

S.J. RES. 5

At the request of Mr. UDALL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 16

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S.J. Res. 16, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 35

At the request of Mr. FLAKE, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S.J. Res. 35, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of Labor relating to "Interpretation of the 'Advice' Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act".

S. CON. RES. 46

At the request of Mr. NELSON, the names of the Senator from Florida (Mr. RUBIO), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Arkansas (Mr. BOOZMAN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Illinois (Mr. KIRK), the Senator from Massachusetts (Mr. MARKEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Mr. PETERS), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 46, a concurrent resolution expressing support for the goal of ensuring that all Holocaust victims live with dignity, comfort, and security in their remaining years, and urging the Federal Republic of Germany to continue to reaffirm its commitment to comprehensively address the unique health and welfare needs of vulnerable Holocaust victims, including home care and other medically prescribed needs.

S. RES. 508

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 508, a resolution expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel.

S. RES. 515

At the request of Mr. CARDIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 515, a resolution welcoming Prime Minister Lee Hsien-Loong to the United States and reaffirming Singapore's strategic partnership with the

United States, encompassing broad and robust economic, military-to-military, law enforcement, and counterterrorism cooperation.

S. RES. 521

At the request of Ms. AYOTTE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 521, a resolution expressing support for the designation of September 2016 as National Ovarian Cancer Awareness Month.

S. RES. 526

At the request of Mr. GARDNER, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Res. 526, a resolution calling for all parties to respect the arbitral tribunal ruling with regard to the South China Sea and to express United States policy on freedom of navigation and overflight in the East and South China Seas.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. CRUZ, Mr. TILLIS, Mr. BOOZMAN, Ms. AYOTTE, Mr. BARRASSO, and Mr. PORTMAN):

S. 3184. A bill to protect law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, yesterday I had the privilege of attending a memorial service for the brave Dallas police officers who lost their lives almost a week ago. It was a fitting tribute to these courageous men who fought evil and who made the ultimate sacrifice.

Through such a sad and tumultuous time, the brave leadership of Mayor Mike Rawlings and Police Chief Brown has been a constant source of inspiration.

A number of people have stopped me in the hallway and said: Have you seen or heard this police chief in Dallas?

I said: Absolutely.

Have you seen the sort of leadership and the calming influence Mayor Rawlings has provided in a time where people are confused, distraught, angry? It has been very impressive. They have gone above and beyond the call to bring as much comfort to the city as they possibly can. While they have shown the world what poise under pressure looks like, I want to say how proud I am of their dedication to the people of Dallas and their steady and unwavering hand.

The events of last week serve as a terrible reminder that our law enforcement officers face multiple threats in their line of duty every day and that some twisted, deranged individuals will stop at nothing to target them.

Mayor Rawlings was right yesterday when he said that the officers in Dallas did nothing wrong. He is absolutely right. They were just doing their job.

Here is what I would like to hear a little bit more about from our leaders here in Washington and around the

country: There is no justification—zero, zip, nada—no justification for violence against police officers. There is none. You can't justify what happened in Dallas with something that happened in Ferguson, in Baltimore, or some other place around the country.

Chief Brown said that what we need to do is not paint with a broad brush the 99 percent of police officers who do what they should be doing in a brave and heroic sort of way because of the actions of the 1 percent or whatever the rogue individual might be. What he said we need to do is to hold the officers who do misbehave, who don't respect the communities they are serving, and who cross the line—we need to hold them accountable, and he is exactly right.

What I hope we will hear more about, as the President talked about yesterday, is the importance of having this national discussion about race, about law enforcement. What I hope we hear more of is some clarity from our national leaders. Our police officers in Dallas were doing nothing more than keeping order and protecting civilians in peaceful protests.

The supreme irony in Dallas is that the people protesting were part of Black Lives Matter. Who was protecting them? The very police officers targeted by this deranged shooter.

Actually, as President Obama acknowledged yesterday, the Dallas Police Department is a national model for how to deescalate conflict in communities and work with communities to reduce crime. Again, it is another irony that this terrible tragedy occurred there against that department.

