

**SEC. 2. STATEMENT OF POLICY.**

Congress declares that it is the policy of the United States to increase engagement with the governments of the Caribbean region and with civil society, including the private sector, in both the United States and the Caribbean, in a concerted effort to—

- (1) enhance diplomatic relations between the United States and the Caribbean region;
- (2) increase economic cooperation between the United States and the Caribbean region;
- (3) support regional economic, political, and security integration efforts in the Caribbean region;
- (4) encourage enduring economic development and increased regional economic diversification and global competitiveness;
- (5) reduce levels of crime and violence, curb the trafficking of illicit drugs, strengthen the rule of law, and improve citizen security;
- (6) improve energy security by increasing access to diverse, reliable, and affordable power;
- (7) advance cooperation on democracy and human rights at multilateral fora;
- (8) continue support for public health advances and cooperation on health concerns and threats to the Caribbean region; and
- (9) expand Internet access throughout the region, especially to countries lacking the appropriate infrastructure.

**SEC. 3. STRATEGY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), shall submit to the appropriate congressional committees a multi-year strategy for United States engagement to support the efforts of interested nations in the Caribbean region that—

- (1) identifies Department of State and USAID priorities, in coordination with other executive branch agencies, for United States policy towards the Caribbean region;
- (2) outlines an approach to partner with governments of the Caribbean region to improve citizen security, reduce the trafficking of illicit drugs, strengthen the rule of law, and improve the effectiveness and longevity of the Caribbean Basin Security Initiative;
- (3) establishes a comprehensive, integrated, multi-year strategy to encourage efforts of the Caribbean region to implement regional and national strategies that improve energy security, by increasing access to all available sources of energy, including by taking advantage of the indigenous energy sources of the Caribbean and the ongoing energy revolution in the United States;
- (4) outlines an approach to improve diplomatic engagement with the governments of the Caribbean region, including with respect to key votes on human rights and democracy at the United Nations and the Organization of American States;
- (5) Describes how the United States can develop an approach to supporting Caribbean countries in efforts they are willing to undertake with their own resources to diversify their economies;
- (6) describes ways to ensure the active participation of citizens of the Caribbean in existing program and initiatives administered by the Department of State's Bureau of Educational and Cultural Affairs; and
- (7) reflects the input of other executive branch agencies, as appropriate.

**SEC. 4. BRIEFINGS.**

The Secretary of State shall offer to the appropriate congressional committees annual briefings that review Department of State efforts to implement the strategy for United States engagement with the Caribbean region in accordance with section 3.

**SEC. 5. PROGRESS REPORT.**

Not later than 2 years after the submission of the strategy required under section 3, the Presi-

dent shall submit to the appropriate congressional committees a report on progress made toward implementing the strategy.

**SEC. 6. REPORTING COST OFFSET.**

Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is amended by striking “the following:” and all that follows through “(B) A workforce plan” and inserting “a workforce plan”.

**SEC. 7. DEFINITIONS.**

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **CARIBBEAN REGION.**—The term “Caribbean region” means the Caribbean Basin Security Initiative beneficiary countries.

(3) **SECURITY ASSISTANCE.**—The term “security assistance” has the meaning given such term in section 502B(d)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(2)).

Mr. PORTMAN. Mr. President, I further ask unanimous consent that the Corker amendment be agreed to, the committee-reported substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; and the motions 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 amendment (No. 5177) was agreed to, as follows:

(Purpose: To revise the multi-year strategy requirement regarding diplomatic engagement with Caribbean region governments)

On page 11, beginning on line 3, strike “with respect to” and all that follows through line 5 and insert “with respect to human rights and democracy”.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 4939), as amended, was ordered to a third reading, was read the third time, and passed.

# **DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CERTAIN CORRECTION IN THE ENROLLMENT OF S. 1635**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 181, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 181) directing the Secretary of the Senate to make a certain correction in the enrollment of S. 1635.

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 181) was agreed to.

**HOUSE BILLS**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills received from the House en bloc: H.R. 4352, H.R. 5099, H.R. 5790, H.R. 6130, H.R. 6323, H.R. 6400, H.R. 6431, H.R. 6450, H.R. 6451, H.R. 6452, and H.R. 6477.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bills be considered read a third time.

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

**FOSTER CARE FOR VETERANS ACT**

The bill (H.R. 4352) to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes, was ordered to a third reading and was read the third time.

