matching funds for any Federal program;

“(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

“(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

“(D) REPORT TO CONGRESS.—Not later than July 1, 2016, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

“(i) the amount and percentage of such institution's revenues received from Federal funds; and

“(ii) the amount and percentage of such institution's revenues received from other sources.”.

(b) PROGRAM PARTICIPATION AGREEMENTS.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking “subsection (e)” and inserting “subsection (d)”;

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking “subsection (h)” and inserting “subsection (g)”;

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking “subsection (a)(27)” in the matter preceding subparagraph (A) and inserting “subsection (a)(26)”.

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking “subsections (a)(27) and (h) of section 487” and inserting “subsections (a)(26) and (g) of section 487”; and

(B) in subsection (b)(1)(B)(i)(I), by striking “section 487(e)” and inserting “section 487(d)”;

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking “section 487(a)(25)” each place the term appears and inserting “section 487(a)(24)”;

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking “section 487(f)” and inserting “section 487(e)”; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(k)(1)), by striking “section 487(f)” and inserting “section 487(e)”.

**SA 4447.** Mr. CRUZ (for himself, Mr. GRASSLEY, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 2943, to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1097. CONSEQUENCES FOR SUPPORTING TERRORISM.**

(a) SHORT TITLE.—This section may be cited as the “Expatriate Terrorist Act”.

(b) LOSS OF NATIONALITY DUE TO SUPPORT OF TERRORISM.—Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)) is amended to read as follows:

“(a) IN GENERAL.—A person who is a national of the United States whether by birth or naturalization, shall lose his or her nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality:

“(1) Obtaining naturalization in a foreign state upon his or her own application or upon an application filed by a duly authorized agent, after having attained 18 years of age.

“(2) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219, after having attained 18 years of age.

“(3) Entering, or serving in, the armed forces of a foreign state or a foreign terrorist organization designated under section 219 if—

“(A) such armed forces are engaged in hostilities against the United States; or

“(B) such persons serve as a commissioned or noncommissioned officer.

“(4) Accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state, a political subdivision thereof, or a foreign terrorist organization designated under section 219 if, after having attained 18 years of age—

“(A) the person knowingly has or acquires the nationality of such foreign state; or

“(B) an oath, affirmation, or declaration of allegiance to the foreign state, a political subdivision thereof, or a designated foreign terrorist organization is required for such office, post, or employment.

“(5) Making a formal renunciation of United States nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State.

“(6) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

“(7)(A) Committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States;

“(B) violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code;

“(C) willfully performing any act in violation of section 2385 of title 18, United States Code; or

“(D) violating section 2384 of such title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them,

if and when such person is convicted thereof by a court martial or by a court of competent jurisdiction.

“(8) Knowingly providing material support or resources (as defined in section 2339A(b) of title 18, United States Code) to any foreign terrorist organization designated under section 219 if such person knows that such organization is engaged in hostilities against the United States.”.

(c) REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE MEMBERS OF FOREIGN TERRORIST ORGANIZATIONS.—The Act entitled “An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the “Passport Act of 1926”, is amended by adding at the end the following: **“SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.**

**“(a) INELIGIBILITY.—**

“(1) ISSUANCE.—The Secretary of State shall not issue a passport or passport card to any individual whom the Secretary has determined, by a preponderance of the evidence—

“(A) is serving in, or is attempting to serve in, an organization designated by the Secretary as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

“(B) is a threat to the national security interest of the United States.

“(2) REVOCATION.—The Secretary of State shall revoke a passport or passport card previously issued to any individual described in paragraph (1).

“(b) RIGHT OF REVIEW.—Any person who, in accordance with this section, is denied issuance of a passport or passport card by the Secretary of State, or whose passport or passport card is revoked or otherwise restricted by the Secretary of State, may request a due process hearing, under regulations prescribed by the Secretary, not later than 60 days after receiving such notice of the nonissuance, revocation, or restriction.

“(c) NATIONAL SECURITY WAIVER.—Notwithstanding subsection (a), the Secretary may—

“(1) issue a passport or passport card to an individual described in subsection (a)(1); or

“(2) refuse to revoke a passport or passport card of an individual described in subsection (a)(1), if the Secretary finds that such issuance or refusal to revoke is in the national security interest of the United States.”.

(d) CONFORMING AMENDMENT.—Section 351(b) of the Immigration and Nationality Act (8 U.S.C. 1483(b)) is amended by striking “(3) and (5)” and inserting “(3), (5), and (8)”.

