

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 534), as amended, was passed.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. CORNYN. Mr. President, I thank my friend and colleague from Minnesota for working with us on this piece of legislation. People sometimes say nothing ever gets done around here on a bipartisan basis, and this proves that is wrong. While that isn't one of the biggest pieces of legislation to come down the pike, it is important because of the importance of the State Department's rejoining the Bureau of International Expositions in order to preserve the possibility, in my case, for Houston's world fair bid to be considered. I know the Senator from Minnesota has a similar interest in her State. So it was a pleasure to work with her on it, and I am happy we are able to see this accomplished today.

#### HIRE VETS ACT—Continued

Mr. CORNYN. Mr. President, if I may speak on the bill before the Senate, yesterday the House of Representatives passed the Omnibus appropriations bill. Of course, this is the legislation that keeps the Congress and the government up and running through the end of the fiscal year, the end of September. It actually represents the first demonstration of Republicans and Democrats in both Houses of Congress working with the White House in order to pass an important piece of legislation and keep the government up and running through the end of the fiscal year.

Over the last few weeks, we have had many productive conversations and debates about how best to establish our priorities, how much we should spend—particularly my concern about underfunding our military and our national security funding but also to update our priorities because that is one of the things that happens in an appropriations bill. When programs are obsolete or ineffective, there is no way to eliminate them while operating under a continuing resolution. It takes a positive piece of legislation like an appropriations bill—like this appropriations bill—to eliminate those obsolete or no longer effective programs.

I am hopeful that once we pass this bill and after the President signs it, we will continue to plot a course toward a long-term strategic budget that reflects the priorities of the American people. I firmly believe we were elected to govern, not to shut down the government. In my view, that is an abdication of our responsibilities. I hope we will continue to follow on now after we

have been able to accomplish this bipartisan, bicameral negotiation with the White House, and we will continue to govern and to demonstrate our sense of responsibility to the American people for doing just that.

This omnibus package includes a good blueprint for how we can order our priorities and take care of our country.

Yesterday I mentioned the increases in resources to better shore up border security. This is the largest increase in border security funding in 10 years. That is a significant accomplishment. This funding will help the Department of Homeland Security hire more Border Patrol agents and Customs officials to improve the infrastructure at our ports of entry and checkpoints and hire more immigration judges to process more immigration cases.

It also creates funding for our troops fighting abroad and for our military in general and includes a pay raise for our men and women in the military, which is very important as well, particularly in an All-Volunteer military and one that has been stressed by 15 years of continuous conflict around the world.

This bill also takes a more strategic look at the threats we are facing, including resources to shore up technology and equipment that will help our military stay No. 1. After years of putting military improvements and readiness on the back burner, actually cutting defense spending by 20 percent during the two terms of President Obama, this bill is a solid first step toward regaining our readiness and maintaining a capable and modern military.

While I never will doubt the American people responding or our military responding to the needs or the threats to our security, we don't want to be roused out of our complacency by a crisis occurring somewhere in the world, whether it is North Korea, Syria, Ukraine, Crimea, or elsewhere. We want to be ready on day one. Some of that readiness has seriously been called into question by some of our lack of prioritizing defense spending and military readiness generally.

In addition to those two important topics, many across the country have been impacted by severe weather, including violent storms and tornadoes. Of course, Texas has been a part of that sad story. Several in Texas have lost their lives due to these storms and the flooding caused by them. Of course we mourn for those who have lost loved ones and those who have been injured, but we have to do more than just grieve for them—we have to help them as well. This omnibus bill includes funding for previously approved disaster relief, which will help communities in Texas and throughout the country rebuild and recover following a natural disaster.

This legislation also includes money to help reduce the rape kit backlog. This is a topic which most people are not all that familiar with, but years ago we passed something called the

Debbie Smith DNA Backlog Reduction Act, named for a heroic woman, Debbie Smith, who championed the use of forensic evidence and the tracing of DNA samples in order to solve sexual assault cases.

The amazing thing about this great technology and DNA testing is that it is enormously powerful. Even as long as 20 years later, we have had rape kits taken out of evidence lockers at law enforcement agencies and tested and come up with a hit on the FBI's database, which is the purpose of the testing. It also has the power to exonerate people who are perhaps falsely accused by excluding them scientifically from the possibility of being the assailant in a given case.

It is very important for us to fund important programs like the Debbie Smith DNA Backlog Reduction Act. I know at one point there was an estimate that there were 400,000 untested rape kits in America. The problem was that we didn't really know how many there were because some of them were sitting, as I indicated earlier, in police evidence lockers, and others were sitting in the laboratory and not tested.

The question arose, when the identity of the assailant was known, what purpose could be served by testing the rape kit, which is not inexpensive? What we found is that the assailant, even if identified in the present case, is very likely to have been engaged in a course of conduct or serial assaults, and it helps us solve not only the present case but also other cases as well. Some of them are very old. That is important so that criminals can be brought to justice.

This bill also funds the National Aeronautics and Space Administration, NASA. It funds a Federal study for a Gulf Coast protection project and active-shooter training for first responders—all priorities important to my home State of Texas.

This legislation also represents changes in Washington since November. It is the first major piece of bipartisan legislation negotiated with the new Trump administration. Instead of pushing more regulations and rules that cripple our economy and disregarding the needs of our military and the stark realities of the border, this legislation begins to steer our country in a better direction.

I know that no piece of legislation is perfect, and perhaps the best definition of a negotiation is that both sides are dissatisfied because nobody gets everything they want. I look forward to voting for this legislation because I believe we were elected last November 8 to govern, not to abdicate those responsibilities or somehow engage in a shutdown narrative, which I don't think serves anyone well, certainly not the American people. I look forward to voting on this legislation and encourage all of our colleagues to do the same.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STRANGE). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll.

Mr. FLAKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. FLAKE pertaining to the introduction of S. 1039 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FLAKE. Mr. President, I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. YOUNG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Senator from Indiana will be recognized for up to 20 minutes.

#### WORKING FOR THE COMMON GOOD

Mr. YOUNG. Today, Mr. President, I rise to speak from the floor of this proud Chamber for the first time. My message today is, at once, a warning and an invitation.

Dear colleagues, as our Senate increasingly grows more partisan, we move further and further away from the practical governance our Founding Fathers espoused, and so today I would like to talk about the principle of the common good in the hopes that this body might be reminded that is our unifying purpose for serving.

Two Hoosiers exemplify the principle of working for the common good that I believe our Founding Fathers envisioned.

Governor Ed Whitcomb was the 43rd Governor of Indiana. A hero from World War II, he twice escaped capture from the Japanese, making it to safety by swimming through shark-infested waters all night to get to safety. Whitcomb pursued the common good in the midst of a rift in his own Republican Party. He successfully led Indiana in improving our State's highways, mental health services, and creating our State's Higher Education Commission. He bucked his own party's interests frequently to do what he thought was right for Hoosiers. Governor Whitcomb has been described as Indiana's most amazing Governor. He passed away this past year and in tribute Republicans and Democrats alike acknowledged that he served all Hoosiers well.

Coach John Wooden was born and raised in Indiana, and he learned to coach basketball there before heading to UCLA where he became one of the most successful college basketball coaches of all time. Wooden understood the importance of working together as a team, that working together as a team was better than working as indi-

viduals. Wooden acknowledged this principle in saying, "Ten field horses couldn't pull an empty baby carriage if they worked independently of one another." He also said, "If you want to go fast, go alone. But if you want to go far, you need a team."

These two Hoosiers remind us that we are here not to work for ourselves or our parties, but the interest of all Americans for the common good of the American people.

Can we perpetuate our Founders' brilliant system to safeguard our liberties by vesting power in the American people themselves?

Our charge is simple, but it will not be easy: for our republican system to endure, we must breathe life back into the notion of the "common good" through the relentless application of common sense.

Now, I don't profess that Hoosiers have a monopoly on the common good, but rather than allowing ideological labels to guide policymaking decisions, we should instead be guided by what we in Indiana call Hoosier common sense. It is the notion that we should be guided by the facts, and that we are open to change or new ideas, regardless of ideology, when presented with results.

The common good—I happen to know from personal experience that any young boy or girl who grows up in Indiana already has a keen sense of the thing.

I was raised in a place where neighbor cared for neighbor. This is the common good in practice.

I lived among people of character who made others' concerns their own concerns. This is the common good.

I benefited from the selfless contributions of Americans who invested their own time, their own attention, their own resources and talents into helping their fellow Americans. This is the common good.

I came to know rank-and-file citizens who quietly took the initiative to care for the forgotten Hoosiers who needed a hand up. This is the common good.

With respect, my colleagues, I note that this outline of the common good would fully satisfy any ordinary rank-and-file Hoosier, and most ordinary Americans, but sadly, in our modern politics sometimes our most stubborn partisans resist even the most self-evident truths. Forgive me as I must demonstrate that what works in practice also works in theory.

I will borrow from 18th century political theorist and English statesman Edmund Burke, for he brightly illuminated this notion of a common good. Burke argued that the common good could only exist where rule of law exists. Rule of law, properly understood, requires a shared allegiance by which people entrust their collective destiny to others who can speak and decide in their name. This, said Burke, is a partnership between the living, the unborn, and the dead.

The common good requires individual cooperation and compromise.

Burke noted that individuals are not simply a compendium of human wants and individual happiness is not realized by merely satisfying those wants. Our own happiness is linked to one another's happiness.

Our purpose, then—our duty—in both our private and public capacities, is to preserve a social order which addresses the needs of generations past, present, and future. This is our duty.

In the Marine Corps, I learned something about duty and practice. Marine leaders of every rank teach through the power of their example that every marine has a duty to serve a cause greater than themselves. Marines learn to venerate sacrifice for the greater good. We are trained to refrain from self-indulgent behavior, to check our egos at the door, and to never let ambition interfere with judgment.

For marines, our comrades' lives and our country's future depends on embracing uncomfortable facts and then improvising, adapting, and overcoming those facts together.

Of course, in the marines, there was no red State or blue State. Every marine fights for red, white, and blue. Marines don't have the luxury of stubbornly clinging to false doctrines or failed practices, and neither do we. Every day our men and women who wear the uniform from every branch take up arms "to provide for the common defense"—come what may.

Colleagues, if we are to keep the Republic, we too must remain open to fact-based conversations, to new information, and to new, better approaches.

Now look, I understand that this is not the United States Marine Corps. We have been issued a pen and a microphone, not rifles, but like the marines, we should be working to advance a common mission, common goals. We are the trustees of the common good.

Now, please don't misunderstand me. As a marine, I like a good fight as much as the next guy, but let's resolve whenever possible to fight together because I know most assuredly we are fighting for the same people—and, in most cases, we are fighting for the same ends.

I am fighting for Steve, a self-employed laborer from Indianapolis. Steve's in his fifties, but he hasn't seen his takehome pay increase in decades. Colleagues, you are fighting for Steve, too.

I am fighting for Whitney, a high school student from Gary. Whitney doesn't come from money, and she worries about the future. She is a hard-working student who helps her family how she can through a part-time job, but Whitney doesn't know if she can afford a college education. Colleagues, you are fighting for Whitney, too.

I am fighting for David, an Army helicopter mechanic from Evansville who spent nearly 15 years in uniform. David is exhausted by his countless overseas deployments, and he prays that his family will find relief from the stresses and strains of an overstretched force.

Colleagues, you are fighting for David, too.

I am fighting for Carrie, a single mother of three young children from Paoli. Carrie is addicted to opioids. Her aging mother tries to make a bad situation better, but she is fearful the family will not find a way out of the crisis. Colleagues, you are fighting for Carrie, too.

I am fighting for Sherman, a trucker from Fort Wayne. Sherman is quickly approaching retirement. Sherman has put a small nest egg away for retirement, but in a few years, he and his wife will depend on Social Security and Medicare to make ends meet. Colleagues, you are fighting for Sherman, too.

I am fighting for Bob, a single father of two boys from South Bend. Bob's been able to pull together care for himself and his children by piecing together various forms of public assistance. Bob wants a better life for himself and his boys. I hope we are all fighting for Bob—I hope we are fighting for every single American.

Let's resolve to fight for these people. Let's renew our vow to fight for them more than we fight with one other.

Let's come together to grow our economy by simplifying our Tax Code and reducing the burden of Federal regulations. I ask you, colleagues, to join me in supporting the REINS Act, which I championed in the House of Representatives. Let every proposed major regulation come before this body for a vote before it can take effect, then let the American people hold us accountable when those regulations kill jobs and constrain household incomes.

Let's come together to help Americans acquire the skills to meaningfully participate in this 21st century economy. If we cooperate, we can develop new solutions for financing higher education that liberate students from avoidable student debt, like income share agreements. ISAs keep score with outcomes, so people aren't punished if they are unemployed or have low incomes.

Let's come together to better serve the poor, the vulnerable, those on the margins of society. My social impact partnership bill passed unanimously out of the House last Congress.

This Congress, the Senate should come together to allow private investors to provide operating capital to those social service providers with the proven capacity to achieve measurable improvements in chronic social problems like homelessness and long-term unemployment.

If targeted improvements are achieved, government saves money and repays the project's initial investors, plus a modest return on investment.

Let's come together to restore confidence in our foreign policy and protect our men and women in uniform. While we rebuild our military, let's ensure we are optimizing every instru-

ment of national power. The American people won't tolerate wasteful or ineffective foreign aid expenditures, but they will continue to support investments in smart, effective diplomacy.

Let's work with this administration to reform the State Department and foreign bodies like the United Nations.

Earlier, colleagues, I spoke of a former Republican Governor of Indiana, Ed Whitcomb—but there was another Whitcomb who was Governor, James Whitcomb, a Democrat, who also went on to serve in this body before passing. He also made his mark as Governor, saving the State from insolvency, establishing institutions for the physically and mentally handicapped, and advancing the first system of free public education.

But even more impressive is his dedication to those Hoosiers who fought from Indiana in the Mexican-American War. With Indiana's budget broke and our credit in shambles, Whitcomb took out personal loans to purchase arms and send these Hoosiers out in service of our Nation. Two Whitcombs, one Republican and one Democrat, who served our State and Nation for the common good.

In closing, colleagues, allow me to acknowledge that folks in your States probably feel a lot like those in Indiana: they are frustrated by our failure, and the Federal Government's failure to live up to the high expectations Americans have for other pillars of our public life—our churches, our State governments, and so on. Where good old Hoosier common sense seems to inform work in those areas, in Washington, our common sense is too often crowded out by stale partisan battles and unyielding ideological biases.

Colleagues, our charge, our duty, is to advance the common good by identifying common goals and then using common sense to further advance those goals.

In spite of our principled disagreements, let us disagree without questioning each other's motives; let us work through tough problems. Let us be principled in our beliefs but pragmatic in advancing those beliefs. Let us adapt to new realities. Let us have the courage to change our minds. Let us put results over rhetoric. Let us find practical solutions to pressing challenges. Let us, first and foremost, never forget that we are custodians of the common good.