# **COMMUNITIES HELPING INVEST THROUGH PROPERTY AND IMPROVEMENTS NEEDED FOR VETERANS ACT OF 2016**

The bill (H.R. 5099) to establish a pilot program on partnership agreements to construct new facilities of the Department of Veterans Affairs, was ordered to a third reading and was read the third time.

# **FEDERAL BUREAU OF INVESTIGATION WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2016**

The bill (H.R. 5790) to provide adequate protections for whistleblowers at the Federal Bureau of Investigation, was ordered to a third reading and was read the third time.

Mr. GRASSLEY. Mr. President, for a long time, my friend Senator LEAHY and I have worked hard to improve protections for FBI employees who report waste, fraud, and abuse.

In March 2015, we held a hearing in the Judiciary Committee examining the FBI whistleblower program. That hearing addressed Department of Justice and Government Accountability Office reviews of the program. Both of those reviews found significant problems. The biggest problem is a longstanding loophole the Department created in its interpretation of the statutory protections for FBI whistleblowers. The Department's rules only protect FBI employees who experience reprisal after they report wrongdoing to a handful of offices or individuals. But those rules do not recognize that almost all whistleblowers first report wrongdoing to their immediate supervisor. Then they go up the chain of command. It is just human nature

that, when you spot a problem at work, you tell your boss.

FBI policy even encourages employees to report through their chain of command. Yet under the current rules, those same employees have no remedy if they suffer reprisal for disclosing waste, fraud, or abuse to their boss. According to the Government Accountability Office, in 5 years, roughly one-third of FBI reprisal complaints were dismissed because the employee made the report to the “wrong person” in their management chain. It doesn’t matter if the original disclosure uncovered actual wrongdoing. If the employee who reported it experiences retaliation, there is nothing they can do about it. Worse, FBI employees are the only employees in the Federal Government without these protections.

Even whistleblowers in the intelligence community, thanks to the President’s Policy Directive No. 19, are protected when they make disclosures to their supervisors. But the employees of the FBI have been left behind. The problem stems from an apparent compromise Congress reached in 1978 as part of the Civil Service Reform Act. There were some in the Congress at the time that wanted to exempt the FBI completely from important whistleblower protections.

But this was 1978, only a few years after J. Edgar Hoover’s reign over the FBI ended. It had become very clear in those years that the FBI was not immune to abuses of power. So the FBI got its own provision in the U.S. Code, separate from the protections that apply to most other nonmilitary Federal employees. The point was to provide protections similar to those available for other Federal employees.

But, when the Department wrote its rules, it strictly limited the number of people FBI employees could report to. The Department said that it should not protect disclosures to supervisors because that would mean the same people who are prohibited from engaging in reprisal—supervisors—would receive disclosures. But that was not the intent. The whole point of the whistleblower protection laws is to protect the whistleblower from the person who is going to retaliate against them for disclosing waste, fraud, or abuse. That is typically the person who receives their disclosures—which is almost always a direct supervisor.

But the Department’s current rules leave those employees out in the cold. The result? As I said, roughly one-third of FBI employee reprisal complaints have been dismissed because they did what FBI policy tells them to do. They reported to their chain of command. This result is absurd and not what Congress intended.

Congress wanted to encourage disclosures of wrongdoing so that problems could be more easily identified and then fixed. How can you fix problems if your employees do not have a logical, safe way to raise them? The answer is that you can’t.

Moreover, there are many other federal law enforcement agencies that function under the same whistleblower protections as non-law enforcement agencies. There is no logical reason for the FBI to have unique, separate, and inadequate standards for protecting whistleblower disclosures.

So I and Senator LEAHY drafted the FBI Whistleblower Protection Enhancement Act. The bill amends the FBI whistleblower statute to clarify, once and for all, that FBI whistleblowers are protected for disclosing waste, fraud, and abuse in their chain of command. This change was recommended by the Government Accountability Office in its 2015 review.

It is also supported by the Office of Special Counsel, the Department’s Office of the Inspector General, and numerous good government and whistleblower advocacy groups. Even FBI Director James Comey and Attorney General Loretta Lynch have both testified before the Judiciary Committee that disclosures to supervisors should be protected. Now, we passed a version of this bill out of the Judiciary Committee unanimously. That version would have made additional meaningful changes to the FBI whistleblower program.

The bill adopted by the Committee would also have addressed the other problems identified in the Justice Department report and the Government Accountability Office study.