In the aftermath of this great national tragedy, we do need to come together as a country and have some uncomfortable discussions, perhaps. We need to get beyond the talking points in our comfort zone. But the one thing we need to do absolutely is to come together to show our support for those who get up every morning, put on their badge, and walk out the door not knowing if they will come home at the end of the day. We can do that by sending a clear message that America will not tolerate those who seek to kill those who are duty-bound to defend us. We will not stand for it. This should go without saying.

In the aftermath of the Dallas attack, we have another chance to stand up for law enforcement and stand united for policies that better support them.

Today I am introducing legislation with our colleague from North Carolina, Senator TILLIS, and our colleague from Texas, Senator CRUZ, called the Back the Blue Act, which would do just that.

Many folks have seen the hashtag "Back the Blue" on social media, online. It is a small way for Americans to show their solidarity with our law enforcement officials and their families following this tragedy, and that is where this legislation gets its name.

The Back the Blue Act would create a new Federal crime for killing or attempting to kill a Federal judge, a law enforcement officer, or someone funded by Federal funds—a federally funded public safety officer. Under this bill, an offender would be subject to a range of penalties, from a minimum of a 30-year mandatory minimum sentence for murder ranging up to the death penalty.

I think it is more important than ever for us to make this kind of clear and unequivocal statement about our support for law enforcement. This is the very glue that holds our country together, and without the safety and security they provide, none of our other freedoms are really possible.

The Back the Blue Act would also create a new crime for assaulting a law enforcement official and create a new law prohibiting the fleeing to avoid punishment for assaulting a law enforcement official. As I said, there is no excuse, no justification—none whatsoever—for attacking a law enforcement officer. Most of us learned that from our parents while growing up, but apparently some people didn't learn that lesson, and we ought to make clear to those who did not get the memo, who did not learn that lesson, that assaulting a law enforcement officer is absolutely beyond the pale.

We need to show that we value the lives of our law enforcement, and we need to make it absolutely clear that we will hold those who carry out crimes against them accountable. The Back the Blue Act would do that.

The Back the Blue Act would also expedite court proceedings for cases that involve the death of a public safety officer.

It would make sure criminals aren't rewarded for committing a crime by recovering money damages from injuries they sustained while committing a felony or violent crime.

It would help strengthen our communities by allowing grant funding to be put toward efforts to foster more trust between police and those around them. This is something I am particularly proud of that has been happening in Dallas under Mayor Rawlings and Chief Brown. They make it absolutely clear that the responsibility of the law enforcement official is not to sit in their police car and wait for something to happen, to wait for someone to call; they believe in community policing, making sure law enforcement mixes and intermingles with the very people they are supposed to protect. Frequently, those same people can be the eyes and the ears that provide essential information to law enforcement so they can prevent criminal acts from occurring in the first place.

The final thing I would mention that this legislation would do is it would allow law enforcement officers to carry firearms in Federal facilities.

These are not expansive proposals; they are tailored measures that would better serve the men and women who serve our communities every day.

If now is not the time to show our support for law enforcement, when is? With the attention of the Nation riveted on events like those that occurred in Dallas, I think it is critically important that we take advantage of this opportunity to make this statement of solidarity.

Yesterday President Obama stressed the need to translate our words and prayers into action. This legislation is responsive to what the President said. It is one thing to offer people our best wishes and our thoughts and prayers; it is another thing to actually do something about it. This legislation does that.

I hope my colleagues will join me in supporting this legislation. We can do more for our police officers and their families, and we can start with the Back the Blue Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3184

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Back the Blue Act of 2016”.

#### SEC. 2. PROTECTION OF LAW ENFORCEMENT OFFICERS.

(a) KILLING OF LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 1123. Killing of law enforcement officers

“(a) DEFINITIONS.—In this section—

“(1) the terms ‘Federal law enforcement officer’ and ‘United States judge’ have the meanings given those terms in section 115;

“(2) the term ‘federally funded public safety officer’ means a public safety officer or judicial officer for a public agency that—

“(A) receives Federal financial assistance; and

“(B) is an agency of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

“(3) the term ‘firefighter’ includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew;

“(4) the term ‘judicial officer’ means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers;

“(5) the term ‘law enforcement officer’ means an individual, with arrest powers, involved in crime or juvenile delinquency control or reduction or enforcement of the laws;

“(6) the term ‘public agency’ includes a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32; and

“(7) the term ‘public safety officer’ means an individual serving a public agency in an

official capacity, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew.