My fellow Americans, let us rededicate ourselves to remain one nation, under God, indivisible, with liberty and justice for all.

Thank you.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATING SENATOR YOUNG

Mr. McCONNELL. Mr. President, I congratulate Senator YOUNG on his first major speech in the Senate. It was truly inspirational. Our colleagues who are here on the floor have had an opportunity to listen to a very important speech.

I also acknowledge a former Senator who is with us in the Chamber, Richard Lugar of Indiana, who also was an extraordinary representative of the people of Indiana.

I congratulate Senator YOUNG.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I also congratulate my colleague from Indiana. He is a terrific partner. The theme of his speech of working together and building on Hoosier common sense couldn't be more important, couldn't be more timely, and couldn't have been presented any better.

I am fortunate to work with such a good partner for our State and for our Nation. Both of us have benefited from the wisdom, the advice, and the counsel of Senator Lugar, who, in our State, has set a benchmark for all of us to aspire to in terms of decency, intelligence, ability, craftsmanship, and leadership.

For a maiden speech, it was an extraordinary effort, a terrific job, and I am proud to be his partner from Indiana.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, the Senate will soon vote on the government funding bill the House passed yesterday, and with it, critical resources to address a number of issues facing our country.

As I have noted over the course of this week, the bill includes a number of provisions that are important to our country, and today I would like to take a closer look at the positive impact they can make in the lives of the men and women we represent.

Our country is suffering from a terrible epidemic. Heroin and prescription opioid abuse is destroying families and communities all across our Nation. On average, overdoses from these drugs claim 91 lives every day—91 lives every day. Drug addiction can even devastate the lives of babies before they are born.

States like mine have been hit particularly hard by this epidemic. I have heard countless stories from Kentuckians who have experienced the heartbreak of addiction firsthand.

Here is one story that a grandmother from Independence, KY, shared with my office: “[M]y granddaughter is growing up without a father due to this evil drug,” she wrote. “Our children are the future of this country and deserve all the help and support we can give them.”

Unfortunately, her story is similar to thousands more all across the land. Grandparents and other family members are increasingly taking care of children when parents fall into addiction. As too many families have experienced, addiction can have long-lasting and damaging effects on children and can be financially challenging for the caregivers.

A mom in Florence, KY, contacted my office about her son who is battling

addiction and frequently runs into trouble with the law. "There are so many lives lost and so many more headed in that direction," she said. "It's an epidemic, not a crime spree."

We took decisive action against heroin and opioid abuse last year with the passage of the Comprehensive Addiction and Recovery Act and the 21st Century Cures Act. This bill before us, when we pass it, will provide significant new resources to combat this crisis as well.

These critical funds will go to prevention, treatment, and enforcement programs that can help our communities heal from this scourge and help keep more families from ever knowing the suffering associated with this epidemic.

Look, there is still more work to do to get the opioid crisis under control, but this funding legislation will take another critical step in the right direction. That is why substance abuse treatment organizations support it, including one local group that recently contacted my office in support of the bill. This legislation, in their words, will help "[enhance] the ability of front lines providers to more effectively deploy resources and tackle this epidemic within our communities."

That is making a positive and meaningful impact in the lives of the men and women we represent.

Healthcare benefits for thousands of retired coal miners were set to expire across the country at the end of this week. Men and women who dedicated their lives to providing an affordable and reliable source of energy to this Nation would have lost their healthcare, many of them when they needed it most.

I have met with retired coal miners numerous times in my office about this issue, including one retiree from Georgetown, KY, who worked as an underground miner for 10 years. He suffers from diabetes and heart disease, and his wife is a breast cancer survivor. "There is no question whether or not we need our health insurance to continue," he said. "Without it, we would probably lose our home, [which] would be catastrophic not to mention what might happen to our health because we could not afford to get coverage or our medicine."

These coal miner retirees clearly needed our help, which is why I have been fighting for their healthcare at every step of the way. Today I am proud that this funding legislation includes my proposal to permanently extend healthcare benefits for thousands of retirees across the Nation and in Kentucky. These coal miners and their families can live with the peace of mind they have been looking for. That is making a positive and meaningful impact in the lives of the men and women we represent.

For too long, Federal bureaucrats in Washington imposed one-size-fits-all education policies on our children. Distant bureaucrats dictated nationwide

policies, even though the needs of a student in Kentucky are different from of a student in Maine or California. For this reason, we enacted the Every Student Succeeds Act education reform law last Congress, which sends power back to the States, parents, and teachers, and this funding bill will support its implementation, giving our schools the resources they need to prepare our students.

This funding legislation also supports school choice through reauthorization of the DC Opportunity Scholarship Program and through increased Federal funding for charter schools. Both of these school choice provisions will help expand opportunities for parents to send their children to the school that best meets their needs.

In my home State of Kentucky, the increased support for charter schools will be very important, as the new Republican majority in Frankfort recently passed a charter schools law.

Yesterday I met with State Representative Carney and charter school advocates who were key to shepherding this legislation into law down in Kentucky. I thank them for their efforts on behalf of Kentucky's students and families, and I look forward to working with them to support charter schools in Kentucky going forward.

By funding the implementation of the Every Student Succeeds Act and supporting school choice across the country, this legislation will help parents and students achieve strong educational outcomes. That is making a positive and meaningful impact in the lives of the men and women we represent.

Of course, this bill contains other important wins for the country as well. It includes the largest border security funding increase in a decade, allowing our country to better support border security agents, enhance technology, and update critical infrastructure down at the border. It includes important resources to help us begin rebuilding our military, allowing our country to give servicemembers more of the tools that they need, and fund a much needed raise for our men and women in uniform.

On military funding, we broke out of the years-long insistence by our colleagues on the other side that every increase in defense had to be met by an increase on the domestic side. That is no longer the law.

As I have outlined several times this week, this legislation includes other conservative priorities as well. Importantly, it achieves these things while conforming to spending caps and reducing bureaucracy, even consolidating, eliminating, or rescinding funds for over 150 government programs and initiatives.

Because of hard work from both Chambers and both sides of the aisle, we have a funding bill before us that can make many important and positive impacts in the lives of the people we represent. I know I will be supporting

it, and I urge colleagues to do the same.

I look forward to its passage so we can send the agreement to President Trump for his signature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the time until 1:45 p.m. today be equally divided in the usual form and that at 1:45 p.m., the motion to refer with amendment be withdrawn, the motion to concur with amendment be withdrawn, and the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 244.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, yesterday afternoon the House approved the Omnibus appropriations bill that will fund the government through September. The bill is the result of weeks and weeks of bipartisan, bicameral negotiations, and the final product reflects the give-and-take of those negotiations. Again, I want to thank the majority leader for all of his hard work and his desire to come to a good agreement, as well as the House leaders and the leadership of the Appropriations Committees. It has proved to many that Washington can work when we work together.

In my view, this is a very good bill for the American people. Not only does it explicitly preclude funding for an unnecessary and ineffective border wall, it excludes over 160 poison pill riders, it increases investments in programs that the middle class relies on, such as medical research, education, and infrastructure.

The National Institutes of Health will get an additional \$2 billion—part of the Cancer Moonshot. Pell grants will be restored for over 1 million students. Infrastructure programs like CDBG and TIGER will get an increase. Programs to combat the terrible scourge of opioid abuse will receive an increase. Clean energy research will receive an increase. Ninety-nine percent of the EPA's budget was protected.

In addition, there is a permanent extension of miners' health benefits, thanks to the hard work of JOE MANCHIN and so many others; funding to shore up Puerto Rico's Medicaid Program and a mechanism to allow the island to restructure its debt; and funding to help States like California, West Virginia, Louisiana, and North Carolina recover from natural disasters. It

has a very good increase for NASA, which I will talk about at the end of my remarks before my colleague from Florida speaks about the hard and successful work he has done on the NASA budget.

Of course, the bill doesn't include all of the things we wanted. It doesn't include all of the things our Republican colleagues wanted. That is the nature of compromise. But at the end of the day, this is an agreement which reflects our basic principles, and it is something both Democrats and Republicans should support.

The bill shows how bipartisanship in Congress should work—both parties negotiating in good faith in order to find consensus. It passed in the House with an overwhelming bipartisan majority of 309 votes, and I expect it will receive the Senate's approval later today.

More broadly, I hope this deal provides a blueprint for future budget negotiations between our two parties here in Congress. If the four corners—the Senate and House Democrats and Republicans—work as well on the 2018 budget as we did on the 2017 budget, we will have a product we can be proud of, with no worries about any kind of government shutdown.

#### TRUMP CARE

Mr. President, on healthcare, as the House plans to vote on their new vision and version of TrumpCare later today, I just want to remind the American people of a few things.

We are now on the second major attempt to pass TrumpCare. While all the focus in the media has been on the changes to the bill, we shouldn't forget the bad things that stay in the underlying bill and what they would mean for millions of Americans.

Under the new bill, as under the old, TrumpCare would mean that premiums go up 20 percent in the first few years. Average costs go up by over \$1,500 a year on the middle class.

It would mean that if you are struggling to make it into the middle class with an income, say, around \$30,000 a year, your costs could go up by \$3 or \$4,000.

It would mean insurers could charge older Americans five times or more the amount charged to younger folks. Even the 1-to-5 ratio, as bad as it was, as much as it raised the hackles of the members of the AARP and senior citizens, the 54- through 64-year-olds throughout America—this bill makes that worse.

It would devastate Medicaid, a program that covers 68 million Americans. That would affect poor people in the inner cities, but it would also affect people in nursing homes, and the young men and women aged 45 to 50 who have parents in nursing homes are going to have to face an awful choice—more money out of their pockets or their parents having to find another place to live.

It would still mean, worst of all, that 24 million fewer Americans will have health insurance.

All those things stay the same. This minor change made by the House at the last minute doesn't change any of those things.

For the same reasons TrumpCare 1 only got the support of 17 percent of the American people, TrumpCare 2 will probably have even less support.

All the while, these cuts end up giving a massive tax break to the wealthiest Americans—those making over \$250,000 a year, multimillionaires, billionaires. Even insurance executives who make over \$500,000 a year will get a tax break, while middle class and older Americans get the short end of the stick. Here we are telling average Americans they are going to get less coverage, they are going to pay more, so we can give the multimillionaires a huge tax break. Who would be for that?

As more and more Americans find out, the vote over there is going to be much less popular even than it is today, and it is very unpopular today, with only 17 percent of Americans liking the bill. It is hard to get lower than that, but I think, as people learn more about this bill, it will get even lower.

The House Republicans have added an amendment that makes the bill even more cruel. It would allow States to opt out of the requirement to cover folks with preexisting conditions for the services they need. God forbid you have a preexisting condition and live in a State that doesn't keep the requirement. Your only option might be a poorly subsidized high-risk pool where you might be forced to wait in line for virtually unaffordable coverage. Remember the death panels scare tactic used against ObamaCare? They didn't actually exist in ObamaCare, but they might in TrumpCare. These high-risk pools, with long lines and unaffordable coverage, are the real death panels.

That same amendment means an insurance company can charge an older American even more than five times the amount they are charged under the base bill. It would take us back to the days when insurance companies could price sick people out of insurance and drive older Americans to bankruptcy by charging outlandish rates. That is what House Republicans did with the bill to win more votes. It is unfathomable.

We don't even know how large the negative impact of these changes will be because we don't have a CBO score. Does anyone imagine this amendment will result in even more Americans being insured? Does anyone imagine it will provide better coverage for Americans with preexisting conditions? I don't think so.

That explains why Republican colleagues in the House are rushing it through with hardly any debate, no hearings, and no CBO score. They don't want the American people to see this bill. The leaders of the House were panicked that if they didn't pass the bill today, their Members would go home for 2 weeks—they are on recess over in the House—get beaten up by their con-

stituents who hate this bill, and they would back off.

Only 17 percent of Americans approved of TrumpCare. The rest of them packed townhall meetings and public forums to demand that their House Members reject it. They wrote and called, emailed, and contacted Members on social media. Those were the voices of average Americans who stopped the first TrumpCare proposal from even receiving a vote.

Now Republicans are trying to sneak through their second, even worse version of TrumpCare without debate or any analysis of what it would mean for our country. Maybe it raises costs on working Americans even more. Maybe it doubles the amount of uninsured Americans. The House won't know before voting on the bill.

I sincerely hope that if this bill passes—I pray it doesn't—the Senate won't mimic the House and try to rush a bill through without hearings or debate or analysis.

Mr. President, regardless of the process, TrumpCare is a breathtakingly irresponsible piece of legislation that would endanger the health of tens of millions of Americans and break the bank for millions more. I don't know what my friends in the House would say to their constituents if they vote for this bill.

What would you say to a 56-year-old in your district, who is already struggling to balance the cost of medicine and rent and groceries, when she has to pay more than five times as much in healthcare as someone who is 35 and healthy?

What would you say to the mother in your district whose daughter has cancer and who is worried that if she ever lapses in coverage, the insurance company can raise the rates so high on her family that she couldn't afford to get health insurance for her daughter and would have to watch her suffer? The agony a parent would go through. What do you say to that mother?

I don't know how any of my Republican colleagues here in the Senate when we get this bill and now in the House can explain why they voted to rip away people's healthcare.

If there were a Hippocratic Oath for Congress, "Do no harm," TrumpCare would never come up for a vote. It harms the American people in so many ways. It doesn't have to be this way. Republicans could drop these efforts for repeal, drop these attempts that are undermining our healthcare system and causing insurers to flee the marketplace, and come work with Democrats on improving the healthcare system. Our door is open.

So I would just make one final plea to my Republican friends in the House. I know they rarely listen to Senate leaders, especially Democratic ones, but this is an issue where so much is at stake that I hope they forget party labels at the moment. I ask them to do what representatives should do, something very simple: Think about your

constituents. Consult your conscience before you vote for this bill.

I believe if they truly do and consider what every independent expert and medical association is saying about this bill and what it would mean for our healthcare system, they will come to the right conclusion and vote no today.

On one final issue, Mr. President, I see my friend from Florida about to take the floor. I would like to yield to him for a moment, but before I do, I would like to recognize his outstanding efforts in securing additional funding in the appropriations bill for NASA.

NASA had actually been targeted for certain cuts by the Trump administration in their budget that would nix the program to send a mission to Europa, a Moon of Jupiter. Thanks to the advocacy of Senator NELSON, NASA will get an overall increase of \$368 million in the appropriations bill—enough to fund that mission.

I know this issue is near and dear to BILL's heart. As a young Congressman, he was the second sitting Member of Congress and the first Member in the House to serve on a NASA mission, aboard the space shuttle *Columbia*. He has a passion for and a deep knowledge of our space program. There is no one in the Senate who has done more for it than BILL NELSON. He has worked hard ever since he got to the Senate, and he has had great success.

