

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

spent an estimated \$245,000,000,000 on cases of diagnosed diabetes;

Whereas the American Diabetes Association reports that 20 percent of the funds that the United States spent on health care in 2012 went towards caring for individuals with diabetes;

Whereas a study carried out by Mathematica Policy Research found that total expenditures for individuals with diabetes receiving benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in fiscal year 2005 comprised 32.7 percent of the budget for the Medicare program in that fiscal year;

Whereas according to the CDC, in the United States in 2010, diabetes was the seventh leading cause of death and contributed to the death of more than 234,051 individuals;

Whereas as of November 2016, a cure for diabetes does not exist;

Whereas there are successful means to reduce the incidence or delay the onset of type 2 diabetes;

Whereas with proper management and treatment, individuals with diabetes live healthy, productive lives; and

Whereas individuals in the United States celebrate American Diabetes Month in November: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging individuals in the United States to fight diabetes through public awareness of prevention and treatment options; and

(B) enhancing diabetes education;

(2) recognizes the importance of early detection, awareness of the symptoms, and understanding the risk factors of diabetes, including—

(A) being over the age of 45 years;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

#### SENATE RESOLUTION 617—DESIGNATING NOVEMBER 27, 2016, AS “DRIVE SAFER SUNDAY”

Mr. ISAKSON (for himself, Mr. COONS, and Mr. PERDUE) submitted the following resolution; which was considered and agreed to:

S. RES. 617

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves as many as 15,000 lives each year; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to focus on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of the Citizens Band Radio Service and at truck stops across the United States;

(C) clergies to remind their congregations to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving;

(E) motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

(F) all people of the United States to understand the life-saving importance of wearing a seat belt and to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2016, as “Drive Safer Sunday”.

#### SENATE RESOLUTION 618—COMMENDING AND CONGRATULATING THE CHICAGO CUBS ON THEIR 2016 WORLD SERIES VICTORY

Mr. KIRK (for himself, Mr. DURBIN, Mr. COATS, and Mr. DONNELLY) submitted the following resolution; which was considered and agreed to:

S. RES. 618

Whereas, on November 2, 2016, the Chicago Cubs won the 2016 World Series with an 8-7 victory over the Cleveland Indians;

Whereas the Chicago Cubs won the World Series in Game 7 at Progressive Field in Cleveland, Ohio;

Whereas the Chicago Cubs came back from a 3-1 World Series deficit to win 3 thrilling games in a row and became World Series Champions for the first time in 108 years;

Whereas all 25 players on the World Series roster of the Chicago Cubs should be congratulated, including Albert Almora Jr., Jake Arrieta, Javier Baez, Kris Bryant, Aroldis Chapman, Chris Coghlan, Willson Contreras, Carl Edwards Jr., Dexter Fowler, Justin Grimm, Kyle Hendricks, Jason Heyward, John Lackey, Jon Lester, Miguel Montero, Mike Montgomery, Anthony Rizzo, Hector Rondon, David Ross, Addison Russell, Kyle Schwarber, Jorge Soler, Pedro Strop, Travis Wood, and Ben Zobrist;

Whereas, in addition to the World Series roster, all Chicago Cubs players who contributed to the 2016 regular season should be congratulated, including Jake Buchanan, Trevor Cahill, Jeimer Candelario, Gerardo Concepcion, Tim Federowicz, Jason Hammel, Ryan Kalish, Munenori Kawasaki, Tommy La Stella, Brian Matusz, Joe Nathan, Spencer Patton, Felix Peña, Joel Peralta, Neil Ramirez, Clayton Richard, Joe Smith, Matt Szczur, Adam Warren, and Rob Zastryzny;

Whereas the front office, the clubhouse, and all supporting staff and team members of the Chicago Cubs should be congratulated;

Whereas the Chicago Cubs won an incredible 103 games during the regular season, which earned the team the best record in Major League Baseball;

Whereas the Chicago Cubs overcame the American League winning the Major League Baseball All-Star Game, which gave the Indians home field advantage for the World Series;

Whereas the Chicago Cubs had 7 players selected to the 2016 Major League Baseball All-Star Game, who should be congratulated, including Anthony Rizzo, Ben Zobrist, Kris Bryant, Addison Russell, Dexter Fowler, Jake Arrieta, and Jon Lester;

Whereas the Chicago Cubs infield of Anthony Rizzo, Ben Zobrist, Kris Bryant, and Addison Russell were the first foursome to start an All-Star Game since 1963 and the second one ever;

Whereas the Chicago Cubs bounced back from a disappointing loss in the 2015 playoffs to win the National League Championship pennant for the first time since 1945;

Whereas Chicago Cubs outfielder Dexter Fowler became the first African-American Chicago Cubs player to play in a World Series and went on to hit a lead-off home run in Game 7 of the World Series;

Whereas Chicago Cubs catcher Miguel Montero hit a grand slam in Game 1 of the National League Championship Series and drove in the final, winning Chicago Cubs run in the 10th inning of Game 7 of the World Series;

Whereas Chicago Cubs shortstop Addison Russell tied the single-game record for runs batted in (referred to in this preamble as “RBI”) for a World Series game after he batted in 6 runs in Game 6 of the World Series, including a grand slam in the third inning;

Whereas Chicago Cubs catcher David Ross, in the final game of his 15-year Major League Baseball career, hit a home run in Game 7 of the World Series;

Whereas Kyle Schwarber, after severely injuring his knee during the third game of the regular season, recovered through perseverance and determination and was added to the World Series roster, where, in one of the greatest sports comeback stories of all time, he—

(1) hit .412 and had a .500 on-base-percentage in the World Series; and

(2) following a 17-minute rain delay, ignited the 10th inning rally in Game 7 of the World Series with a lead-off single;

Whereas Chicago Cubs second baseman Javier Baez and pitcher Jon Lester were corecipients of the National League Championship Series Most Valuable Player Award, after—

(1) Javier Baez hit .318 in the 6-game National League Championship Series, stole 2 bases, including home plate, and made a number of incredible defensive plays; and

(2) Jon Lester had a 1.38 earned run average in 2 starts against the Los Angeles Dodgers during the National League Championship Series, allowing just 2 runs over 13 innings and striking out 9 batters;

Whereas Chicago Cubs utility man and Eureka, Illinois, native Ben Zobrist received unanimous support for and won the World Series Most Valuable Player Award, the first Chicago Cub ever to win the award, after—

(1) hitting .357 in the World Series;

(2) driving in the go-ahead run in the 10th inning of Game 7 with an RBI double; and

(3) leading the Chicago Cubs to an eventual World Series win;

Whereas Chicago Cubs first baseman Anthony Rizzo and outfielder Jason Heyward received Gold Glove Awards for their 2016 defensive accomplishments;

Whereas Chicago Cubs first baseman Anthony Rizzo and pitcher Jake Arrieta received Silver Slugger Awards for their 2016 offensive accomplishments;

Whereas Chicago Cubs third baseman Kris Bryant received the 2016 National League Hank Aaron Award for his offensive accomplishments and is a candidate for the 2016 National League Most Valuable Player Award after having been unanimously named the 2015 National League Rookie of the Year;

Whereas Chicago Cubs pitchers Kyle Hendricks and Jon Lester were candidates for the 2016 National League Cy Young Award, following pitcher Jake Arrieta having received the 2015 National League Cy Young Award;