“(b) OFFENSE.—It shall be unlawful for any person to—

“(1) kill, or attempt or conspire to kill—

“(A) a United States judge;

“(B) a Federal law enforcement officer; or

“(C) a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties; or

“(2) kill a former United States judge, Federal law enforcement officer, or federally funded public safety officer on account of the past performance of official duties.

“(c) PENALTY.—Any person that violates subsection (b) shall be fined under this title and imprisoned for not less than 10 years or for life, or, if death results, shall be sentenced to not less than 30 years and not more than life, or may be punished by death.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 51 of title 18, United States Code, is amended by adding at the end the following:

“1123. Killing of law enforcement officers.”.

(b) ASSAULT OF LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 120. Assaults of law enforcement officers

“(a) DEFINITION.—In this section, the term ‘federally funded State or local law enforcement officer’ means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws (including a police, corrections, probation, or parole officer) who works for a public agency (that receives Federal financial assistance) of a State of the United States or the District of Columbia.

“(b) OFFENSE.—It shall be unlawful to assault a federally funded State or local law enforcement officer while engaged in or on account of the performance of official duties, or assaults any person who formerly served as a federally funded State or local law enforcement officer on account of the performance of such person's official duties during such service, or because of the actual or perceived status of the person as a Federally funded state or local law enforcement officer.

“(c) PENALTY.—Any person that violations subsection (b) shall be subject to a fine under this title and—

“(1) if the assault resulted in bodily injury (as defined in section 1365), shall be imprisoned not less than 2 years and not more than 10 years;

“(2) if the assault resulted in substantial bodily injury (as defined in section 113), shall be imprisoned not less than 5 years and not more than 20 years;

“(3) if the assault resulted in serious bodily injury (as defined in section 1365), shall be imprisoned for not less than 10 years;

“(4) if a deadly or dangerous weapon was used during and in relation to the assault, shall be imprisoned for not less than 20 years; and

“(5) shall be imprisoned for not more than 1 year in any other case.

“(d) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively

unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(e) **STATUTE OF LIMITATIONS.**—

“(1) **OFFENSES NOT RESULTING IN DEATH.**—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

“(2) **OFFENSES RESULTING IN DEATH.**—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.”.

(2) **TABLE OF SECTIONS.**—The table of sections for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“120. Killing of law enforcement officers.”.

(c) **FLIGHT TO AVOID PROSECUTION FOR KILLING LAW ENFORCEMENT OFFICIALS.**—

(1) **OFFENSE.**—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“§ 1075. Flight to avoid prosecution for killing law enforcement officials

“(a) **OFFENSE.**—It shall be unlawful for any person to move or travel in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill a Federal judge or Federal law enforcement officer (as those terms are defined in section 115), or a federally funded public safety officer (as that term is defined in section 1123).

“(b) **PENALTY.**—Any person that violates subsection (a) shall be fined under this title and imprisoned for not less than 10 years, in addition to any other term of imprisonment for any other offense relating to the conduct described in subsection (a).”.

(2) **TABLE OF SECTIONS.**—The table of sections for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“1075. Flight to avoid prosecution for killing law enforcement officials.”.

### SEC. 3. SPECIFIC AGGRAVATING FACTOR FOR FEDERAL DEATH PENALTY KILLING OF LAW ENFORCEMENT OFFICER.

(a) **AGGRAVATING FACTORS FOR HOMICIDE.**—Section 3592(c) of title 18, United States Code, is amended by inserting after paragraph (16) the following:

“(17) **KILLING OF A LAW ENFORCEMENT OFFICER, PROSECUTOR, JUDGE, OR FIRST RESPONDER.**—The defendant killed or attempted to kill a person who is authorized by law—

“(A) to engage in or supervise the prevention, detention, or investigation of any criminal violation of law;

“(B) to arrest, prosecute, or adjudicate an individual for any criminal violation of law; or

“(C) to be a firefighter or other first responder.”.