Once again, he has had a success here today. His constituents in Florida and all Americans should be grateful that BILL is a real leader on both of these issues in our caucus and in the whole Senate.

I yield to my friend, the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, many, many thanks to the leader for his kind remarks.

The final bill was negotiated by the big four—the two leaders in the Senate and the two leaders in the House. It was not going to happen this way unless the leaders all agreed, so my profound thanks on behalf of the explorers and the adventurers of the United States—the “can do” little agency, NASA, that is now on its way to Mars.

On behalf of all of the NASA family, I thank the leaders and especially the Democratic leader. A personal thanks for his very kind comments.

Mr. President, we have approached the NASA bill in a bipartisan way. As a matter of fact, I give great credit to both the chairs and the ranking members on the House Science, Space, and Technology Committee, as well as on the subcommittee on appropriations in the House that handles NASA appropriations. All of those leaders were absolutely key.

Of course, the same thing is true here in the Senate. As the ranking member, I have the privilege of sharing the leadership with our chairman, JOHN THUNE, on the Commerce, Science, and Trans-

portation Committee. It is that subcommittee's chairman and ranking member, as well as the chairman and ranking member from the subcommittee on the Appropriations Committee, from whom we will hear momentarily—to all of them, I am very grateful.

What it says is that NASA—America's civilian space program—should not be a partisan subject. What it says is that the leaders of NASA should not be partisans. As a matter of fact, they should even be more than bipartisans—they should be nonpartisans. That has been the tradition of NASA's, so like that of the Secretary of Defense. One considers that appointment to be a nonpartisan. So, too, we consider the Administrator of NASA to be a nonpartisan. I think, in this interim, with the Acting Administrator of NASA, that they are conducting themselves in a very significant way in keeping all of the advancements that they have done but that are now to be accelerated with this appropriations bill.

I congratulate the whole NASA team. It has been my argument to the Vice President and to the President that in the selection of the next leader of NASA, they need to do it in a nonpartisan way so that we can keep going for this human mission that is going to the planet Mars in the decade of the 2030s.

With the increase in NASA funding, we now stand on the precipice of a new golden age of exploration and discovery. In March of this year, several of us were at the White House when the President signed the NASA authorization bill. What we have worked on for the better part of 2 years keeps NASA on a steady course, with a balanced and ambitious mix of science, technology, and exploration initiatives. Let's not forget that the first “A” in “NASA” is “aeronautics.” It keeps all of that moving forward.

This additional \$368 million of funding for NASA gives that little agency the ability to build off of the momentum that is already there. For example, in the White House, the Vice President—and I have commended him both privately and publicly—is bringing about the reestablishment of the National Space Council. I shared with him that all of us look forward to working with him and the Council to develop and carry out the ambitious civil, commercial, and national security space agenda for this country.

The \$19.65 billion appropriation for NASA, coupled with the NASA authorization bill that we already passed a month or two ago, demonstrates our firm commitment to one day putting humans on Mars and permanently expanding our civilization out into the cosmos. We will soon have a regular cadence of missions that will be launching into deep space using the Space Launch System—the largest rocket ever, a third more powerful than the Saturn V rocket that took us to the Moon. Its spacecraft—the *Orion*—and

other systems will be assembled and launched, and a lot of that is being done at Florida's Space Coast. The first rockets and spacecraft that will start the journey are being assembled right now at various sites across the country. Right now, the Space Launch System—the SLS rocket, the *Orion* spacecraft that sits on top of it—and the launch infrastructure at Cape Canaveral or, more specifically, the Kennedy Space Center, are all in the most challenging stages of their development.

These complex systems are all very intertwined, and it is vital that we make sure that NASA has the funding flexibility that it needs to address issues as they come up so that they can bring these systems together for the launch in early 2019 of the largest rocket ever.

We have asked NASA to look for new ways to expand commercial space activities in Earth's orbit, and we are providing NASA with the tools and the direction it needs to expand our commercial space activity. We are right on track to begin launching astronauts to the International Space Station on American rockets, commercially made, and that is going to start next year.

People do not realize—they thought the space shuttle was being shut down in 2011. They thought that was the end of the space program. No. No. All of this is being developed aside from the robotic missions that there have been with the rovers on Mars and all of the pictures of the cosmos. I mean, it is just unbelievable. Next year we are going to replace the Hubble Space Telescope, which has peered back into the beginning of time. We are going to look back almost to the beginning of time with the James Webb Space Telescope.

All of this is strengthening a flourishing U.S. space industry, especially in the areas in which NASA centers are located around the country. What is happening at the Kennedy Space Center is that it is being transformed into a commercial as well as a government spaceport—into a busy civil, military, and commercial spaceport.

This appropriations budget allows us to continue all of this going on at the same time. We are going to put up gee-whiz things like the Wide Field Infrared Survey Telescope, as well as additional Mars rovers. The rovers that are up there show that Mars, at one point, was warm and wet. We are going to find out whether there was life there. If there were, was it developed? If there were, was it civilized? If there were, what happened? These are lingering questions as we peer up into the night sky. The funding included in this budget deal moves us ever closer to answering that burning question: Are we alone in the universe? This budget helps us better understand our own planet by funding NASA's Earth Science Program, as well as funding aeronautics and education programs for our youth.

The investments that we as a country make in our space program pay immediate dividends to our quality of life

right here on Earth. Of course, the space program creates thousands and thousands of jobs for skilled workers to build machines that help us explore the heavens and jobs for the researchers to understand and interpret what we discover and jobs for the engineers and the entrepreneurs to develop new technologies. These public investments also stimulate complementary investments of private capital and the thousands of jobs that follow from that, and those are companies that will partner with NASA.

Again, I thank our colleagues in both the House and the Senate for their continued support of our space program. In this time when we find ourselves far too divided in our politics, the exploration of space continues to be a powerful force that brings us together into our search as we explore the universe.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I compliment our colleague from Florida on his articulating this powerful vision for humankind, which is the ability to look into the night sky and ponder the mysteries of the universe, the mysteries of life, in the most complete way. America has led this scientific adventure, this scientific journey, and we must continue to be at the lead of this journey for all of the reasons he has laid out today.

I thank my colleague from Florida for leading Congress in pursuing and advocating for this vision and for developing the instruments on the ground and the instruments in space that will advance our knowledge.

#### EQUALITY ACT

Mr. President, I rise to speak about a different vision, the vision articulated in our Constitution, those first three words of our Constitution, “We the People.”

It is this vision of a nation founded on the principle of a government that would serve not the privileged, not the powerful, not the few, not the elite, but serve the entire set of citizenry. Those powerful words were put in supersized font in our Constitution. So from across the room, you might not be able to read the details, but you can read the mission: “We the People”—a government of, by, and for the people, as President Lincoln so eloquently said.

But this vision in the Constitution followed up on the principles articulated in the Declaration of Independence. In 1776, 56 of our Nation’s best minds, our best leaders, gathered together in Philadelphia to debate, to work out a document unlike any other in history—a document that changed the course of world history—the Declaration of Independence. It said: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Together, the Declaration of Independence and the Constitution laid out

the vision for our grand experiment in democracy, our grand experiment in establishing a democratic republic—a nation, of, by, and for the people, where each and every person is equal, each and every person has the ability to pursue their happiness, to pursue opportunity. We may not have always succeeded, but for centuries, the story of our Nation—the American story—has been one of striving to live up to that promise of a more perfect union, where every citizen is equal, every citizen has opportunity, and every citizen can pursue happiness.

Martin Luther King said in the midst of the civil rights struggle:

Human progress is neither automatic nor inevitable. . . . Every step toward the goal of justice requires sacrifice, suffering, struggle; the tireless exertions and passionate concern of dedicated individuals.

And it is with that type of tireless exertion and passionate concern that we have been on this path toward equality and opportunity for all.

We have made a lot of strides. We have broken down a lot of barriers in overcoming discrimination and in advancing opportunity for one group of Americans after another. For women, for African Americans, for indigenous peoples, for immigrants, for Americans with disabilities, the journey goes on and on. But regardless of how far we have come, it is clear we still have a long way to go.

There are still too many of our friends, too many of our neighbors, too many of our coworkers, our brothers and sisters who don’t enjoy the same rights and protections as everyone else. They are members of the LGBTQ community, and they continue to go through every single day confronting discrimination simply because of who they are or whom they love. That is simply not right. There should be no room for that kind of hate, for that kind of discrimination here in the United States of America.

That is why this week I have reintroduced the Equality Act. I have reintroduced it with powerful support from Senator TAMMY BALDWIN and Senator CORY BOOKER, who have really been the leaders who have driven this forward here in the Senate. We have been joined now by 43 additional colleagues, so that is 46 Senators, original cosponsors, in support of this vision of equality. That is a powerful stride from where we were just a few years ago, when we didn’t even have an Equality Act to be presented here in the halls of Congress.

We launched this act in partnership with the House, where Congressman DAVID CICILLINE has been the leader, and he has been joined by 194 of his colleagues as original cosponsors.

JOHN LEWIS said during the civil rights struggle: “If not us, then who? If not now, when?” All of us should be called to action in this fight for the fundamental principle of equality, for us to stand up together and declare once and for all that discrimination

based on sexuality and gender identity is not welcome in this country. We must make nondiscrimination the law of the land here in the United States of America.

It is certainly true that we have made some progress in recent years. We passed the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, which expanded the definition of a Federal hate crime to include assaults based on sexual identity or gender orientation. We repealed don’t ask, don’t tell, a policy that banned LGBTQ soldiers from serving openly in our military for 17 years and that forced more than 13,000 servicemembers out of the military with dishonorable discharges.

What we did was undermine the effectiveness of our military by taking away the enormous talents and skills of those individuals. And 6 years after repealing that policy, our military is stronger for it.

In the Affordable Care Act, we make sure that no one can be denied healthcare because of their sexual orientation or gender identity. Then, in 2013, the Supreme Court ruled that the Defense of Marriage Act, which defined marriage as a union between a man and a woman, was unconstitutional, it was discriminatory, it was in fundamental violation of the vision of our Constitution.

Then, in 2015, the Supreme Court found, in *Obergefell v. Hodges*, that love is love, regardless of gender or sexual orientation, and required all States to recognize same-sex marriages and issue marriage licenses to same-sex couples.

One barrier after another—one barrier after another of discrimination, one barrier after another that presented an obstruction to opportunity has fallen in a relatively short period of time, and that is something all of us should celebrate in the vision of equality and opportunity embedded in the vision of our Nation. But we cannot allow ourselves to lose sight of the fact that as much as these have been steps forward, we are still far from ending discrimination to the LGBTQ community here in America.

Today, every State is required to recognize same-sex marriages and issue wedding licenses to same-sex couples. But 30 of those States still do not have a legal framework that ends discrimination. In 30 of those States, the legal framework of the State does not prevent someone from being fired from their job for being gay or lesbian or transitioning; those States do not have a structure which prohibits a same-sex couple to be refused services, to be evicted from an apartment, to be banned from a restaurant, to be denied opportunities to serve on a jury, to be turned away at the door in pursuit of a mortgage.

We hear these stories from individuals. Ask the science teacher who was fired after telling her principal that she and her wife were planning to get

pregnant or the same-sex couple that was forced to leave a park after kissing in public or how about the woman who was fired from her job as a security guard in a Savannah hospital, and when she took the hospital to court, she lost under the framework of law in that State.

Or ask the LGBTQ community in Orlando. What we see is that when we have discriminatory laws, a discriminatory legal structure, that engenders discrimination, and the discrimination facilitates and engenders hate, and hate leads to violence. So we saw in Orlando when last summer a crazed gunman attacked those who were at the Pulse Nightclub and took the lives of 49 innocent people.

The States that have no framework are many. They cross our country—Idaho and Montana and Wyoming, North and South Dakota, Nebraska, Kansas and Oklahoma, Arizona, Alaska and Texas, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Virginia, North and South Carolina, Georgia, Alabama and Florida—no legal structure to end this sort of discrimination.

At some point in their lives, approximately two-thirds of all LGBTQ Americans face discrimination because of their sexuality or gender identification. Roughly a quarter of lesbian and gay and bisexual working Americans have lost a promotion because of nothing more than who they are or whom they love. And nearly—in fact, more than a quarter of transgender, working Americans report that in just a single year, they have been fired or not hired or denied advancement.

There is no Federal framework to end discrimination. Today, only 20 States and the District of Columbia have passed laws banning discrimination based on sexual orientation and gender identity in the workplace, in housing, in public accommodations. Another three States have a partial set of protections. But instead of seeing the remaining States that still have a framework that provides for discrimination, we have seen more and more discriminatory legislation—laws like North Carolina's HB2, the so-called bathroom bill, which said that transgender individuals had to use a bathroom that matches their birth certificate and which blocked local jurisdictions from passing antidiscrimination measures to protect LGBTQ citizens; or Senate bill 149 out of South Dakota, signed into law in March, saying that LGBTQ people who want to adopt or foster children can be rejected by State-funded agencies based on the religious beliefs of the agency.

Already this year, there have been more than 100 discriminatory pieces of draft legislation offered in State legislatures across our country.

As long as people in our Nation are afraid to put their spouse's photo on their desk at work, as long as citizens are worried about being evicted from

their apartment, as long as Americans can be denied service at a restaurant or a hotel room or kicked out of a public park or denied the right to use a bathroom just for being who they are or for whom they love, we need to keep fighting. We need to keep pushing to end discrimination.

Imagine, if you will, when you open a business in America, the principle, since the 1964 Civil Rights Act, has been that you open the door to all. You don't let in a person with one color of skin and slam the door on the next who has darker skin. You don't let in one gender and slam the door on the other gender. You don't let in one ethnicity and slam the door on the other ethnicity.

These fundamental provisions of equality, where the door is open to each citizen by those who provide services to the public—that is the foundation for each individual to be able to live their life fully, to be able to fully pursue their potential, to fully pursue their opportunity, to fully pursue happiness as envisioned in the Declaration of Independence.

A former Senator of this body, who served here when I was an intern in 1974, who served here in 2009 when I came to the U.S. Senate, Ted Kennedy said: "The promise of America will never be fulfilled as long as justice is denied to even one among us." Yet justice is denied every day—every day—in 30 States across our Nation where the door of discrimination is slammed shut on lesbian, gay, bisexual, and transgender individuals.

We the people in America understand that it is time to stop slamming the door of discrimination shut and open the door to full opportunity and full equality as envisioned in our founding documents. Sixty percent of Americans support same-sex marriages. More than half oppose North Carolina's bathroom bill and other similar bills that discriminate against transgender individuals.