Most importantly, the bill that passed the Committee would have dealt with the lengthy delays in the Department’s internal investigation and adjudication process. We also wanted to provide FBI whistleblowers with some relief when the inspector general finds in their favor. That way, FBI would be encouraged to settle cases instead of wasting taxpayer money defending reprisal. We wanted to require the Department to make its decisions on these cases publicly available. That way, the FBI would not be the only party in these cases with access to case precedent.

We also wanted to be sure that FBI employees had opportunities for a fair and independent hearing and the ability to seek relief from a court of appeals. In that case, at least someone outside the Department would be able to hold the Department and the FBI accountable. But, behind the scenes, the FBI and the Justice Department objected to these provisions—although they never provided any official written comment on the bill. They claimed our reforms would jeopardize national security.

But they never, ever said how. In nearly a year, they could not produce one single specific, coherent concern with the process that we developed. They had no response to the fact that classified information has not been an issue in FBI cases. Reprisal complaints generally can be considered without ever addressing classified information. The Department’s own rules tell em-

ployees not to file classified information as part of the whistleblower program; and there has never been an FBI case that required the consideration of classified information.

The FBI even initially objected to the provision recommended by GAO that would protect disclosures to supervisors. The FBI claimed that their employees’ work was too sensitive. But that claim holds no water because employees in the intelligence community are protected for reporting wrongdoing to their supervisors.

Now, we have waited nearly a year for constructive, good-faith feedback on our other reforms, but have received none. And unfortunately, we have not been able to reach a unanimous agreement on those issues this year or obtain time for debate and a vote on the floor. I am very disappointed. However, we still found a way forward on one key provision of this legislation. FBI employees have waited long enough to be protected for the same disclosures as everyone else in the Federal Government. Year after year, decade after decade, so many FBI employees have been retaliated against with no legal recourse.

Well, that ends now. We can keep working together on other, much-needed reforms, and we will. We are not finished with the great work left to do to improve FBI whistleblower protections. Other issues identified by the Government Accountability Office and by the Justice Department itself still need to be addressed.

But with the passage of the amendment to our bill, FBI employees will finally have a remedy if they are retaliated against for reporting waste, fraud, and abuse to their supervisors—just like every other Federal employee in the vast American bureaucracy. I am thankful for the support and hard work of Senator LEAHY on these issues for so many years and for working so closely with me on this legislation. I also am very thankful for Representative CHAFFETZ’s leadership on this issue in the House. I know that he and Representatives JEFFRIES and CUMMINGS have been great advocates for this change.

Most of all, I am grateful for the FBI whistleblowers I have worked with over the years, folks like Fred Whitehurst, Jane Turner, Michael German, Robert Kobus, Darin Jones, and so many more. This would never have come to pass without your leadership, persistence, and personal sacrifice. It has been a long road, but it has been a privilege to travel it with you.

We are not done yet. But now, we are one very big step closer.

Mr. LEAHY. Mr. President, whistleblowers play an essential role in providing transparency and accountability in the Federal Government and exposing waste, fraud, and abuse. It is important that all government employees have safe and effective avenues to come forward when they have evidence of wrongdoing, and to encourage them

to come forward they must be afforded protections from retaliation. Unfortunately, under current law, FBI employees who report waste or misconduct are not afforded the same whistleblower protections as all other Federal employees. That is why I worked closely with Senator GRASSLEY to author the FBI Whistleblower Protection Enhancements Act of 2016.

The bill Senator GRASSLEY and I drafted was a comprehensive package. Not only did it extend protections to FBI employees who report waste, fraud, or abuse to supervisors in their chain of command, but it also provided clear guidance on the investigation and adjudication of retaliation claims so that those same employees are not denied whistleblower protections without reason or without opportunity to appeal. Unfortunately, the bill we have passed today has been stripped of many of these worthy reforms. While I am pleased we will finally update the law to provide whistleblower protections for FBI employees who blow the whistle within their chain of command, I am disappointed that the bill we have before of contains only a fraction of the reform that Senator GRASSLEY and I worked so hard to move through the Senate Judiciary Committee.

This is a small but important step forward, but it is not sufficient. The Senate must work to pass comprehensive reform so that FBI employees are able to blow the whistle and not face repercussions for doing so. I hope we can revisit this important issue in the next Congress.

#### HOLOCAUST EXPROPRIATED ART RECOVERY ACT OF 2016

The bill (H.R. 6130) to provide the victims of Holocaust-era persecution and their heirs a fair opportunity to recover works of art confiscated or misappropriated by the Nazis, was ordered to a third reading and was read the third time.