### SEC. 4. LIMITATION ON FEDERAL HABEAS RELIEF FOR MURDERS OF LAW ENFORCEMENT OFFICERS.

(a) **JUSTICE FOR LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES.**—

(1) **IN GENERAL.**—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the performance of official duties by or status as a public safety officer or judge of the public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(2) **RULES.**—Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(3) **FINALITY OF DETERMINATION.**—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(4) **EFFECTIVE DATE AND APPLICABILITY.**—

(A) **IN GENERAL.**—This paragraph and the amendments made by this paragraph shall apply to any case pending on or after the date of enactment of this Act.

(B) **TIME LIMITS.**—In a case pending on the date of enactment of this Act, if the amendments made by this paragraph impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(C) **EXCEPTION.**—The amendments made by this paragraph shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

### SEC. 5. LIMITATION ON RECOVERY OF CERTAIN DAMAGES FOR INDIVIDUALS ENGAGED IN FELONIES OR CRIMES OF VIOLENCE.

(a) **IN GENERAL.**—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for any deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court may not award damages other than for

necessary out-of-pocket expenditures and other monetary loss.”; and

(2) indenting the last sentence as an undesignated paragraph.

(b) **ATTORNEY’S FEES.**—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for any deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney’s fees.”.

### SEC. 6. SELF-DEFENSE RIGHTS FOR LAW ENFORCEMENT OFFICERS.

(a) **IN GENERAL.**—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

#### “§ 3054. Authority of law enforcement officers to carry firearms

“Any sworn officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, or to supervise or secure the safety of incarcerated inmates, may carry firearms if authorized by law to do so. Such authority to carry firearms, with respect to the lawful performance of the official duties of a sworn officer, agent, or employee of a State or a political subdivision thereof, shall include possession incident to depositing a firearm within a secure firearms storage area for use by all persons who are authorized to carry a firearm within any building or structure classified as a Federal facility or Federal court facility, as those terms are defined under section 930, and any grounds appurtenant to such a facility.”.

(b) **CARRYING OF CONCEALED FIREARMS BY QUALIFIED LAW ENFORCEMENT OFFICERS.**—Section 926B(e)(2) of title 18, United States Code, is amended by inserting “any magazine and” after “includes”.

(c) **CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS.**—Section 926C(e)(1)(B) of title 18, United States Code, is amended by inserting “any magazine and” after “includes”.

(d) **SCHOOL ZONES.**—Section 922(q)(2)(B)(vi) title 18, United States Code, is amended by inserting “or a qualified law enforcement officer (as defined in section 926B(c))” before the semicolon.

(e) **REGULATIONS REQUIRED.**—Not later than 60 days after the date of enactment of this Act, the Attorney General shall promulgate regulations allowing persons described in section 3054 of title 18, United States Code, to possess firearms in a manner described by that section. With respect to Federal justices, judges, bankruptcy judges, and magistrate judges, such regulations shall be prescribed after consultation with the Judicial Conference of the United States.

(f) **TABLE OF SECTIONS.**—The table of sections for chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3053 the following:

“3054. Authority of law enforcement officers to carry firearms.”.

**SEC. 7. IMPROVING THE RELATIONSHIP BETWEEN LAW ENFORCEMENT AGENCIES AND THE COMMUNITIES THEY SERVE.**

(a) IN GENERAL.—For each of fiscal years 2017 through 2021, the Attorney General using covered amounts shall, using such amounts as are necessary not to exceed \$20,000,000, award grants to State, local, or tribal law enforcement agencies and appropriate non-governmental organizations to—

(1) promote trust and ensure legitimacy among law enforcement agencies and the communities they serve through procedural reforms, transparency, and accountability;

(2) develop comprehensive and responsive policies on key topics relevant to the relationship between law enforcement agencies and the communities they serve;

(3) balance the embrace of technology and digital communications with local needs, privacy, assessments, and monitoring;

(4) encourage the implementation of policies that support community-based partnerships in the reduction of crime;

(5) emphasize the importance of high quality and effective training and education through partnerships with local and national training facilities; and

(6) endorse practices that support officer wellness and safety through the re-evaluation of officer shift hours, including data collection and analysis.

(b) COVERED AMOUNTS DEFINED.—In this section, the term “covered amounts” means—

(1) any unobligated balances made available under the heading “GENERAL ADMINISTRATION” under the heading “DEPARTMENT OF JUSTICE” in an appropriations Act in a fiscal year;

(2) any amounts made available for an “Edward Byrne Memorial criminal justice innovation program” under the heading “STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “DEPARTMENT OF JUSTICE” in an appropriations Act in a fiscal year; or

(3) any combination of amounts described in paragraphs (1) and (2).