According to one study by the Public Religion Research Institute, more than 70 percent of Americans support comprehensive Federal legislation. Public opinion is in support of moving forward—moving forward to keep the door of opportunity open and to stop slamming the door of discrimination in the face of our citizens. It is time for us to stand up for our fellow citizens, time for us to speak out against this discrimination, time for us to declare once and for all that every American, no matter who they are or whom they love, deserves to live free from fear, free from violence, and free from discrimination. It is time for us to stand with our friends, our neighbors, our co-workers, and our brothers and sisters in the LGBTQ community. It is time for us to move forward and create non-discrimination legislation based on the same sound foundation that has served so well in regards to addressing discrimination in other parts of our society, and that is the 1964 Civil Rights

Act. It is time to consider the Equality Act in the Senate of the United States.

At a time when so much discrimination, so many daily assaults occur on our fellow citizens, shouldn't we be holding a hearing to have these citizens speak up and share their stories? Shouldn't we be holding a vote to determine whether or not we truly believe in our constitutional vision? Shouldn't we have to confront the fact that we still have discrimination in housing, in employment, in schools, in restaurants, and in theaters? In fact, in every walk of life in America, in 30 States, we still have this discrimination without a legal framework in those States to provide protection.

Under the Equality Act, sexual orientation and gender identity receive the same clear level of protection that race, religion, gender, and ethnicity already enjoy, thanks to the 1964 Civil Rights Act. The Equality Act will help us fulfill the promise of America, as Ted Kennedy presented it, that justice under the law is not complete when it is denied to even one among us.

I am a steadfast believer in our Nation's founding principle that all of us were created equal, that we are "endowed by our Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." But you don't have liberty if the door of discrimination is slammed in your face when you seek an apartment. You don't have liberty when the ugly face of discrimination blocks you from an opportunity to serve in a job. You don't have pursuit of happiness when you face a discriminatory framework in 30 of our 50 States.

We all ought to have the same freedom to be who we are, to love whom we love, to pursue our lives and careers free of discrimination. I will not rest until that is true for everyone in our country. I say to my colleagues: Let us all not rest until we complete this vision of opportunity and equality for all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### REPUBLICAN HEALTHCARE BILL

Ms. CANTWELL. Mr. President, I come this morning to talk about the impending passage of a very failed healthcare bill in the House of Representatives and to remind my colleagues that this legislation moving through the House of Representatives is the first time in the 50-plus years of the Medicaid Program that they are going to pass legislation to cap and cost-shift Medicaid costs to States.

This is an \$839 billion cost shift from the Federal government to States and a one-quarter cut to the Federal Medicaid investment over a period of ten



years. Some 14 million Americans will lose Medicaid coverage. These draconian and arbitrary budget caps will leave States with impossible choices to cut people from care, cut provider reimbursements, or reduce benefits. Overall, 24 million Americans will lose their health insurance. That is according to a recent Congressional Budget Office analysis.

Why do I say this is a broken promise? Because it was very clear that, when President Trump was a candidate, he said he was not going to cut Social Security, Medicare, or Medicaid.

Why is that important? Because these are trusted programs that have worked cost effectively for so many Americans in giving them access to care. Now is not the time, as we have seen a Medicaid expansion, to now cost-shift Medicaid to the States by breaking this promise and putting in it, for the first time in 50 years, a substantial change to the way Medicaid works. It does represent, in my opinion, a war on Medicaid—one that we cannot afford to wage.

Communities that have benefited from Medicaid expansion have seen the value of coverage and a healthy population. All you have to do is to talk to healthcare providers, hospitals, chambers of commerce, and others to get them to say that, yes, having more people with healthcare coverage in our community has helped us in raising the standard of living.

Why is that? First of all, uncompensated care is no longer put at the hospital's doorstep. Secondly, the population with healthcare coverage is healthier, getting treatment in advance as opposed to waiting for a crisis. It represents an investment in the community that allows a community to stabilize.

These are important issues for us to discuss. I hope my colleagues in the Senate will not fall for this ploy or that they will not go back on promises made by this administration not to cut Medicaid.

There are other aspects of the bill coming over from the House of Representatives, obviously, dealing with preexisting conditions, and we know from our own experience in the State of Washington that high-risk pools have covered only a tiny portion of people with preexisting conditions and are inadequate unless properly funded. As an article from the Seattle Times, from 2009, entitled "Dozens of patients cut from state's high-risk insurance pool" stated: "with premiums that can top \$20,000 a year, patients don't exactly clamor to join the state's high-risk health-insurance pool—a public insurer of last resort for patients with cancer, AIDS and other serious diseases . . ." and "the premiums cover only about 30 percent of the patients' medical and prescription expenses."

There are many things that are working in the Affordable Care Act. We have done great things on rebalancing; that is, to rebalance people from nurs-

ing home care to community-based care.

This chart shows how many States in the United States of America are doing this. This is in the Affordable Care Act. We wrote a provision encouraging States to try to rebalance their population, not encouraging so much nursing home care because it is so expensive, and instead, trying to deliver the long-term care people need in their individual communities.

The great success of this is that many States in the Affordable Care Act took us up on it—States like Nevada, Iowa, Missouri, Texas, Arkansas, Mississippi, Georgia, Kentucky, Ohio, Pennsylvania, New York, and Maine. I saw in our own State, over a 15-year period of time, that we saved roughly \$2.7 billion. That is \$2.7 billion of cost. Instead of paying for a Medicaid population in expensive nursing home settings, we instead innovated and put them into what was a cost-effective delivery system in which people love to stay in their home as they age as opposed to the notion of expensive nursing home care.

I mention that because that \$2.7 billion could be the kind of savings we would see in these States. So I tell my colleagues from the House: Innovate; don't capitulate. Don't try to say that you have an ingenious idea on how to take care of healthcare costs by simply capitating, for the first time in 50-plus years, the Medicaid Program and then leaving the States to pick up the bill.

It won't work. Follow the ideas and strategies that are much better in helping us cut costs for an aging population that is living longer, and look for fixes that are already there in the Affordable Care Act to do so.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. CANTWELL. Mr. President, I note, too, that we are going to be moving today, before we leave here, to what is the Omnibus resolution to keep the government open.

I wanted to mention an important aspect of the legislation we are going to be voting on. Pursuant to provisions in the Customs bill, we are now going to put funding into trade enforcement—a very important aspect of our trade agenda.

We know that more than 96 percent of the world's customers live outside the United States. By some estimates, at least 70 percent of the world's purchasing power is outside the United States. That means that we need to keep working hard to reach these new markets and these customers. The growing middle class has great purchasing power.

In 2015, the global middle class spent \$33 trillion. By some estimates, the middle class could surpass 4 billion people by the year 2021, making it a majority of the world's population.

Approximately one in three jobs in the State of Washington are tied to international trade. Washington State exported approximately \$80 billion in goods in 2016—from airplanes and coffee to apples and software. I know this about our State: we understand that we are in a global economy and that we have great products to sell in international markets.

Agriculture exports are very important to our State. Agriculture adds about \$51 billion a year to our State's GDP, and the agricultural sector makes up more than 13 percent of our State's economy. In 2016, Washington exported \$15 billion worth of food and agriculture products with \$7 billion being of Washington origin. We are No. 1 in the nation in production of apples, hops, spearmint oil, wrinkled seed peas, concord grapes, sweet cherries, pears, green peas, raspberries for processing, blueberries and aquaculture. We are No. 2 in production of potatoes, certain kinds of grapes, nectarines, apricots, prunes, plums, sweet corn for processing, and a variety of other things.

This is to say that in the State of Washington, we grow a lot for overseas markets. Why am I talking about this important aspect of this bill that is passing to keep our government open today? Because in our State and across our country, we need to encourage more small businesses to export. And we need to make sure we have enforcement of a level playing field so that U.S. companies of all sizes and U.S. workers are protected as they compete in that global economy.

That is why, in the previously passed Customs bill, I created a Trade Enforcement Trust Fund at the Office of U.S. Trade Representative. Now, with this legislation passing today, we are putting \$15 million toward that trust fund to be spent exclusively on enforcing trade agreements. We need to enforce the agreements and make sure Washington and businesses around the country get a fair deal as we work on trade. And \$15 million in the fund would help us fight trade issues we have seen all over the globe.

For example, sometimes people try to sell their products by taking the great labels we have on Washington apples and putting them on foreign apples making them seem like Washington apples, when in reality they are not. This bill gives us money for trade enforcement to address these challenges.

Sometimes we have intellectual property that is hijacked or stolen from companies in our State. This bill puts more enforcement in place to fight those crimes and to make sure we are enforcing our trade agreements. The trust fund gives the framework and workforce to enforce trade laws governing exports to that burgeoning,

as I said, growing middle class outside the United States. We must make sure our products are sold and sold correctly and any disputes that are happening are resolved and resolved quickly so our trade with those countries can be cost-effective to our growers, to our manufacturers, and to the workforce within our State.

I am sure every Member here who has companies that have done trade in this global economy can tell you stories of how the lack of trade enforcement has cost them business. This fund is a very positive shot in the arm to our U.S. trade office, so they have the resources to do more enforcement and make sure our products are winning in the overseas markets.

I yield the floor.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, BBEDCA, establishes statutory limits on discretionary spending and allows for various adjustments to those limits, while sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate is considering H.R. 244, the Consolidated Appropriations Act, 2017. This measure provides full-year appropriations for Federal Government agencies and con-

tains spending that qualifies for cap adjustments under current statute.

This measure includes \$93,470 million in budget authority that is designated as being for overseas contingency operations/global war on terrorism pursuant to section 251(b)(2)(A)(ii) of BBEDCA. Of that amount, \$76,985 million is for spending in the security category, and \$16,485 million is for non-security spending. CBO estimates that this budget authority will result in \$41,444 million in outlays in fiscal year 2017.

Division F includes \$6,713 million in nonsecurity discretionary budget authority that is designated as being for disaster relief pursuant to section 251(b)(2)(D) of BBEDCA. This designation makes the spending associated with this provision and its associated outlays of \$336 million eligible for an adjustment.

This legislation includes language that increases nonsecurity discretionary budget authority by \$1,444 million this year and designates it as emergency funding pursuant to section 251(b)(2)(A)(i) of BBEDCA. CBO estimates this budget authority will result in \$497 million in outlays in fiscal year 2017.

Finally, division H provides \$1,960 in nonsecurity discretionary budget authority for program integrity efforts. This funding is designated pursuant to section 251(b)(2)(C) and section

251(b)(2)(B) of BBEDCA. CBO estimates that this budget authority will result in \$1,635 million in outlays this year.

As a result of the aforementioned designations, I am revising the budget authority and outlay allocations to the Committee on Appropriations by increasing revised security budget authority by \$76,985 million, revised non-security budget authority by \$26,602 million, and increasing outlays by \$43,912 million in fiscal year 2017. Further, I am increasing the budgetary aggregate for fiscal year 2017 by \$103,161 million in budget authority and outlays by \$43,541 million.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

Table: REVISION TO BUDGETARY AGGREGATES (Pursuant to Sections 311 and 314(a) of the Congressional Budget Act of 1974). Columns: \$s in millions, 2017. Rows: Current Spending Aggregates, Adjustments, Revised Spending Aggregates.

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2017

(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

Table: REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2017. Columns: \$s in millions, 2017. Rows: Current Allocation, Adjustments, Revised Allocation, Memorandum: Detail of Adjustments Made Above.

JOINT EXPLANATORY STATEMENT FOR THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Mr. BURR. Mr. President, this explanation reflects the status of negotiations and disposition of issues reached between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

The explanation shall have the same effect with respect to the implementation of this act as if it were a joint explanatory statement of a conference committee. The explanation comprises three parts: an overview of the application of the annex to accompany this statement, unclassified congressional direction, and a section-by-section analysis of the legislative text.

I ask unanimous consent that the joint explanatory statement for the In-

telligence Authorization Act for fiscal year 2017 be printed in the RECORD.

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

DIVISION N—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The following is the explanation of the Intelligence Authorization Act for Fiscal Year 2017.

This explanation reflects the status of negotiations and disposition of issues reached between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence (hereinafter, "the Agreement"). The explanation shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a conference committee.

The explanation comprises three parts: an overview of the application of the annex to accompany this statement; unclassified congressional direction; and a section-by-section analysis of the legislative text.

PART I: APPLICATION OF THE CLASSIFIED ANNEX

The classified nature of U.S. intelligence activities prevents the congressional intelligence committees from publicly disclosing many details concerning the conclusions and recommendations of the Agreement. Therefore, a classified Schedule of Authorizations and a classified annex have been prepared to describe in detail the scope and intent of the congressional intelligence committees' actions. The Agreement authorizes the Intelligence Community (IC) to obligate and expend funds not altered or modified by the classified Schedule of Authorizations as requested in the President's budget, subject to modification under applicable reprogramming procedures.

The classified annex is the result of negotiations between the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. It reconciles the differences between the committees' respective versions of the bill for the National Intelligence Program (NIP) and the

Homeland Security Intelligence Program (HSIP) for Fiscal Year 2017. The Agreement also makes recommendations for the Military Intelligence Program (MIP), and the Information Systems Security Program (ISSP), consistent with the National Defense Authorization Act for Fiscal Year 2017, and provides certain direction for these two programs.

The Agreement supersedes the classified annexes to the reports accompanying: H.R. 5077, as passed by the House on May 24, 2016; H.R. 6393, as passed by the House on November 20, 2016; H.R. 6480, as passed by the House on December 8, 2016; S. 3017, as reported by the Senate Select Committee on Intelligence on June 6, 2016; and S. 133, as reported by the Senate Select Committee on Intelligence on January 20, 2017. All references to the House-passed and Senate-reported annexes are solely to identify the heritage of specific provisions.

The classified Schedule of Authorizations is incorporated into the bill pursuant to Section 102. It has the status of law. The classified annex supplements and adds detail to clarify the authorization levels found in the bill and the classified Schedule of Authorizations. The classified annex shall have the same legal force as the report to accompany the bill.

#### PART II: SELECT UNCLASSIFIED CONGRESSIONAL DIRECTION

##### *Managing intelligence community personnel*

This Agreement by the congressional intelligence committees accepts the Senate's recommendations that IC elements should build, develop, and maintain a workforce appropriately balanced among its civilian, military and contractor workforce sectors to meet the missions assigned to it in law and by the president. The Agreement recognizes that the size and shape of the IC's multi-sector workforce should be based on mission needs, and encourages the IC to adjust its reliance on contractors when appropriate, both as a matter of general policy and as a way to conserve resources. The flexibility afforded in this provision should support this position. In addition, section 103 provides an increase in the number of civilian personnel authorized in the Schedule of Authorizations for the purposes of such contractor conversions in the interim for the remainder of fiscal year 2017. Nothing precludes the Congress from addressing the end strength for any element or office of the IC in the annual authorization bills.

Therefore, the committees direct that the ODNI provide the congressional intelligence committees briefings on the workforce initiative as directed in section 306, beginning July 1, 2017, and each 120 days thereafter until July 1, 2018, with benchmarks and milestones, for IC elements to manage a multi-sector workforce without personnel ceilings starting in fiscal year 2019. The ODNI, in coordination with the IC elements, shall establish a common methodology for collecting and reporting data, and include new exhibits in the annual congressional budget justification books that display full-time equivalents (government civilians, core contractors, non-core contractors, and military personnel), by program, expenditure center and project.

In the absence of authorized position ceiling levels, agencies will be bound to authorized and appropriated personal services funding levels.

Further, the transfer of non-personal services funding in below-threshold reprogramming is a concern to the committees. Therefore, the committees direct agencies to provide a written notification to the committees of any realignment and/or reprogramming of funding between personal services and non-personal services.

##### *Commercial Geospatial Intelligence Strategy*

The congressional intelligence committees applaud the National Geospatial-Intelligence Agency (NGA) for issuing its October 2015 Commercial Geospatial Intelligence (GEOINT) Strategy, which states a goal of fostering a "more diverse, resilient, agile, and responsive GEOINT program that provides seamless user access to the best mix of commercial GEOINT . . . to fulfill National System for Geospatial-Intelligence (NSG) and Allied System for Geospatial-Intelligence (ASG) mission needs." The committees also find merit in the NGA's "GEOINT Pathfinder" project, which seeks to maximize the use of unclassified and commercially available data sources that can be easily and rapidly shared with a variety of military, United States and allied government, and non-government customers, and supports the project's continuation and expansion.

The committees further commend the NGA for pursuing new methods of intelligence collection and analysis to inform, complement, and add to its support of warfighter requirements by looking to emerging commercial technology providers, including small satellite companies, which hold the promise of rapid technological innovation and potentially significant future cost savings to the U.S. taxpayer. The committees further encourage the Director of the NGA to ensure sufficient funding is available to acquire new, unclassified sources, including commercial satellite imagery providing unprecedented global persistence, as well as products and services that provide information and context about changes relevant to geospatial intelligence. The committees also encourage the NGA to pursue new business models, including commercial acquisition practices, to enable the NGA's access to data, products, and services in ways consistent with best commercial practices.

The committees fully support the NGA's course of action in partnering with the commercial GEOINT industry to meet future warfighter intelligence requirements, while recognizing the need to take appropriate steps to protect national security, and encourage the Director of the NGA and the Under Secretary of Defense for Intelligence to keep the committees informed of their progress in implementing this strategy. Therefore, this Agreement directs the Department of Defense (DoD), in building future-year budgets, to ensure continued funding is provided for implementation, through at least Fiscal Year 2021, of the Commercial Geospatial Intelligence Strategy issued by the NGA in October 2015.

##### *Space Launch Facilities*

The congressional intelligence committees continue to believe it is critical to preserve a variety of launch range capabilities to support national security space missions. Spaceports or launch and range complexes may provide capabilities to reach mid-to-low or polar-to-high inclination orbits. The committees believe an important component of this effort may be state-owned and operated spaceports that are commercially licensed by the Federal Aviation Administration, which leverage non-federal public and private investments to bolster U.S. launch capabilities. Additionally, the committees believe that these facilities may be able to provide additional flexibility and resilience to the Nation's launch infrastructure, especially as the nation considers concepts such as the reconstitution of satellites to address the growing foreign counterspace threat. The committees note recent testimony by the Chief of Staff of the U.S. Air Force, General Mark Welsh, who stated,

As we look at this space enterprise and how we do it differently in the future, as we

look more at disaggregation, microsats, cube sats, small sats, things that don't have to go from a large launch complex all the time, I think proliferating launch complexes is probably going to be a natural outshoot of this. I think it's commercially viable, it may be a way for companies to get into the launch business who could not afford to get into it or don't see a future in it and for large national security space launches, but I think this has got to be part of the strategy that this whole national team puts together as we look to the future.

Therefore, the Agreement directs the IC, in partnership with the U.S. Air Force, to consider the role and contribution of spaceports or launch and range complexes to our national security space launch capacity, and directs the Office of the Director of National Intelligence, in consultation with the Department of Defense and the U.S. Air Force, to brief the congressional intelligence committees on their plans to utilize such facilities within 90 days of enactment of this Act.

##### *National Reconnaissance Office Workforce Optimization Strategy*

The congressional intelligence committees have had longstanding interest in, and support for, a permanent government cadre to provide the National Reconnaissance Office (NRO) with a stable, expert acquisition workforce. The committees applaud the substantial progress that the NRO has made in the past year in this regard. The committees have parallel interests in providing the IC with flexibility to manage a multi-sector workforce and in continuing the reduction in the reliance on contractors.

Therefore, the Agreement directs the NRO to conduct a workforce review to optimize the mix between government civilians and contractors and report to the committees with a strategy within 90 days of enactment of this Act.

##### *Guidance and reporting requirement regarding interactions between the intelligence community and entertainment industry.*

The congressional intelligence committees believe that there are important, valid reasons for elements of the IC to engage with the entertainment industry, among other things to ensure the correction of inaccuracies, demonstrate the IC's commitment to transparency, and to ensure that the IC recruits and retains highly qualified personnel to the fullest extent possible. The committees further believe that IC engagement with the entertainment industry should be conducted in the most cost effective and deliberate fashion possible, while ensuring that classified information is protected from unauthorized disclosure.

These engagements—some of which have been described in partially-declassified inspector general reports—cost taxpayer dollars, raise potential ethics concerns, increase the risk of disclosure of classified information, and consume the time and attention of IC personnel responsible for United States national security. Neither the production of entertainment nor the self-promotion of IC entities are legitimate purposes for these engagements.

##### *Review of the National Intelligence University*

The National Intelligence University (NIU) has made significant progress in recent years in its transition from a defense intelligence college to a national intelligence university that provides advanced education in a classified format. Such advanced education is integral to making intelligence a profession with recognized standards for performance and ethics and fostering an integrated IC workforce. While progress has been significant since the Director of National Intelligence (DNI) and Secretary of Defense

agreed to redesignate Defense Intelligence Agency's (DIA) National Defense Intelligence College as NIU in 2011, the institution must continue to adapt to functioning as a university with a robust research agenda, and to serving the entire IC, not just elements of DoD.

Fiscal years 2017 and 2018 are of great significance for NIU, as it moves its principal facility to the IC Campus at Bethesda, completes activities associated with its 2018 decennial regional accreditation reaffirmation, and receives a new president. The congressional intelligence committees believe that these developments position NIU to make further progress in its vision to become the center of academic life for the IC.

To guide these next steps, the Agreement directs DIA, in coordination with ODNI and the Office of the Under Secretary of Defense for Intelligence, to, no later than 30 days after enactment of this Act, select a five member, external, and independent panel to conduct a review of NIU. The panel shall submit a report detailing the results of such review to the congressional intelligence and defense committees within 180 days of enactment of this Act. The panel should be composed of recognized academics, personnel from other DoD joint professional military education institutions, national security experts, and at least one member of NIU's Board of Visitors.

This review and the resulting report shall, among other things, assess:

(1) Methods for ensuring a student body that is more representative of all IC elements;

(2) Incentives for IC elements to send personnel to NIU to earn a degree or certificate, to include designating attendance at NIU as positions reimbursable by ODNI and requiring IC elements to employ the workforce concept of "float" for personnel enrolled in higher-education programs;

(3) How certificate programs align with NIU's unique value as an institution of advanced intelligence education;

(4) Methods to enhance NIU's research program, to include publication of a journal, hosting of conferences and other collaborative fora, and more formalized relationships with intelligence studies scholars;

(5) Whether and how educational components of other IC elements could provide educational offerings as part of the NIU curriculum;

(6) Potential advantages and risks associated with alternative governance models for NIU, to include moving it under the auspices of ODNI; and

(7) The feasibility and resource constraints of NIU tailoring degree offerings to meet the needs of IC personnel at different stages in their careers, similar to DoD's joint professional military education model.

#### *Cost of living consideration*

The congressional intelligence committees are concerned with the high cost of living for military, civilian, and contractor personnel at overseas Combatant Command intelligence centers. Although the committees recognize the benefits of co-locating intelligence analysts with the operational commander, the intelligence centers for both U.S. European Command (USEUCOM) and U.S. Africa Command (USAFRICOM) are located over 600 miles from their Combatant Command headquarters. Combatant Commanders based in the United States regularly communicate with forward deployed units, and the USEUCOM and USAFRICOM intelligence centers have developed mechanisms to effectively employ various teleconferencing and virtual communication tools to ensure collaboration across large distances.

The congressional intelligence committees are concerned that despite the utility of these virtual collaboration tools, DoD has not taken action to reduce the number of intelligence personnel stationed in high cost of living areas. These costs can exceed \$65,000 per person, per year in annual cost of living allowances compared to the continental United States (CONUS) expenses. The additional costs associated with stationing intelligence personnel in high-cost overseas locations detract from other critical intelligence priorities. The committees are further concerned that DoD does not adequately account for the long-run expense of high costs of living when selecting locations for intelligence facilities.

Therefore, the Agreement directs the DIA to evaluate alternate mechanisms for staffing overseas Combatant Command intelligence centers, particularly those that are not co-located with Combatant Command headquarters, and to identify cost-savings opportunities by shifting personnel to lower cost locations, including in the continental United States.

#### *Defense Intelligence Agency education opportunities*

DIA presently allows DIA employees to receive pay for a single year only while attending certain graduate degree programs on a full-time basis. Employees may pursue such opportunities at the National Intelligence University and similar institutions; and, in certain circumstances, also at public and private civilian universities. However, the one-year limit discourages DIA personnel from pursuing multi-year graduate degree programs. Expanding DIA's program to allow highly qualified DIA employees to pursue multi-year graduate degree programs from accredited civilian universities would further improve retention, recruitment, and foster diversity of thought at DIA.

Therefore, the Agreement directs DIA, no later than 180 days after the enactment of this Act, to:

(1) Provide for and fund a program that allows for DIA employees to attend civilian graduate degree programs for up to two years each, based on the standard length of the relevant program, provided that:

(a) Where DIA deems appropriate, employees may pursue academic programs extending beyond two years. Consistent with current practices, the program should be made available to at least five employees each year, with each employee receiving a full-time salary while participating in the program; and

(b) Each DIA participant shall be subject to any program approvals, service obligations, repayment obligations, and other requirements pertaining to academic programs, as prescribed by applicable laws and policies.

(2) Brief the congressional intelligence committees on the status of the program's implementation.

#### *Mental health prevalence*

The congressional intelligence committees are committed to supporting the men and women of the IC, who bravely risk their lives serving their country as civilians in conflict zones and other dangerous locations around the world. These individuals often serve next to their military counterparts in areas of active hostilities. As such, they are often exposed to many of the emotional stresses generally associated with a tour of duty abroad. The committees believe there are deficiencies and inconsistencies in the pre- and post-deployment mental health and wellness services available to civilian employees.

Therefore, the Agreement directs the National Security Agency (NSA), NGA, the Central Intelligence Agency (CIA), and DIA,

no later than 180 days after the enactment of this Act, to provide a joint briefing to the congressional intelligence committees on the mental health screenings and related services that these agencies offer employees, both before and after they deploy to combat zones. Such briefing shall include a description of:

(1) Existing services available;

(2) Agency resources for and analysis of these services, including the frequency of use by employees compared to the total number returning from deployment; and

(3) How agencies with deployed civilian employees are sharing best practices and leveraging services or resources outside their agencies.

#### *Review of the Office of the Director of National Intelligence*

It has been more than ten years since the Congress established the position of the Director of National Intelligence (DNI) in the Intelligence Reform and Terrorism Prevention Act of 2004, building on its predecessor, the Director of Central Intelligence. Given this experience and the evolving security environment, the committees believe it appropriate to review the DNI's roles, missions and functions and adapt its authorities, organization and resources as needed.

Therefore, the Agreement directs the President to form an independent, external panel of at least five individuals with significant intelligence and national security expertise to review ODNI's roles, missions and functions and make recommendations, as needed, regarding its authorities, organization and resources. The panel shall:

(1) Evaluate ODNI's ability to fulfill the responsibilities assigned to it in law given its current scope and structure;

(2) Assess whether any roles and responsibilities currently assigned to the DNI could be more effectively or efficiently executed by other IC components or government agencies outside the IC;

(3) Analyze the personnel, funding, and authorities required for each component of ODNI to perform each of its assigned responsibilities;

(4) Evaluate the organizational structure of ODNI;

(5) Review the size, role, purpose and function of ODNI's mission centers;

(6) Assess the value of the national intelligence manager construct;

(7) Review the size and mix of the ODNI workforce—to include the ratio between cadre and detailees, the balance between government and contractors, and grade structure—to perform its roles, missions and functions; and

(8) Make recommendations regarding the above.

The Agreement directs the President, no later than 30 days after the enactment of this Act, to select the individuals who will serve on the external panel and notify the congressional intelligence committees of such selection.

In addition, the Agreement directs the panel, no later than 180 days after the enactment of this Act, to provide a report on this review to the congressional intelligence committees. This report shall be unclassified, but may contain a classified annex. The Agreement further directs ODNI to reimburse the Executive Office of the President for any costs associated with the review.

#### *Improving pre-publication review*

The congressional intelligence committees are concerned that current and former IC personnel have published written material without completing mandatory pre-publication review procedures or have rejected changes required by the review process, resulting in the publication of classified information. The committees are particularly

troubled by press reports suggesting that officials are unaware of the existence or scope of pre-publication review requirements.

The committees are also aware of the perception that the pre-publication review process can be unfair, untimely, and unduly onerous—and that these burdens may be at least partially responsible for some individuals “opting out” of the mandatory review process. The committees further understand that IC agencies’ pre-publication review mechanisms vary, and that there is no binding, IC-wide guidance on the subject.

The committees believe that all IC personnel must be made aware of pre-publication review requirements and that the review process must yield timely, reasoned, and impartial decisions that are subject to appeal. The committees also believe that efficiencies can be identified by limiting the information subject to pre-publication review, to the fullest extent possible, to only those materials that might reasonably contain or be derived from classified information obtained during the course of an individual’s association with the IC. In short, the pre-publication review process should be improved to better incentivize compliance and to ensure that personnel fulfill their commitments.

Therefore, the Agreement directs that, no later than 180 days after the enactment of this Act, the DNI shall issue an IC-wide policy regarding pre-publication review. The DNI shall transmit this policy to the congressional intelligence committees concurrently with its issuance. The policy should require each IC agency to develop and maintain a pre-publication policy that contains, at a minimum, the following elements:

(1) Identification of the individuals subject to pre-publication review requirements (“covered individuals”);

(2) Guidance on the types of information that must be submitted for pre-publication review, including works (a) unrelated to an individual’s IC employment; or (b) published in cooperation with a third party, e.g.—

(a) Authored jointly by covered individuals and third parties;

(b) Authored by covered individuals but published under the name of a third party; or

(c) Authored by a third party but with substantial input from covered individuals.

(3) Guidance on a process by which covered individuals can participate in pre-publication reviews, and communicate openly and frequently with reviewers;

(4) Requirements for timely responses, as well as reasoned edits and decisions by reviewers;

(5) Requirements for a prompt and transparent appeal process;

(6) Guidelines for the assertion of interagency equities in pre-publication review;

(7) A summary of the lawful measures each agency may take to enforce its policy, to include civil and criminal referrals; and

(8) A description of procedures for post-publication review of documents that are alleged or determined to reveal classified information but were not submitted for pre-publication review.

Additionally, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to provide to the congressional intelligence committees a report on the adequacy of IC information technology efforts to improve and expedite pre-publication review processes, and the resources needed to ensure that IC elements can meet this direction.

The Agreement further directs the DNI, no later than 270 days after the enactment of this Act, to certify to the congressional intelligence committees that IC elements’ pre-publication review policies, non-disclosure agreements, and any other agreements im-

posing pre-publication review obligations reflect the policy described above.

#### *Student loan debt report*

IC components need to be able to recruit talented young professionals. However, the soaring cost of college and post-graduate education in the United States is causing many young people to forgo public service in favor of career opportunities with more competitive pay or loan forgiveness benefits.

Therefore, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to provide a report to the congressional intelligence committees on programs that seek to help IC personnel manage student loan debt. The report shall include details about each IC element’s program, including loan forgiveness, loan repayment, and financial counseling programs; efforts to inform prospective and current employees about such programs; and the number of employees who use such programs. The report shall also include an analysis of the benefits and drawbacks of creating new programs and expanding existing programs, and shall identify any barriers to the establishment of IC-wide programs.

#### *Workforce development partnership*

The congressional intelligence committees have long promoted novel recruiting, hiring, and retention practices, especially with respect to highly expert, highly sought-after Science, Technology, Engineering, and Math (STEM) students and professionals. Despite these efforts, the IC continues to struggle with meeting STEM recruitment, hiring, and retention goals inside the IC.

The committees are therefore encouraged to learn that the IC is considering new and creative practices in this regard. For example, the committees were intrigued by the Pacific Northwest National Laboratory’s (PNNL) budding Workforce Development Partnership with the CIA. Partnerships like this may allow IC agencies to leverage PNNL’s robust employee recruiting network and seek out STEM students who might not otherwise consider IC employment.

Similarly, to address concerns that potential hires will accept other job offers while awaiting clearances, NGA has a program to allow interim hires to work on unclassified projects until clearances are adjudicated. In addition, several IC agencies have instituted a unique pay scale for their junior STEM workforce. The committees recognize the benefits of these initiatives, and believes that such efforts could have wider applicability across the IC.

Therefore, the Agreement directs the DNI Chief Human Capital Officer, no later than 180 days after the enactment of this Act, to provide to the congressional intelligence committees an interagency briefing on new approaches, including outreach and advertising, the IC is considering or conducting to attract a diverse, robust Science, Technology, Engineering, and Math and information technology workforce to meet the increasing demands in the IC.

#### *Distributed Common Ground/Surface System-Army*

The congressional intelligence committees believe the Distributed Common Ground/Surface System-Army (DCGS-A) provides operational and tactical commanders with enhanced, state-of-the-art intelligence, surveillance, and reconnaissance (ISR) tasking, processing, exploitation, and dissemination capabilities and connectivity to the defense intelligence information enterprise. DCGS-A is a critical tool for enabling military intelligence warfighters to process, fuse, and exploit data. In the past, the Army has struggled to keep pace for pre-deployment and in-theater training for DCGS-A. However,

training for military intelligence analysts must be prioritized in the pre-deployment readiness cycle to ensure that those using this intelligence tool can effectively utilize its capabilities.

The Army has fielded over 95 percent of DCGS-A Increment 1 systems, with mixed results and often negative feedback from the users. The Army is in the process of fielding Increment 1, Release 2, which will address many of the initial concerns and deficiencies of Increment 1. The committees remain concerned that the Army has not sufficiently planned for user training in support of the release of Increment 1, Release 2 to operational users.

Therefore, the congressional intelligence committees request that the Army, no later than 90 days after the enactment of this Act, submit a plan to the congressional intelligence and defense committees on how the Army will fully incorporate Distributed Common Ground/Surface System-Army (DCGS-A) training into the readiness cycle for Army personnel. The plan should specifically address any lessons learned from the fielding of DCGS-A Increment 1 and any ongoing corrective actions to improve the roll-out of Increment 1, Release 2.

#### *Common controller for unmanned aircraft systems*

The congressional intelligence committees support the Army’s efforts to develop a common controller for the RQ-7A/B Shadow and the RQ-11B Raven tactical unmanned aerial vehicles. However, the committees are concerned that the Army is not collaborating with the Marine Corps on similar efforts to develop a ground controller for the Marine Corps family of tactical unmanned aerial systems (UAS), including the RQ-11B Raven, the RQ-12A Wasp, and the RQ-20A Puma.

Therefore, the Agreement requests that the Army and the Marine Corps Intelligence Activity (MCIA), no later than 90 days after the enactment of this Act, jointly submit a report to the congressional intelligence and defense committees on the feasibility of developing a common controller for all Brigade and Below unmanned aircraft systems (UAS) airframes, as well as U.S. Marine Corps small unit UAS. The report should address the potential performance and operational benefits of a common controller, anticipated development costs, and anticipated life-cycle cost savings of a common controller.

#### *Review of dual-hatting relationship*

The congressional intelligence committees support further evaluation of the dual-hatting of a single individual as both Commander of U.S. Cyber Command (USCYBERCOM) and Director of the National Security Agency (DIRNSA).

Therefore, the Agreement directs the Secretary of Defense, no later than 90 days after the enactment of this Act, to provide to the congressional intelligence and defense committees a briefing that reviews and provides an assessment of the dual-hatting of DIRNSA and Commander, USCYBERCOM. This briefing should address:

(1) Roles and responsibilities, including intelligence authorities, of USCYBERCOM and NSA;

(2) Assessment of the current impact of the dual-hatting relationship, including advantages and disadvantages;

(3) Plans and recommendations on courses of action that would be necessary to end the dual-hatting of DIRNSA and Commander, USCYBERCOM, which satisfy Section 1642 of the conference report accompanying S. 2943, the National Defense Authorization Act for Fiscal Year 2017;

(4) Suggested timelines for carrying out such courses of action;

(5) Recommendations for any changes in law that would be required by the end of dual-hatting; and

(6) Any additional topics as identified by the intelligence and defense committees.

The congressional intelligence committees further believe that a larger organizational review of NSA should be conducted with respect to the eventual termination of the dual-hatting relationship. The congressional intelligence committees seek to promote the efficient and effective execution of NSA's national intelligence mission. Specifically, the congressional intelligence committees believe that the organization of NSA should be examined to account for the evolution of its mission since its establishment, the current structure of the intelligence community, and the fact that the NSA is predominantly funded through the NIP.

Therefore, the Agreement further directs the DNI, no later than 120 days after the enactment of this Act, to conduct an assessment and provide a briefing to the congressional intelligence committees on options to better align the structure, budgetary procedures, and oversight of NSA with its national intelligence mission in the event of a termination of the dual-batting relationship. This briefing should include:

(1) An assessment of the feasibility of transitioning NSA to civilian leadership appointed by the DNI in lieu of military leadership appointed by the Secretary of Defense;

(2) How NSA could be organizationally separated from DoD if USCYBERCOM were elevated to become a unified combatant command; and

(3) Any challenges, such as those requiring changes in law, associated with such a separation.

#### *Acquisition security improvement*

The congressional intelligence committees remain concerned about supply chain and cybersecurity vulnerabilities in the IC. The committees believe the IC should implement a more comprehensive approach to address these vulnerabilities, particularly during the acquisition process. However, ICD 801, the IC guideline governing the acquisition process, is outdated and must be revised to reflect current risks. In particular, despite issuance of ICD 731, *Supply Chain Risk Management*, in 2013, ICD 801 has not been updated to reflect this policy nor does it include consideration of cybersecurity vulnerabilities and mitigation.

Therefore, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to review and consider amendments to Intelligence Community Directive (ICD) 801 to better reflect and anticipate supply chain and cybersecurity risks and threats, as well as to outline policies to mitigate both risks and threats. In particular, the review should examine whether to:

(1) Expand risk management criteria in the acquisition process to include cyber and supply chain threats;

(2) Require counterintelligence and security assessments as part of the acquisition and procurement process;

(3) Propose and adopt new education requirements for acquisition professionals on cyber and supply chain threats; and

(4) Factor in the cost of cyber and supply chain security.

The Agreement further directs ODNI, no later than 210 days after the enactment of this Act, to provide to the congressional intelligence committees a report describing the review, including ODNI's process for considering amendments to ICD 801, and specifically addressing ODNI's analysis and conclusions with respect to paragraphs (1) through (4) above.

#### *Cyber information sharing and customer feedback*

The congressional intelligence committees commend NSA's new policies and procedures

to facilitate greater information sharing of cyber threat indicators and defensive measures with the Department of Homeland Security (DHS) at the unclassified level.

With the recent enactment of the Cybersecurity Act of 2015, which encourages greater information sharing between private sector stakeholders, as well as with government entities, the committees believe the next step is to ensure the entire IC is working to disseminate timely, actionable information to private sector stakeholders so they can better protect their information technology networks. The vast majority of U.S. networks reside in the private sector, and it is good governance to ensure that those networks are safe and secure for the general public.

The committees appreciate that the IC has begun efforts to increase unclassified cyber threat sharing. Because an increase in the quantity of reporting does not necessarily indicate effectiveness or usefulness, this Committee continues to monitor the quality of the information distributed.

Therefore, the Agreement directs ODNI, no later than 120 days after the enactment of this Act, to brief the congressional intelligence committees on IC-wide efforts to share more information with the Department of Homeland Security (DHS) for further dissemination to the private sector. This briefing shall specifically address types of information shared, metrics on output, tabulation of low output producing agencies, recommendations on how low output agencies can increase sharing, timeliness of information shared, and average total time it takes for information to transit the system.

The Agreement also directs ODNI, in coordination with the DHS Office of Intelligence and Analysis (I&A), to conduct a survey of government and private sector participants of the National Cybersecurity and Communications Integration Center (NCCIC). The survey shall be anonymous, provide an accurate assessment of the usefulness and timeliness of the data received, and determine if customers are satisfied with intelligence briefings on threat actors impacting their specific industry. The Agreement further directs ODNI, no later than one year after the enactment of this Act, to provide to the congressional intelligence and homeland security committees an unclassified report detailing the results of this survey.

#### *Department of Homeland Security utilization of National Labs expertise*

The congressional intelligence committees believe that the Department of Energy (DOE) National Labs represent a unique and invaluable resource for the government and the IC in particular.

Therefore, the Agreement directs, no later than 180 days after the enactment of this Act, DHS I&A, in coordination with DOE Office of Intelligence and Counterintelligence (DOE-IN), to provide to the congressional intelligence committees a report on the current utilization of Department of Energy (DOE) National Labs expertise by DHS I&A. This report should address opportunities to increase DHS I&A's utilization of cybersecurity expertise of the National Labs as well as the budgetary implications of taking advantage of these potential opportunities.

#### *Cybersecurity courses for Centers of Academic Excellence*

The congressional intelligence committees are concerned by a recent analysis from a security firm, which determined that not one of the nation's leading undergraduate computer science programs requires students to take a cybersecurity course before graduating. Cybersecurity depends on IC professionals having a strong understanding of the cyber threat and how to mitigate it—which

in turn requires a strong academic background. NSA and DHS cosponsor the Centers of Academic Excellence (CAE) in Cyber Defense program, which includes an emphasis on basic cybersecurity. Nevertheless, even some CAE-designated institutions lack cybersecurity course prerequisites in their computer science curricula.

Therefore, the Agreement directs ODNI, no later than 180 days after the enactment of this Act, to submit to the congressional intelligence committees a report on improving cybersecurity training within NIP-funded undergraduate and graduate computer science programs. The report should specifically address:

(1) The potential advantages and disadvantages of conditioning an institution's receipt of such funds on its computer science program's requiring cybersecurity as a precondition to graduation;

(2) How Centers of Academic Excellence programs might bolster cybersecurity educational requirements; and

(3) Recommendations to support the goal of ensuring that federally-funded computer science programs properly equip students to confront future cybersecurity challenges.

#### PART III: SECTION-BY-SECTION ANALYSIS AND EXPLANATION OF LEGISLATIVE TEXT

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2017.

##### TITLE I—INTELLIGENCE ACTIVITIES

###### *Section 101. Authorization of appropriations*

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2017.

###### *Section 102. Classified Schedule of Authorizations*

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2017 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

###### *Section 103. Personnel ceiling adjustments*

Section 103 provides that the DNI may authorize employment of civilian personnel in Fiscal Year 2017 in excess of the number of authorized positions by an amount not exceeding three percent of the total limit applicable to each IC element under Section 102, and ten percent of the number of civilian personnel authorized under such schedule for the purposes of contractor conversions. The DNI may do so only if necessary to the performance of important intelligence functions.

###### *Section 104. Intelligence Community Management Account*

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2017.

##### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

###### *Section 201. Authorization of appropriations*

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2017 for the Central Intelligence Agency Retirement and Disability Fund.

##### TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Section 301. Restriction on conduct of intelligence activities.

Section 301 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

*Section 302. Increase in employee compensation and benefits authorized by law.*

Section 302 provides that funds authorized to be appropriated by the Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

*Section 303. Support to nonprofit organizations assisting intelligence community employees.*

Section 303 permits the DNI to engage in fundraising in an official capacity for the benefit of nonprofit organizations that provide support to surviving family members of a deceased employee of an element of the IC or otherwise provide support for the welfare, education, or recreation of IC employees, former employees, or their family members. Section 303 requires the DNI to issue regulations ensuring that the fundraising authority is exercised consistent with all relevant ethical limitations and principles. Section 303 further requires that the DNI and the Director of the CIA notify the congressional intelligence committees within seven days after they engage in such fundraising.

*Section 304. Promotion of science, technology, engineering, and mathematics education in the intelligence community.*

Section 304 requires the DNI to submit a five-year investment strategy for outreach and recruiting efforts in the fields of science, technology, engineering, and mathematics (STEM), to include cybersecurity and computer literacy. Section 304 further requires elements of the IC to submit STEM investment plans supporting this strategy for each of the fiscal years 2018 through 2022, along with the materials justifying the budget request of each element for these STEM recruiting and outreach activities.

*Section 305. Retention of employees of the intelligence community who have science, technology, engineering, or mathematics expertise.*

Section 305 authorizes a new pay scale to permit salary increases for employees in the IC with STEM backgrounds. Section 305 also requires notifications to individual employees if a position is removed from this new pay scale. Section 305 further requires the head of each IC element to submit to the congressional intelligence committees a report on the new rates of pay and number of positions authorized under this pay scale.

*Section 306. Management of intelligence community personnel*

Section 306 prohibits the Congress's use of government personnel ceilings in the management of the IC workforce starting in Fiscal Year 2019. Section 306 requires the DNI to provide briefings on the IC's initiative to maintain both employees and contractors within the IC, as well as both a briefing and a report on the methodology, cost analysis tool, and implementation plans. Section 306 further requires the IC IG to provide a written report on the accuracy of IC workforce data. This section will align the IC's management of personnel consistent with the practices of the Department of Defense and other federal agencies.

*Section 307. Modifications to certain requirements for construction of facilities*

Section 307 clarifies that the requirement to notify the congressional intelligence committees of improvement projects with an estimated cost greater than \$1,000,000 for facili-

ties used primarily by IC personnel includes repairs and modifications.

*Section 308. Guidance and reporting requirement regarding interactions between the intelligence community and entertainment industry.*

Section 308 requires the DNI to issue public guidance regarding engagements by elements of the Intelligence Community with entertainment industry entities. The guidance will include DNI providing an annual report to the congressional intelligence committees detailing interactions between the IC and the entertainment industry. Section 308 also requires the report to include a description of the nature, duration, costs, benefits, and results of each engagement, as well as a determination that each engagement did not result in a disclosure of classified information and whether any information was declassified for the disclosure. Section 308 further requires that before an IC element may engage with the entertainment industry, the head of that element must approve the proposed engagement. Contractual relationships for professional services and technical expertise are exempt from these reporting requirements.

*Section 309. Protections for independent inspectors general of elements of the intelligence community.*

Section 309 requires the ODNI to develop and implement a uniform policy for each identified Inspector General (IG) office in the IC to better ensure their independence. The provision specifies elements to be incorporated in such a policy including (a) guidance regarding conflicts of interest, (b) standards to ensure independence, and (c) a waiver provision. Section 309 further prohibits the DNI from requiring an employee of an OIG to rotate to a position in the element for which such office conducts oversight.

*Section 310. Congressional oversight of policy directives and guidance.*

Section 310 requires the DNI to submit to the congressional intelligence committees notifications and copies of any classified or unclassified Presidential Policy Directive, Presidential Policy Guidance, or other similar policy document issued by the President which assigns tasks, roles, or responsibilities to the IC, within the specified timeframes. Section 310 further requires the Director to notify the congressional intelligence committees of guidance to implement such policies.

*Section 311. Notification of memoranda of understanding.*

Section 311 requires the head of each element of the IC to submit to the congressional intelligence committees copies of each memorandum of understanding or other agreement regarding significant operational activities or policy entered into between or among such element and any other entity or entities of the federal government within specified timeframes.

Section 311 does not require an IC element to submit to the congressional intelligence committees any memorandum or agreement that is solely administrative in nature, including a memorandum or agreement regarding joint duty or other routine personnel assignments. An IC element also may redact any personally identifiable information from a memorandum or agreement which must be submitted to the intelligence committees.

*Section 312. Technical correction to Executive Schedule*

Section 312 contains a technical correction regarding the annual rate of basic pay for the Director of the National Counter Proliferation Center.

*Section 313. Maximum amount charged for declassification reviews*

Section 313 prohibits the head of an element of the IC from charging reproduction fees for a mandatory declassification review in excess of reproduction fees that the head would charge for a request for information under the Freedom of Information Act (FOIA). It also permits agency heads to waive processing fees for declassification reviews in the same manner as for FOIA.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

*Section 401. Designation of the Director of the National Counterintelligence and Security Center.*

Section 401 renames the National Counterintelligence Executive as the "National Counterintelligence and Security Center," with conforming amendments.

*Section 402. Analyses and impact statements by Director of National Intelligence regarding proposed investment into the United States.*

Section 402 directs the DNI to submit to the congressional intelligence committees, after the completion of a review or an investigation of any proposed investment into the United States, any analytic materials prepared by the DNI. This requirement includes, but is not limited to, national security threat assessments provided to the Committee on Foreign Investment in the United States (CFIUS) in connection with national security reviews and investigations conducted by CFIUS pursuant to Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. §4565). This section is not intended to limit the ability of the DNI to transmit supplementary materials to the congressional intelligence committees along with the threat assessments.

Section 402 also directs the DNI to provide the committees with impact statements when the DNI determines a proposed investment into the United States will have an operational impact on the IC.

*Section 403. Assistance for governmental entities and private entities in recognizing online violent extremist content*

Section 403 requires the DNI to publish on a publicly available Internet website a list of all logos, symbols, insignia, and other markings commonly associated with, or adopted by, State Department-designated foreign terrorist organizations.

##### Subtitle B—Central Intelligence Agency

*Section 411. Enhanced death benefits for personnel of the Central Intelligence Agency.*

Section 411 authorizes the Director of the CIA to pay death benefits substantially similar to those authorized for members of the Foreign Service, and requires the Director to submit implementing regulations to the congressional intelligence committees.

*Section 412. Pay and retirement authorities of the Inspector General of the Central Intelligence Agency.*

Section 412 amends the Central Intelligence Agency Act of 1949 to authorize the IG of the CIA to consider certain positions as law enforcement officers for purposes of calculating retirement eligibility and entitlements under chapters 83 and 84 of title 5, United States Code, if such officer or employee is appointed to a position with responsibility for investigating suspected offenses against the criminal laws of the United States. Section 412 may not be construed to confer on the IG of the CIA, or any other officer or employee of the CIA, any police or law enforcement or internal security functions or authorities.

Subtitle C—Other Elements

*Section 421. Enhancing the technical workforce for the Federal Bureau of Investigation.*

Section 421 requires the Federal Bureau of Investigation (FBI) to produce a comprehensive strategic workforce report to demonstrate progress in expanding initiatives to effectively integrate information technology expertise in the investigative process. Section 421 further requires the report to include: (1) progress on training, recruitment, and retention of cyber-related personnel; (2) an assessment of whether FBI officers with these skill sets are fully integrated in the FBI's workforce; (3) the FBI's collaboration with the private sector on cyber issues; and (4) an assessment of the utility of reinstating and leveraging the FBI Director's Advisory Board.

*Section 422. Plan on assumption of certain weather missions by the National Reconnaissance Office*

Section 422 requires the Director of the NRO to develop a plan to carry out certain space-based environmental monitoring missions currently performed by the Air Force. It also authorizes certain pre-acquisition activities and directs that an independent cost estimate be submitted to the congressional intelligence and defense committees. The Director of NRO may waive the requirement of Section 422 if the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Chairman of the Joint Chiefs of Staff, jointly submit a certification to the congressional intelligence and defense committees.

TITLE V—MATTERS RELATING TO FOREIGN COUNTRIES

*Section 501. Committee to counter active measures by the Russian Federation to exert covert influence over peoples and governments.*

Nothing in this section shall authorize the Committee to take action with regard to activities protected by the First Amendment. Section 501 requires the President to establish an interagency committee to counter active measures by the Russian Federation that constitute Russian actions to exert covert influence over peoples and governments.

*Section 502. Limitation on travel of accredited diplomats of the Russian Federation in the United States from their diplomatic post.*

Section 502 requires the Secretary of State, in coordination with the Director of the FBI and the DNI, to establish an advance notification regime governing all Russian Federation accredited diplomatic and consular personnel in the United States, as well as to take action to secure compliance and address noncompliance with the notification requirement. Section 502 also requires the Secretary of State, the Director of the FBI, and the DNI to develop written mechanisms to share such travel information and address noncompliance. Section 502 further requires written reporting to the specified committees detailing the number of notifications, and the number of known or suspected violations of such personnel requirements.

*Section 503. Study and report on enhanced intelligence and information sharing with Open Skies Treaty member states.*

Section 503 requires the DNI, with support of other federal agencies, to conduct a study to determine the feasibility of creating an intelligence sharing arrangement and database among parties to the Open Skies Treaty (OST) with higher frequency, quality, and efficiency than that currently provided by the parameters of the OST. Section 503 also requires the Director to issue a report that includes an intelligence assessment on Russian Federation warfighting doctrine, the extent to which Russian Federation flights under

the Open Skies Treaty contribute to the warfighting doctrine, a counterintelligence analysis as to the Russian Federation's capabilities, and a list of the covered parties that have been updated with this information.

TITLE VI—REPORTS AND OTHER MATTERS

*Section 601. Declassification review of information on Guantanamo detainees and mitigation measures taken to monitor the individuals and prevent future attacks.*

Section 601 requires the DNI to complete a declassification review of intelligence reports prepared by the National Counterterrorism Center (NCTC) on the past terrorist activities of each Guantanamo detainee, for a detainee's Periodic Review Board (PRB) sessions, transfer, or release from Guantanamo. To the extent a transfer or release preceded the PRB's establishment, or the NCTC's preparation of intelligence reports, Section 601 requires the DNI to conduct a declassification review of intelligence reports containing the same or similar information as the intelligence reports prepared by the NCTC for PRB sessions, transfers, or releases.

Section 601 further requires the President to make any declassified intelligence reports publicly available, including unclassified summaries of measures being taken by the transferee countries to monitor the individual and prevent future terrorist activities. Section 601 requires the DNI to submit to the congressional intelligence committees a report setting forth the results of the declassification review, including a description of covered reports that were not declassified. Section 601 also sets the schedule for such reviews and further defines past terrorist activities to include terrorist organization affiliations, terrorist training, role in terrorist attacks, responsibility for the death of United States citizens or members of the Armed Forces, any admission thereof, and a description of the intelligence supporting the past terrorist activities, including corroboration, confidence level, and any dissent or reassessment by the IC.

*Section 602. Cyber Center for Education and Innovation Home of the National Cryptologic Museum.*

Section 602 amends 10 U.S.C. § 449 to enable the establishment of a Cyber Center for Education and Innovation-Home of the National Cryptologic Museum (the "Center"). Section 602 also establishes in the Treasury a fund for the benefit and operation of the Center.

*Section 603. Report on national security systems.*

Section 603 requires the Director of the National Security Agency, in coordination with the Secretary of Defense and Chairman of the Joint Chiefs of Staff to submit to the appropriate congressional committees a report on national security systems.

*Section 604. Joint facilities certification.*

Section 604 requires that before an element of the IC purchases, leases, or constructs a new facility that is 20,000 square feet or larger, the head of that element must first certify that all prospective joint facilities have been considered, that it is unable to identify a joint facility that meets its operational requirements, and it must list the reasons for not participating in joint facilities in that instance.

*Section 605. Leadership and management of space activities.*

Section 605 requires the DNI, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, to issue an update to the strategy for a comprehensive review of the United States national security overhead satellite architec-

ture required in the Intelligence Authorization Act for Fiscal Year 2016. Section 605 requires the DNI, in consultation with the Secretary of Defense, to submit a plan to functionally integrate the IC's governance, operations, analysis, collection, policy, and acquisition activities related to space and counterspace. The congressional intelligence committees believe the current fragmented arrangement across the IC does not provide sufficient coherence to meet the threat, fosters duplication, hinders integrated congressional oversight, and impedes effective alignment with the Department of Defense space activities. Section 605 also requires the DNI to submit a workforce plan for space and counterspace operations, policy, and acquisition. Section 605 further requires the Director of the NRO and the Commander of U.S. Strategic Command to submit a concept of operations and requirements documents for the Joint Interagency Combined Space Operations Center, and to conduct quarterly update briefings.

*Section 606. Advances in life sciences and biotechnology.*

The congressional intelligence committees recognize the rapid advancements in the life sciences and biotechnology and firmly believes that biology in the twenty-first century will transform the world as physics did in the twentieth century. The potential risks associated with these advancements are less clear. The posture of the IC to follow and predict this rapidly changing landscape is a matter of concern recognizing the global diffusion and dual-use nature of life sciences and biotechnology along with the dispersed responsibility of the life sciences related issues across several National Intelligence Officer portfolios.

Section 606 requires the DNI to brief the congressional intelligence committees and the congressional defense committees on a proposed plan and actions to monitor advances in life sciences and biotechnology to be carried out by the DNI. The Director's plan should include, first, a description of the IC's approach to leverage the organic life science and biotechnology expertise both within and outside the Intelligence Community; second, an assessment of the current life sciences and biotechnology portfolio, the risks of genetic editing technologies, and the implications of these advances on future bio-defense requirements; and, third, an analysis of organizational requirements and responsibilities to include potentially creating new positions. Section 606 further requires the DNI to submit a written report and provide a briefing to the congressional intelligence committees and the congressional defense committees on the role of the IC in the event of a biological attack, including a technical capabilities assessment to address potential unknown pathogens.

*Section 607. Reports on declassification proposals.*

Section 607 requires the DNI to provide the congressional intelligence committees with a report and briefing on the IC's progress in producing four feasibility studies undertaken in the course of the IC's fundamental classification guidance review, as required under Executive Order 13526. Section 607 further requires the Director to provide the congressional intelligence committees with a briefing, interim report, and final report on the final feasibility studies produced by elements of the IC and an implementation plan for each initiative.

*Section 608. Improvement in government classification and declassification.*

Section 608 assesses government classification and declassification in a digital era by requiring the DNI to review the system by



which the Government classifies and declassifies national security information to improve the protection of such information, enable information sharing with allies and partners, and support appropriate declassification. Section 608 requires the DNI to submit a report with its findings and recommendations to the congressional intelligence committees. Section 608 further requires the DNI to provide an annual written notification to the congressional intelligence committees on the creation, validation, or substantial modification (to include termination) of existing and proposed controlled access programs, and the compartments and subcompartments within each. This certification shall include the rationale for each controlled access program, compartment, or subcompartment and how each controlled access program is being protected.

*Section 609. Report on implementation of research and development recommendations.*

Section 609 requires the DNI to conduct and provide to the congressional intelligence committees a current assessment of the IC's implementation of the recommendations issued in 2013 by the National Commission for the Review of the Research and Development (R&D) Programs of the IC.

*Section 610. Report on Intelligence Community Research and Development Corps.*

Section 610 requires the DNI to develop and brief the congressional intelligence committees on a plan, with milestones and benchmarks, to implement a R&D Reserve Corps, as recommended in 2013 by the bipartisan National Commission for the Review of the R&D Programs of the IC, including any funding and potential changes to existing authorities that may be needed to allow for the Corps' implementation.