#### TIBOR RUBIN VA MEDICAL CENTER

The bill (H.R. 6323) to name the Department of Veterans Affairs health care system in Long Beach, California, the "Tibor Rubin VA Medical Center," was ordered to a third reading and was read the third time.

#### TO REVISE THE BOUNDARIES OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS IN NEW JERSEY

The bill (H.R. 6400) to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in New Jersey, was ordered to a third reading and was read the third time.

#### PROMOTING TRAVEL, COMMERCE, AND NATIONAL SECURITY ACT OF 2016

The bill (H.R. 6431) to ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives, was ordered to a third reading and was read the third time.

Mr. LEAHY. Mr. President, Congress has now passed the bipartisan Promoting Travel, Commerce, and National Security Act. In 2015, I hailed the signing of a new agreement between the United States and Canada designed to improve cross-border travel, commerce, and security between our two countries. Since then, there has been legislation introduced in both the Senate and the House to allow for full implementation of that expanded Canada preclearance agreement. Thirty business associations both in the United States and Canada support this legislation, and the U.S. Departments of Homeland Security and Justice fully support its passage.

Let's be clear about one thing: U.S. preclearance operations are already under way, in Canada and elsewhere. Preclearance facilities allow travelers to pass through U.S. Customs and Border Protection, CBP, inspections on foreign soil, prior to traveling to the United States. Preclearance operations relieve congestion at U.S. destination airports, facilitate commerce, save money, and strengthen national security. The United States currently stations CBP officers in select locations in Canada to inspect passengers and cargo bound for the United States before departing Canada. This legislation will pave the way for additional U.S. preclearance facilities in Canada in the marine, land, air and rail sectors. In particular, this legislation will advance important projects in Vermont: the creation of a preclearance facility at Montreal's Central Station, reestablishing train service between Vermont and Montreal; and improvements to air service between Burlington International Airport and Billy Bishop Toronto City Airport.

This legislation will promote two key national goals: enhancing our national security and increasing efficiency for travelers and commercial exchanges. With respect to national security, by placing CBP personnel at the point of departure, screening occurs before a person boards a flight, increasing our ability to prevent those who should not be flying to the United States from doing so. In 2014, preclearance stopped more than 10,000 inadmissible travelers worldwide before they left foreign soil. And with respect to commerce, the United States and Canada enjoy one of the largest bilateral economic relationships in the world, with \$1.4 trillion in bilateral trade and investment and two-way trade in goods and services valued at \$759 billion in 2014. Each day, more than \$1.8 billion in goods and services and nearly 390,000 people cross

the U.S.-Canadian border. Preclearance helps further facilitate this important economic relationship.

Preclearance is an issue about which both Democrats and Republicans can and do agree. It will enhance border security and stimulate economic growth. I look forward to the President signing this bill into law.

#### INSPECTOR GENERAL EMPOWERMENT ACT OF 2016

The bill (H.R. 6450) to amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes, was ordered to a third reading and was read the third time.

Mr. GRASSLEY. Mr. President, today, the Senate passed the Inspector General Empowerment Act. This is a crucial piece of legislation to enable inspectors general to function independently and to weed out waste, fraud, and abuse within the government. I thank Senator MCCAIN for working with me constructively to resolve the concerns he raised last week and for honoring the agreement we made in December 2015.

Following Senator MCCAIN's objection to my attempt to pass the IG bill by a live UC last Thursday, our staffs met and reached a compromise. We agreed to remove some provisions of the bill related to IG leave policy and IG reporting requirements. Although we disagreed on those provisions, I am glad that we agreed to preserve the most important parts of the bill.

Namely, we preserved the provisions of the bill that provide inspectors general with timely access to all records of the agency that they are charged with overseeing. In addition, the bill contains numerous other provisions that strengthen IG independence and equip IGs with the necessary tools to weed out waste, fraud, and abuse within the Federal Government.

The bill requires the Government Accountability Office to conduct a study on prolonged IG vacancies and to provide recommendations for reducing these vacancies. It exempts IGs from getting computer matching agreements and from complying with the Paperwork Reduction Act, in order to ensure that IGs can obtain information and perform investigations without first obtaining agency approval. It improves the process by which IGs police the conduct of other IGs, to require that investigations are conducted in a more timely fashion. It promotes greater transparency by requiring IGs to report to Congress semiannually on impediments to their work, such as agency interference, reports that are not made otherwise available to the public, and whistleblower retaliation. Finally, it requires IGs to send IG recommendations to the heads of agencies and to Congress and to publicly post reports, unless otherwise prohibited by law.