By Mr. GRASSLEY (for himself, Ms. CANTWELL, Mr. ROBERTS, Ms. HEITKAMP, Mr. THUNE, Mr. WHITEHOUSE, Mr. KIRK, Mr. HEINRICH, Mrs. ERNST, Mr. DONNELLY, Mr. BLUNT, Ms. HIRONO, Mr. FRANKEN, Mrs. MURRAY, and Ms. KLOBUCHAR):

S. 3188. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for biodiesel; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I have long been a champion of domestic biofuel production, including ethanol, biodiesel and cellulosic fuels. Domestic biodiesel production supports tens of thousands of jobs. Replacing traditional diesel with biodiesel reduces emissions and creates cleaner air. Homegrown biodiesel improves our energy security by diversifying our transportation fuels and reducing our dependence on foreign oil. Biodiesel itself is a very diverse fuel. It can be produced from a wide array of resources such as recycled cooking oil, soybean and other plant oils, and animal fats.

I am proud of the success of the American biodiesel industry, and I am glad to be introducing today the Biodiesel Tax Incentive Reform and Ex-

tension Act of 2016, which will ensure the continued success. I appreciate Senator CANTWELL's leadership in joining this effort. I also appreciate the support of Senators ROBERTS, HEITKAMP, THUNE, WHITEHOUSE, KIRK, HEINRICH, ERNST, DONNELLY, BLUNT, HIRONO, FRANKEN and MURRAY. This bill will modify the biodiesel fuel blenders credit to a domestic production credit, and extend the credit through 2019.

Congress created the biodiesel tax incentive in 2005 when I was Chairman of the Senate Finance Committee. As a result of this incentive, and the Renewable Fuel Standard, biodiesel is providing significant benefits to the nation.

Senator CANTWELL and I have been advocating since 2009 to modify the current incentive. We have proposed making the credit available for the domestic production of biodiesel, rather than a mixture credit available to the blender of the fuel.

The bill we are introducing today is similar to an amendment that I offered with Senator CANTWELL during consideration of the tax extenders package in the Senate Finance Committee in July of last year. Our biodiesel reform amendment passed unanimously by voice vote.

Converting to a producer credit improves the incentive in many ways. The blenders credit can be difficult to administer, because the blending of the fuel can occur at many different stages of the fuel distribution. This can make it difficult to ensure that only fuel that qualifies for the credit claims the incentive. It has been susceptible to abuse because of this.

A credit for domestic production will also ensure that we are incentivizing the domestic industry, rather than subsidizing imported biofuels. It is projected that imports from Argentina, Indonesia, Singapore, the European Union, South Korea and others could exceed 1.8 billion gallons over 2016 and 2017.

We should not provide a U.S. taxpayer benefit to imported biofuels. By restricting the credit to domestic production, we'll also save taxpayer money. The amendment adopted in the Finance Committee was estimated by the Joint Committee on Taxation to reduce the cost of the extension by \$90 million.

Importantly, modifying the credit will have little to no impact on the consumer. Much of the credit will continue to be passed on to the blender and ultimately, the consumer. Additionally, the U.S. biodiesel industry is currently operating at approximately 55 percent of capacity. The domestic biodiesel industry has the capacity and access to affordable feedstocks to meet the demand of U.S. consumers.

The current biodiesel credit expires at the end of this year. It is my hope that when the Senate considers legislation to extend expiring tax provisions, that the Biodiesel Tax Incentive Re-

form and Extension Act of 2016, will be included. I strongly encourage the leadership of the House and Senate to include these biodiesel reform policies that were adopted in the Senate Finance Committee unanimously last year.

This modification will ensure that the credit is doing what Congress intended—incentivizing investment in domestic biodiesel production. Surely we can agree that we should not be providing a U.S. taxpayer subsidy to already heavily subsidized foreign biodiesel imports.

I therefore urge my colleagues to support the production of American biodiesel and this common-sense, cost reduction reform.