**NOTICE OF INTENT TO OBJECT TO PROCEEDING ON MAY 26, 2016**

I, Senator JOHN BOOZMAN, intend to object to proceeding to the nomination of Jane Toshiko Nishida, to be an Assistant Administrator of the Environmental Protection Agency; dated May 25, 2016.

## PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Scott Fletcher, a Government Accountability Office detailee to the Senate Armed Forces Committee, have floor privileges during the consideration of S. 2943, the National Defense Authorization Act for fiscal year 2017.

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

Mr. COONS. Mr. President, I ask unanimous consent that Kimberly Knackstedt, a fellow in Senator MURRAY's Health, Education, Labor, and Pensions Committee office, be granted the privileges of the floor for the remainder of this Congress.

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

Mr. TILLIS. Mr. President, I ask unanimous consent that Beau Diers and Lauren Fish, defense legislative fellows in the office of Senator COTTON, be granted the privilege of the floor during consideration of S. 2943, the National Defense Authorization Act.

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

Mr. TILLIS. Mr. President, I ask unanimous consent that Elizabeth Joseph, a Health Policy Fellow in the office of Senator COCHRAN, be granted the privilege of the floor for the remainder of the 114th Congress.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc the following nominations: Calendar Nos. 506 and 507 only, with no other executive business in order.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Jennifer Choe Groves, of Virginia, to be a Judge of the United States Court of International Trade; and Gary Stephen Katzmman, of Massachusetts, to be a Judge of the United States Court of International Trade.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. LEAHY. Mr. President, today the Senate is considering the nominations of Gary Katzmman of Massachusetts and Jennifer Choe Groves of Virginia to fill judicial vacancies on the U.S. Court of International Trade. It is a step in the right direction that the majority leader has agreed to take these nominations, but two other nominees to the Court of International Trade remain pending on the Senate floor. There is no good reason we cannot also confirm these nominees today.

I support the confirmation of both highly qualified nominees. Since 2004,

Gary Katzmman has served as an Associate Justice of the Massachusetts Appeals Court, the State's second highest court. Before joining the bench, Justice Katzmman served for over 20 years as an Assistant U.S. Attorney for the U.S. Attorney's Office for the District of Massachusetts. In addition to his superb credentials, Justice Katzmman's family is part of our Nation's history of providing refuge to those fleeing persecution. Justice Katzmman's father and grandmother came to the U.S. as refugees from Nazi Germany.

Jennifer Choe Groves has over 20 years of legal experience working in private practice and the government, having served in the New York District Attorney's Office and in the Office of the U.S. Trade Representative. When confirmed, Ms. Groves will be the first Asian American and Pacific Islander judge to serve on the U.S. Court of International Trade.

While the Senate is taking up these nominees today, the majority leader has allowed just 18 judicial nominees to be confirmed since Republicans took over the Senate majority last year. Contrast this dismal record to the last 2 years of George W. Bush's administration, when Democrats were in control. At this same point in the Bush Presidency, Democrats confirmed 68 of President Bush's judicial nominees.

Senate Republicans have allowed only a trickle of judicial confirmations despite the fact that, under their watch, judicial vacancies have nearly doubled from 43 to 85. Of these, 29 have been designated as judicial emergencies where caseloads are unmanageably high and the administration of justice is strained.

The harm that Republican obstruction has wrought on our Federal courts extends from the trial courts across America to our Nation's highest court. Today marks 82 days since Chief Judge Merrick Garland was first nominated to fill a vacancy on the Supreme Court. Under the Senate's recent timeline for considering judicial nominees, Chief Judge Garland should have received a hearing and a vote by now. Instead, Senate Republicans have continued as their party standard bearer has said to "delay, delay, delay." This has resulted in a diminished eight-member Supreme Court that has been repeatedly unable to serve its highest function under our Constitution.

It is the Senate's duty to ensure our independent judiciary can fully function. I hope Senate Republicans understand that obligation and act on Chief Judge Garland's nomination, as well as the 22 judicial nominations that will still remain languishing on the Senate floor after today.

Mr. McCONNELL. Mr. President, I know of no further debate on the nominations.

The PRESIDING OFFICER. Hearing no further debate, the question is, Will the Senate advise and consent to the Groves and Katzmman nominations en bloc?

The nominations were confirmed en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

## LEGISLATIVE SESSION

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

## AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE SENATE CHAMBER

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 484, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 484) authorizing the taking of a photograph in the Senate Chamber.

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

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 484) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

## AUTHORIZING APPOINTMENT OF ESCORT COMMITTEE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Narendra Modi into the House Chamber for the joint meeting at 11 a.m. on Wednesday, June 8, 2016.

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

## ORDERS FOR TUESDAY, JUNE 7, 2016

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, June 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader