

(Mr. GARDNER) was added as a cosponsor of S. Res. 615, a resolution expressing support for the designation of November 16, 2016, as "American Special Hockey Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. WARNER):

S. 3473. A bill to increase outdated death gratuities and funeral allowances for Federal civilian employees killed in the line of duty, to expand the scope of eligible beneficiaries, to codify tax treatment, to change offset requirements, to harmonize death gratuities across Federal agencies, and for other purposes; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Death Gratuities Equity Act of 2016. I am joined by Senators CARDIN and WARNER in support of this bill.

Congress required the Office of Personnel Management to study and report back on death gratuities and funeral expenses given to families of Federal employees killed in the line of duty. OPM provided its report in 2012, and what it found deeply disturbed me. Across the board the numbers were wildly different. Some families would get a \$10,000 death gratuity with \$800 for funeral expenses. Those funeral expenses were then deducted from the lump sum death gratuity. The \$800 allotment for funeral expenses had not been updated in 50 years, and the \$10,000 amount has not been updated in 20 years.

This report really struck a nerve with me. If you are working hard every day for your country and you are killed in doing that duty, your country should do all it can to thank you. I think that's a pretty reasonable request. So I worked with OPM and the administration to create this legislation here today.

My home State of Maryland has one of the highest numbers of Federal employees. Marylanders are called to service, and we proudly represent team USA at home and around the world. In 1998, when Al Qaeda bombed the U.S. Embassy in Nairobi, Kenya, killing twelve Americans. Maryland lost two of its own that day, Julian Bartley Sr. and his son, Jay. Since then, I have fought tooth and nail for his family and all the families who lose loved ones while serving America. We were able to finally get them the compensation they deserved in the Consolidated Appropriations Act of 2014.

But families shouldn't have to worry about whether or not Congress will take action, and they shouldn't have to fight for years on end to recognize the sacrifice made by their loved ones. We need to recognize that sacrifice now and secure it for the future. The families of all Federal employees across the country need to know that we have their backs should the worst come to pass.

This bill does five things. First, it creates a standard minimum payment of \$100,000 across all departments for any federal civilian employee killed in the line of duty. Second, it gives up to \$8,800 for funeral expenses, and those expenses are in addition to the death gratuity, not taken away from it. Third, it makes it the law that these death and funeral gratuities cannot be taxed. Fourth, it ties these amounts to an automatic cost-of-living adjustment, so that we don't have to do this again in the future. And fifth, it now covers all federal employees, not just those killed abroad.

This bill also now covers more kinds of Federal service employees who are eligible for death gratuities and funeral expenses. Brave people like firefighters, dedicated post office employees, diligent census workers, and bright young stars like interns, Job Corps students, and Peace Corps volunteers. These people and their families would all be covered and protected under this bill.

I am very pleased with this plan to standardize civilian death gratuities. There's been too much disparity across departments for too long. Federal employees who are killed in the line of duty deserve to be recognized by their government for their sacrifice. Their families deserve certainty and a uniform policy they can rely on if the worst should happen to their loved ones. These hardworking employees are wearing the USA team jersey every day. This bill lets them know the government is on their side, that their service is valued, and that everyone is equal under the law.

By Mr. CORNYN:

S. 3474. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize COPS grantees to use grant funds to hire veterans as career law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. 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. 3474

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 "American Law Enforcement Heroes Act of 2016".

SEC. 2. PRIORITIZING HIRING AND TRAINING OF VETERANS.

Section 1701(b)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(2)) is amended by inserting "including by prioritizing the hiring and training of veterans (as defined in section 101 of title 38, United States Code)" after "Nation".

By Mr. COONS (for himself, Mr. DAINES, Mr. WYDEN, Mr. LEE, Mr. FRANKEN, Ms. BALDWIN, and Mr. PAUL):

S. 3475. A bill to delay the amendments to rule 41 of the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

Mr. COONS. Mr. President, I rise to address a pending change to privacy protection contained in the Federal Rules of Civil Procedure. But before I proceed to the details, the sometimes wonky details of what we actually do here legislatively, let me just start by speaking to concerns I have heard. As early as this morning, on my train ride down from Wilmington, DE, in the halls here in Congress, by email, text, and by phone from friends from my State of Delaware and all over the country, folks are concerned about what this election means and about whether we can work together in ways that defend the fundamental liberties on which this country rests.

I wish to start by remarking that Senator WYDEN and I are on the floor today talking about a bill that we have crafted and we are introducing in partnership with other Senators—with Senators MIKE LEE, STEVE DAINES, and AL FRANKEN who represent, literally, the farthest edges of this Chamber in terms of ideology. If you look at the top five issues on which we agree, we agree on relatively little. But as a group of Republicans and Democrats, we have agreed to work together to restrain an attempt—frankly, initiated by the current Department of Justice—to modify the Federal Rules of Criminal Procedure in a way that we are concerned implicates or invades our Fourth Amendment constitutional protections. I hope those who watch what happens on this floor find encouragement in the fact that Republicans and Democrats before this election's outcome had come together to craft this bill, this approach, and to move forward in a way that shows the bipartisan commitment to protecting our constitutional liberties remains alive and well in this Chamber.

Let me briefly address what it is I am talking about because I think it has serious and far-reaching implications for the privacy of ordinary Americans. These rules, the Federal Rules of Criminal Procedure, govern the procedures for investigation and prosecution of individuals within our American criminal justice system, and it is essential that these rules strike a careful balance, giving law enforcement the tools they need to investigate crimes and keep us safe while also protecting Americans' constitutional rights to freedom from unreasonable searches and seizures, our rights to privacy.

Earlier this year on April 30, the Supreme Court approved changes to the Federal rules that would shift this balance, potentially greatly expanding the scope of search warrants. Neither the Senate nor the House held a hearing or a markup in the relevant committees to make these changes. The body of government closest to the people has failed to weigh in at all on an issue that immediately and directly impacts

our constituents' rights. If we in the Congress do nothing, the proposed rule changes will go into effect December 1 of this year.

While the proposed changes are not necessarily good or bad, they are serious, and they present significant policy concerns that I think warrant careful consideration and debate. I wish to quickly outline two of them today.

One change would allow any magistrate judge in any district in America to issue a warrant for information outside that magistrate's district if the location of the information that law enforcement is seeking has been concealed. This change ensures investigators have a jurisdiction to go to where they can seek a warrant, particularly for cyber information that is concealed and where it is impossible to know the district in which the attack originated.

Another change would allow a judge to issue a warrant for information on devices located in five or more judicial districts. While the Department of Justice argues this change will improve the efficiency of investigations by eliminating the need to seek multiple warrants to reach all the devices that are suspected of being the same cyber criminal network, this represents a sweeping change to how search warrants are traditionally reviewed, issued, and executed.

I think all Americans should want criminal investigations to proceed quickly and thoroughly, but I am concerned these changes could remove important judicial safeguards by allowing one judge—one judge—to decide on a search that would give the government the ability to search and possibly alter hundreds or even thousands of computers owned by innocent Americans across the country.

These changes would also incentivize investigators to forum shop—to seek a multijurisdictional warrant from the official most likely to approve a sweeping search. So, in October, a bipartisan group of 23 Members of Congress wrote Attorney General Lynch to request more information about these changes to Rule XLI, and we are still waiting for a response. With so many complex questions unanswered, it is important the Department of Justice and this body have time to carefully answer these questions. So today we are introducing legislation that gives Congress that time, and Senators DAINES, LEE, and FRANKEN have joined Senators WYDEN and me to delay these changes until July 1 of next year.

We all want to ensure the American people are kept safe from cyber hackers and online criminal activity. We all want law enforcement to have the tools they need to keep us safe, but our desire for safety and our desire for an efficient criminal justice system should not require us to forfeit our fundamental constitutional rights to privacy and protection from searches and seizures.

Let me now yield the floor to my friend and colleague Senator WYDEN,

who has been such a tireless, effective, and engaged advocate on exactly these issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank Senator COONS for his work, his very thoughtful statement, and I particularly appreciate his emphasizing the fact that this effort began long before November 8. This has been a bipartisan effort for some time, with Democrats and Republicans across the political spectrum saying: Look, the country wants policies that make us safer and protect our liberties, and if we are not careful, we are going to get policies that don't do much of either and in fact set us back.

I very much appreciate what my colleague is doing. It is a simple proposition that Senator COONS advances today; that is, when you are talking about a monumental change—one judge with one warrant making it possible to hack thousands of computers—this is not just a modest alteration in the way business is done in Washington, DC, this is an enormous public policy shift. The idea the Congress—without even one hearing, without even one debate, without even one opportunity for Members to weigh in formally, in my view just defies common sense and our responsibilities. I very much appreciate what my colleague is doing.

Suffice it to say, this was important before the election, but right now, when we have scores of Americans wondering about the very future of the core constitutional protections they rely on, the bill Senator COONS is offering makes it clear those basic values and the sanctity of the courts and due process and the rule of law are not going to be values that are going to be set aside because of what happened on November 8, and there are going to be Democrats and Republicans working together in the Senate.

I remember when Senator PAUL, who has made very valuable contributions on this and other issues, began to discuss some of these matters with me on the Select Committee on Intelligence. We, in effect, said: It is almost like we have a Ben Franklin caucus around here. Ben Franklin famously said: Any one who gives up their liberty to have security doesn't deserve either. It seems to me my colleague is picking up on those principles.

Mr. President and colleagues, I will be brief. The Coons bill addresses the cold fact that without urgent action this month, the government is going to have unprecedented authority to hack into the personal phones, computers, tablets, or whatever devices Americans use. This would be a massive expansion of government hacking and surveillance powers, a vast expansion of Executive power. To do it without even a congressional debate would be just a monumental mistake. What ought to be done, as Senator COONS has sug-

gested, is allowing the Congress and the American people to have a chance to weigh in on the very substantial constitutional questions surrounding government hacking.

I sit on the Senate Select Committee on Intelligence. I think having joined before 9/11, I am now, I believe, the longest serving member in history, along with Senator FEINSTEIN, and we can tell you there is no question it is a dangerous world. Go into the Select Committee on Intelligence, and it becomes pretty clear there are a lot of people out there who do not wish the people of our great country well. It is obvious, as my colleague from Delaware has noted, that law enforcement faces very substantial challenges because technology is constantly evolving. So we want to make it clear, those of us who are supporting the Coons bill, that we don't take a backseat to anyone in giving our agents the tools they need to demonstrate that security and liberty are not mutually exclusive. We can have both.

That is why I wrote section 102 of the Freedom Act, which actually expanded the government's ability to move when there was an emergency. We have had a lot of discussions about our ability to protect our country in the event of an emergency situation. That was a provision that I added and I felt particularly strongly about because I wanted to amplify on what my colleague has said; that we are interested in both liberty and security and in coming up with policies that are compatible.

What we have seen, and why the Coons review is so important, is that too often government agencies have cast too wide a net and swept up information from millions of Americans instead of focusing on the real threats—the criminals, the terrorists, the hackers. Our point with respect to this review bill is that our job consists of more than just having a "trust us" policy from the Justice Department. Our job is to ask the tough questions.

My late father was a journalist. That is what he said. Nobody wants to ask the tough questions. It takes more time and it makes people uncomfortable, but that is what we are supposed to do, and particularly right now, when so many Americans are concerned about the threats to their liberty and the security of our personal information. What Senator COONS is talking about this morning is a more important check on the executive branch than we have had to debate in the past. That is why my colleague's work is so timely this morning.

This change would also effectively—if it were to go through in its current form, Rule 41—turn innocent victims of computer attacks into the victims of additional government hacking. Again, this was alarming before November 8, but now we need to consider the prospect of an administration led by someone who openly said he wants the power to hack his political opponents exhibited by the Russians.

It is troubling how little the Congress knows about how the government currently uses its hacking authority and what it plans to do with expanded powers under Rule 41. Is it going to clean all the botnets in the world, like the one that recently attacked the Internet backbone company? If that is the case, what is the software going to look like? This kind of good-guy hacking is risky, incredibly risky, even when you have individuals with the best of motivations in your corner.

As Senator COONS indicated, we put together a letter late in October, before the election. This is a theme Members are going to hear. Before the election, many of these concerns were raised, and we said to Attorney General Lynch that we have some basic questions, such as: How does the government intend to prevent forum shopping by prosecutors seeking court approval to hack into Americans' devices? How is the government going to prevent collateral damage to innocent Americans' devices of electronic data when it remotely searches devices such as smartphones or medical devices?

What the latest numbers indicate is that a major source of cyber attacks are our wonderful medical facilities. The questions we asked in that October 27 letter speak to that. We want to know whether the government intends to use its new authority to search and "clean" American computers? How is the government going to maintain a chain of custody when searching or removing evidence from a device? How is the government going to notify Americans who are the subject of remote government searches?

I am very troubled by the language in the current proposal, which suggests the notice process will be very different than what Americans have traditionally thought about in kind of the physical world with respect to notice.

The Coons bill is important business because we have not yet, our bipartisan group of 23, gotten answers to these questions. We are going to keep trying to learn more about why it might or might not be necessary for the government to have the authority.

I will wrap up this discussion with Senator COONS—which I thank him for leading—by way of saying that I have issued warnings before on the floor and have seen what happens when those warnings aren't heeded. I just want to say this morning that I believe if the Senate fails to stand up for our constituents now and do what Senator COONS is talking about, which is our job—vigorous oversight, asking the hard questions, getting the facts about new technological questions that are evolving—I believe there are going to be problems with Rule 41.

I believe there are going to be problems at hospitals, at power grids, at major American institutions and that if we do nothing, except what Congress does best—which is nothing—and let this go through, I think our constituents are going to come back when

there are problems, and they are going to say to each of us: What were you thinking? Why did you vote to allow policies that would permit hacking in this fashion?

Colleagues are going to say: Gee, we didn't vote at all.

They are going to say: You didn't vote at all? You must have had some meetings.

Well, we didn't have any meetings. We didn't have any debates. We didn't have any discussion.

Then they are going to say: You allowed mass hacking by just kind of dropping the ball and saying you have other stuff to do?

I think the American people are going to react very badly if that is, in fact, what happens.

So I commend Senator COONS. He consistently comes to the floor and appeals across the aisle. I so appreciate it. I hope we will see action on the Senator's very thoughtful bill. I am proud to be a cosponsor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, as someone who spent over a decade in the private tech sector, I know firsthand the challenges our country faces when it comes to cyber criminals. Technology has made it easier than ever for bad actors to steal identities, distribute malware, and commit a whole host of other crimes, all from behind the computer screen. Law enforcement is facing tremendous challenges in tracking and stopping these criminals.

The fact is, our law enforcement policies need to be updated to reflect the reality of the 21st century, but these policy changes need to be made through a process that is transparent, effective, and one that protects our civil liberties.

The changes to rule XLI of the Federal Rules of Criminal Procedure would allow the government to hack an unlimited number of Americans' computers—including innocent victims' computers—with a single warrant. This rule change was approved behind closed doors at the Department of Justice. Fundamental changes to the way we allow law enforcement to execute searches need to be made through a process that is fully transparent to the American people. We cannot give the Federal Government a blank check to infringe upon our civil liberties.

If Congress does not act, this rule change will automatically go into effect December 1. This bill simply delays the rule change. It is a delay which will allow Congress to consider new law enforcement tools through a process they deserve. I urge my colleagues to join my colleagues in delaying this rule.

Mr. President, I yield the floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 616—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 616

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as the "CDC"), in the United States—

(1) nearly 30,000,000 individuals have diabetes; and

(2) an estimated 86,000,000 individuals aged 20 years and older have prediabetes;

Whereas diabetes is a serious chronic condition that affects individuals of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanics, African Americans, Asian Americans, and Native American adults are disproportionately affected by diabetes and suffer from the disease at rates that are much higher than the general population of the United States;

Whereas an individual aged 20 years or older is diagnosed with diabetes every 19 seconds;

Whereas approximately 4,660 individuals in the United States aged 20 years or older are diagnosed with diabetes each day;

Whereas the CDC estimates that approximately 1,700,000 individuals in the United States aged 20 years and older were newly diagnosed with diabetes in 2012;

Whereas a joint study carried out by the National Institutes of Health and the CDC found that in the United States during 2008 and 2009, an estimated 18,436 youth were newly diagnosed with type 1 diabetes, and 5,089 youth were newly diagnosed with type 2 diabetes;

Whereas according to the CDC, the prevalence of diabetes in the United States increased by more than 400 percent between 1980 and 2014;

Whereas the CDC reports that 27.8 percent of individuals with diabetes in the United States have not been diagnosed with the disease;

Whereas in the United States, more than 12 percent of adults aged 20 years and older and 25.9 percent of individuals aged 65 years and older have diabetes;

Whereas as many as 1 in 3 adults in the United States will have diabetes in 2050 if the present trend continues;

Whereas after accounting for the difference of the average age of each population, data surveying individuals aged 20 years or older in the United States between 2010 and 2012 indicates that 7.6 percent of non-Hispanic whites, 13.2 percent of non-Hispanic blacks, 12.8 percent of Hispanics, and 9.0 percent of Asian Americans suffered from diagnosed diabetes;

Whereas after accounting for the difference of the average age of each population, data surveying Hispanic individuals aged 20 years or older in the United States between 2010 and 2012 indicates that 8.5 percent of individuals of Central and South American descent, 9.3 percent of individuals of Cuban descent, 13.9 percent of individuals of Mexican descent, and 14.8 percent of individuals of Puerto Rican descent suffered from diagnosed diabetes;

Whereas according to the American Diabetes Association, in 2012, the United States