By Mr. DAINES (for himself and Mr. TESTER):

S. 3192. A bill to designate a mountain peak in the State of Montana as “Alex Diekmann Peak”; to the Committee on Energy and Natural Resources.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Alex Diekmann Peak Designation Act of 2016”.

**SEC. 2. FINDINGS.**

Congress finds that Alex Diekmann—

(1) was a loving father of 2 and an adoring husband who lived in Bozeman, Montana, where he was a renowned conservationist who dedicated his career to protecting some of the most outstanding natural and scenic resource areas of the Northern Rockies;

(2) was responsible during his unique conservation career for the protection of more than 50 distinct areas in the States of Montana, Wyoming, and Idaho, conserving for the public over 100,000 acres of iconic mountains and valleys, rivers and creeks, ranches and farms, and historic sites and open spaces;

(3) played a central role in securing the future of an array of special landscapes, including—

(A) the spectacular Devil's Canyon in the Craig Thomas Special Management Area in the State of Wyoming;

(B) crucial fish and wildlife habitat and recreation access land in the Sawtooth Mountains of Idaho, along the Salmon River, and near the Canadian border; and

(C) diverse and vitally important land all across the Crown of the Continent in the State of Montana, from the world-famous Greater Yellowstone Ecosystem to Glacier National Park to the Cabinet-Yaak Ecosystem, to the recreational trails, working forests and ranches, and critical drinking water supply for Whitefish, and beyond;

(4) made a particularly profound mark on the preservation of the natural wonders in and near the Madison Valley and the Madison Range, Montana, where more than 12 miles of the Madison River and much of the world-class scenery, fish and wildlife, and recreation opportunities of the area have become and shall remain conserved and available to the public because of his efforts;

(5) inspired others with his skill, passion, and spirit of partnership that brought together communities, landowners, sportsmen, and the public at large;

(6) lost a heroic battle with cancer on February 1, 2016, at the age of 52;

(7) is survived by his wife, Lisa, and their 2 sons, Logan and Liam; and

(8) leaves a lasting legacy across Montana and the Northern Rockies that will benefit all people of the United States in our time and in the generations to follow.

### SEC. 3. DESIGNATION OF ALEX DIEKMANN PEAK, MONTANA.

(a) IN GENERAL.—The unnamed 9,765-foot peak located 2.2 miles west-northwest of Finger Mountain on the western boundary of the Lee Metcalf Wilderness, Montana (UTM coordinates Zone 12, 457966 E., 4982589 N.), shall be known and designated as “Alex Diekmann Peak”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to “Alex Diekmann Peak”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 530—SUPPORTING THE TERMINATION OF THE SELECT INVESTIGATIVE PANEL OF THE COMMITTEE ON ENERGY AND COMMERCE OF THE HOUSE OF REPRESENTATIVES ESTABLISHED PURSUANT TO HOUSE RESOLUTION 461, AND FOR OTHER PURPOSES

Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. LEAHY, Mr. MARKEY, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 530

Whereas Planned Parenthood provides high-quality, affordable health care for women, men, and young people, and is the nation's largest provider of sex education;

Whereas Planned Parenthood provides sexual and reproductive health care, education, information, and outreach to nearly 5,000,000 women, men, and adolescents worldwide in a single year;

Whereas officials in 13 States have concluded investigations into Planned Parenthood affiliates having found no wrongdoing on behalf of Planned Parenthood, and officials in additional eight States have declined to open investigations citing a lack of any evidence against Planned Parenthood to suggest wrongdoing;

Whereas the Select Investigative Panel of the Committee on Energy and Commerce of the House of Representatives has found no wrongdoing on the part of Planned Parenthood;

Whereas the Select Investigative Panel of the Committee on Energy and Commerce of the House of Representatives has recently authorized an additional \$490,000 in unnecessary spending, bringing the panel's total expenditures to \$790,000 thus far;

Whereas the Zika virus is a looming public health emergency across the United States that has been linked to severe birth defects, including microcephaly, in children of women infected during pregnancy;

Whereas the Zika virus is spreading rapidly across the Americas, with the Puerto Rican Department of Health reporting a one-week jump of 40 percent in the number of pregnant women on the island who were diagnosed with Zika;

Whereas family planning services and sex education are the primary tools currently available to directly prevent the devastating outcomes of the Zika virus;

Whereas the Select Investigative Panel of the Committee on Energy and Commerce of the House of Representatives has turned their focus to investigating scientific researchers engaged in public health research, such as the Zika virus, using fetal tissue; and

Whereas scientific researchers have reported the diminishing availability of fetal tissue for their critical research to try to develop a vaccine for the Zika virus, Alzheimer's, and other diseases impacting Americans: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the immediate termination of the Select Investigative Panel of the Committee on Energy and Commerce of the House of Representatives established pursuant to House Resolution 461, agreed to October 7, 2015; and

(2) supports rescinding any unspent funds and making those funds available to the Department of Health and Human Services for efforts to combat Zika for women and children.

### SENATE RESOLUTION 531—CELEBRATING THE 25TH ANNIVERSARY OF THE ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP PROGRAM AND RECOGNIZING THE SIGNIFICANT CONTRIBUTIONS OF ALBERT EINSTEIN FELLOWS

Mr. TILLIS submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 531

Whereas the Albert Einstein Distinguished Educator Fellowship Program was established in 1990 and formalized by law in 1994;

Whereas Einstein Fellows are selected through a highly competitive process from among the best science, technology, engineering, and mathematics teachers in the field and represent diverse geographic regions and communities;

Whereas the Albert Einstein Distinguished Educator Fellowship Program places exceptional teachers in positions within Federal agencies and on Capitol Hill where they contribute to advancing the fields of education, science, technology, engineering, mathematics, and public policy;

Whereas the Department of Energy, through its Office of Workforce Development for Teachers & Scientists, and the Triangle Coalition for STEM Education have nurtured and developed the Einstein Fellowship Program;

Whereas over 270 Einstein Fellows have served professionally at the Department of Education, the Department of Energy, the National Aeronautics and Space Administration (NASA), the National Institutes of Health (NIH), the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administra-

tion (NOAA), the National Science Foundation (NSF), the Office of Science and Technology Policy (OSTP), the United States Senate, and the United States House of Representatives;

Whereas the Einstein Fellowship Program fosters a spirit of cooperation between Federal agencies by placing a network of fellows at different agencies;

Whereas Einstein Fellows provide practical perspectives on the application and impact of education policy;

Whereas Einstein Fellows have made invaluable contributions to the formulation of educational policy through advice to Members of Congress and officials in Federal agencies, the development of legislation, and the creation of innovative educational programs and interventions;

Whereas Einstein Fellows have experienced unique opportunities for professional growth and development that allow for the expansion of skills and knowledge;

Whereas Einstein Fellows learn valuable leadership skills to advance the fields of education, science, technology, engineering, mathematics, and public policy; and

Whereas Einstein Fellows, during their service and upon the continuation of their professional careers, serve as role models and examples of dedication and commitment for past, present, and future generations of educators and public servants: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the significance of the 25th anniversary of the Albert Einstein Distinguished Educator Fellowship Program;

(2) recognizes the value of having current science, technology, engineering, and mathematics teachers directly engaged in the policymaking process;

(3) recognizes the sacrifices made by teachers who interrupt their careers to serve as Einstein Fellows;

(4) supports the continuation of the Einstein Fellowship program;

(5) encourages Federal agencies and congressional offices to host Einstein Fellows and to leverage the expertise of former Einstein Fellows; and

(6) recognizes the contributions of past, present, and future Einstein Fellows.

### SENATE RESOLUTION 532—CELEBRATING THE 140TH ANNIVERSARY OF THE STATE OF COLORADO

Mr. GARDNER (for himself and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 532

Whereas Colorado joined the Union as the 38th State on August 1, 1876, when President Ulysses S. Grant signed a statehood proclamation;

Whereas statehood was granted to Colorado after Colorado became a territory in 1861 and Jerome Chaffee, a Representative for the territory, convinced Congress that the population had increased enough for statehood to be approved;

Whereas the United States Air Force Academy in Colorado Springs, Colorado, educates and trains brave men and women in the Air Force;

Whereas Colorado has 6 military bases that are home to the honorable men and women who serve the United States;

Whereas there are more than 36,000 farms in Colorado, located on more than 31,000,000 acres, which grow a variety of crops, including barley, grapes, sunflowers, and beans;