*Section 611. Report on information relating to academic programs, scholarships, fellowships, and internships sponsored, administered, or used by the intelligence community.*

Section 611 requires the DNI to submit to congressional intelligence committees a report on information that the IC collects on certain academic programs, scholarships, and internships sponsored, administered, or used by the IC.

*Section 612. Report on intelligence community employees detailed to National Security Council*

Section 612 requires the DNI to submit to the congressional intelligence committees a classified written report listing, by year, the number of employees of an element of the IC who have been detailed to the National Security Council during each of the previous ten years.

*Section 613. Intelligence community reporting to Congress on foreign fighter flows*

Section 613 directs DNI to submit to the congressional intelligence committees a report on foreign fighter flows to and from terrorist safe havens abroad.

*Section 614. Report on cybersecurity threats to seaports of the United States and maritime shipping*

Section 614 directs the Under Secretary of Homeland Security for Intelligence and Analysis (I&A) to submit to the congressional intelligence committees a report on the cybersecurity threats to seaports of the United States and maritime shipping.

*Section 615. Report on reprisals against contractors of the intelligence community*

Section 615 directs the IC IG to submit to the congressional intelligence committees a report on known or claimed reprisals made against employees of contractors of elements of the IC during the preceding three-year pe-

riod. Section 615 further requires the report to include an evaluation of the usefulness of establishing a prohibition on reprisals as a means of encouraging IC contractors to make protected disclosures, and any recommendations the IC IG deems appropriate.

Mr. VAN HOLLEN. Mr. President, I support the Omnibus appropriations bill before us today. While this bill is not perfect, it is a strong statement of priorities, especially in light of the misguided and dangerous cuts that President Trump proposed for fiscal year 2018.

As a new member of the Appropriations Committee, I thank the chairman and vice chairman and their staffs for their thoughtful work on this bill and their careful consideration of Senators' requests and priorities.

This bill contains many critical investments for my home State of Maryland, including maintenance for the Port of Baltimore, millions for the Chesapeake Bay Program and other programs that support Bay clean-up, a \$6 million increase for the Appalachian Regional Commission, \$125 million for the Purple Line, and full funding for the Washington Metropolitan Area Transit Authority. The bill also contains a critical down payment for the consolidation of the FBI headquarters and a commitment to full funding in fiscal year 2018. Prince George's County, MD, is home to two of the sites in contention to house the headquarters and the FBI's nearly 11,000 employees.

While President Trump as proposed cuts to medical research at the National Institutes of Health in Bethesda, MD, this omnibus bill increases funding by \$2 billion to find new cures and treatments. The bill continues critical NASA missions that are being worked on in Maryland, including the PACE Program, earth science, and the James Webb Space Telescope, the successor to the Hubble Space Telescope. While the bill cuts the National Oceanic and Atmospheric Administration, it does so less than what the Trump administration has proposed, and it continues funding for the Joint Polar Satellite System weather satellite program and the Geostationary Operational Environmental Satellite Program, which will help improve weather forecasting and warn about natural disasters. There is also important funding for oceanic and atmospheric research and the Sea Grant program, which has been a partner in Chesapeake Bay restoration. The bill slightly increases National Science Foundation funding and supports critical energy research at the Department of Energy. While funding for the National Institute of Standards and Technology received a small cut, the final funding level is higher than what the House of Representatives initially proposed, and the bill includes support for the National Network for Manufacturing Innovation.

We were also able to preserve funding in this bill that communities across Maryland use to support economic development, affordable housing, and safety. That includes the Community

Development Block Grant, TIGER transportation grants, housing vouchers and housing capital funds, the HOME Partnership Program, Community Oriented Policing grants, and SAFER and FIRE grants for firefighters. I am pleased that this bill includes investments to improve relationships between communities and police, which will be helpful as Baltimore works to implement its consent decree. We also included critical funding for afterschool programs and community schools, preserved funding for workforce training and Pell grants, and will finally allow students to access Pell year-round so that they can finish school more quickly.

As with any compromise, this bill is not perfect. As this is the first appropriations bill since the passage of the Every Student Succeeds Act, I would have liked it to include greater investments in funding for title I, special education, teacher professional development, and student support and academic enrichment grants. The bill also continues a few riders that interfere in the District of Columbia's ability to use its funds as it sees fit.

Finally, the bill is notable for the things that it does not include. Congress has rejected draconian cuts to the Environmental Protection Agency and the State Department. There is important funding for border security, but not for a wasteful and ineffective border wall. In addition, Democrats successfully blocked many poison-pill riders from the bill that would have harmed our environment, banned funding for Planned Parenthood and other women's health programs, and rolled back important consumer protections. With the passage of the omnibus bill, we will avoid a dangerous government shutdown. I urge my colleagues to support the bill.

Ms. CANTWELL. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MURKOWSKI. Madam President, I ask unanimous consent that if the motion to concur in the House amendment to the Senate amendment to H.R. 244 is agreed to, the Senate proceed to the consideration of H. Con. Res. 53, an enrollment correction to H.R. 244, that the resolution be agreed to, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I have come to the floor this afternoon

to speak on the Omnibus appropriations bill that is now before the Senate. We will have an opportunity to vote on that very shortly here.

I would like to take a few moments to explain why I intend to support this legislative measure. I support this bill because I think it is good for the country, and I believe it is good for my State of Alaska.

I think what we have seen through this appropriations process is a negotiated bill going back and forth between both sides, between both bodies, and it is a bill that funds the Federal Government through the end of this fiscal year. It is far from perfect. I think we recognize that, but it is tough to find legislation anywhere where we are all going to be in agreement that it has everything each of us wants. I do believe it is a solid bill. It is a solid, bipartisan effort, and I would urge my colleagues to support this bill.

The first thing it does is it prevents the government from shutting down. Simply put, there are very few things in my mind that would warrant a government shutdown. The people of this country expect us to govern. They don't expect us to come to work and say we are going to shut it down. They expect us to figure out how we are going to fund it, to keep it open, and to do so in a responsible way that allows for the priorities to be reflected. I think we have done that.

I feel very strongly that those who would suggest that the way to deal with things is to shut it down is not the proper approach. That is why I have supported Senator PORTMAN's legislation to put an end to government shutdowns. We just don't need disruptions that ultimately hurt our economy and hurt our families.

I certainly would have preferred a process that would allow for funding the government by passing appropriations measures on an individual basis, one by one. My colleague from Vermont, who is on the floor, has been around for a few Congresses, and he knows that used to be the way we handled appropriations. We had an approps bill come to the floor. We debated it. We amended it. We moved it through. We worked through that process. It was somewhat tediously slow at times, but it was a very open and collaborative process that I think reflected, again, the priorities around the country.

What we have in front of us is a measure that did in fact go through the full appropriations process, all 12 appropriations bills. It made it through the committee. Sometimes not all of them do, but for fiscal year 2017, these appropriations bills did.

As we saw at the end of last year, there was an agreement that we would not move forward with the appropriations bills at that time—actually, it was probably less than an agreement, but a decision was made—and we are here, as of May 4, still working on fiscal year 17.

This is clearly not the best option, in my view, in terms of how we handle

our appropriations bills, but it is where we are right now, and the option we have in front of us, in my view, is clearly the best option.

Continuing resolutions are just not a way to operate. I think they are poor policy. Keeping funding at previous levels doesn't allow for Congress to have any input on any new priorities. In some cases, programs receive more money than they may actually need at that time; thus, you have a situation where you are ending up wasting dollars, rather than being good and efficient stewards of the taxpayer dollars.

I think we saw that with this omnibus bill we have in front of us now, it gave our new President the opportunity to weigh in. Clearly, we heard President Trump's priorities expressed not only throughout the campaign but early in his new administration, his priorities on national security, making sure that from a defense perspective and border security, these issues were addressed. I think we have done so in a responsible way on the defense spending side but also with a comprehensive approach to border security and utilizing new surveillance and new technologies.

This bill consolidates or terminates dozens of existing programs and rejects unnecessary spending tax dollars. It reduces spending and wasteful programs, eliminates unnecessary, ineffective, and duplicative programs.

Again, I think what we have put together within this appropriations omnibus is a spending proposal that does apply the taxpayer dollars responsibly. Overall, the bill puts real dollars behind our Nation's priorities by enhancing our national security, investing in education infrastructure and innovation, as well as improving the health and well-being of all Americans.

I would like to take just a few moments to speak specifically to some of the provisions that will be helpful in my State of Alaska. The omnibus bill sustains Alaska's contributions to our national defense, helps to protect our fisheries, address high energy costs, helps our very struggling timber industry in Southeastern Alaska, and helps keep the Federal Government's commitment to Alaska Natives.

There are some programs that would appear to be pretty small, but in terms of consequence and impact on Alaska, they are quite significant.

Essential Air Service, we provide funding in this measure that helps maintain commercial air service to as many as 60 small communities in the State. The reason it is called Essential Air Service is because in most of these communities, there is no other way to get to these smaller communities. There is no road access. There is no other way. You might be able to run a riverboat out, but in terms of ability to access, this Essential Air Service is exactly that.

The bill provides for new investments in the Coast Guard that will help increase safety in Alaska's waters. There

are infrastructure improvements in Kodiak to support homeporting Offshore Patrol Cutters in the Arctic region and funding for new cutters that we will see stationed throughout Alaska.

There is a lot going on in the news right now with regard to Russia and North Korea, and it certainly is front and foremost for Alaskans. We have our neighbors to the west of us there, in Russia, and of course we are within range of anything North Korea might consider. So there is a very keen interest and a desire to ensure that our Nation is investing in our Pacific and our Arctic defense.

This bill recognizes the issue, and it recognizes the strategic value that Alaska has. It provides \$4.3 billion for the procurement of F-35s, including some of those that will be based in the interior part of the State. We saw the need for the next generation of fighter jets in Alaska when, just a few weeks ago, Russian planes were buzzing the coast for 4 days straight. Well, today's news reports that F-22s intercepted two Russian Bear bombers 50 miles southwest of Alaska, according to the news this morning.

Again, when you are thinking about the investments we make to provide for our Nation's security, Alaska sits at the center up there in terms of strategic location.

There is also money for developing the long-range discrimination radar at Clear and funds for the ground-based missile defense at Fort Greely. Again, this is very significant at this time, given the geopolitics not too far from our State.

Another key part of our Arctic defense strategy is finally being realized, after years of me kind of pounding on this drum—funding for icebreakers. As of right now, we are woefully behind when it comes to our ability to maneuver in the Arctic regions in our waters. So there is \$150 million in advance procurement funding for an icebreaker that is in the DOD budget and an additional \$55 million in the Coast Guard budget. It is imperative that we move to fund a new icebreaker now.

We also recognize the role the Coast Guard plays in terms of national defense across the country, particularly in the Arctic. So the bill provides \$1.3 billion in acquisition construction and improvement money. The Coast Guard needs to recapitalize its aging fleet, and we see this no more apparent than in Alaska. A ship that was built back in 1971 is still being used to patrol areas that are perhaps some of the roughest seas in the world. This is not smooth water sailing. Congress needs to recognize the role played by the Coast Guard, not only in national defense but in drug interdiction, fisheries patrol, and safety encroachment, and we must give it the assets it needs to do its job well.

On the education front, this bill provides funds for our public schools, including money for programs that were authorized in ESSA. It funds IDEA,

Carl Perkins, impact aid, and 21st Century Community Learning Centers. Especially important for us in Alaska are the programs like ANEEP, Alaska Native Education Equity Program, strengthening Alaska Native and Native Hawaiian-serving institutions, tribally controlled colleges and universities, and Indian education national activities.

We have all come to the floor over the course of these past few months this Congress to talk about the impact on our communities of the opioid epidemic in this country. This bill helps to get money where it is needed to help fight this epidemic.

Over \$1 billion is provided to various programs and agencies to specifically address this problem. Over \$600 million of that will go to SAMHSA, the Substance Abuse and Mental Health Services Administration, including \$500 million for a new program that was created by the 21st Century Cures Act that we passed earlier last year. The CDC, the Department of Justice, and the VA will see increased funding to help deal with this scourge of addiction.

As chairman of the Interior, Environment, and Related Agencies Approps Subcommittee, the division G of the omnibus is of particular significance to me. The Interior appropriations section probably has more impact on the State of Alaska than most would realize. It controls funding levels for the Federal agencies and Departments that have a huge presence in my State: BLM, Forest Service, EPA, Fish and Wildlife Service, Indian Health Service, BIA, and National Park Service. These are all within the auspices of Interior.

I will give you some of the highlights within the Interior bill. This is the centennial year of the National Park Service so we were able to do more to help address the maintenance backlog within our park system.

The two agencies that deliver services for Indian communities, BIA and Indian Health Service, we did our best to support those programs which are critical to the Indian community. For those agencies, we have provided full contract support costs. We continue Tribal court funding for those Public Law 280 States. We have really worked to do what we can within IHS to address the issues of suicide, domestic violence, alcohol, and substance abuse programs. Making sure we are doing right by providing the support for our healthcare facilities is critically important.

We also have oversight of the EPA within our jurisdiction. I have heard some criticism from some that we didn't do enough to reduce EPA spending and then others are saying we took too much from the EPA, but what we really looked to try to do was to take a commonsense approach, focus resources on the programs that do the concrete things to improve the quality of the environment for the public when it comes to clean air and clean water.

We need to effectively make sure that whether it is the WIFIA program, the State revolving funds for our water and our waste water programs, making sure we have the resources to do right by our communities, and making sure there is clean air and clean water, whether it is the Targeted Air Shed Grant Program, which helps communities deal with pollution issues and air issues—I think we did a fair job with the EPA budget.

Again, we have worked to reduce in areas where we are just staffing up for initiatives that quite honestly have been questioned and challenged, making sure we are focusing on the priorities that deliver on EPA's mission, which is clean air and clean water.

Madam President, the last thing I would like to add is what we were able to do with regard to wildfires because this is an issue for so many of us in the West. We were able to include funding for wildland fire management programs to fully fund the 10-year average of suppression costs, as well as to allow for emergency funding in the event that we have a catastrophic wildfire season. I think we all understand the challenges our agencies face when we have fire borrowing going back and forth. So this is an effort we have long sought to address, and we will continue to work on that.

It has been interesting to watch and to read the news about this omnibus. You have the President who said: This is good. This is what winning looks like. You have Democrats who have said: We won.

It is not about a win for the D's or a win for the R's; it is about making sure this is right for the country. I would suggest that if both sides are taking credit, we must have hit the sweet spot somewhere in the middle.

I think at this place where we are right now, with over 7 months into this fiscal year, it is well past time that Congress pass a bill that funds the government for the balance of this fiscal year. These are uncertain times for the country—uncertain times certainly in my State—and I think it deserves some certainty from us. It is a good bill, and I think we owe it to the American people not to create unnecessary and unwanted drama about whether the Federal Government remains open for business.

I urge my colleagues to support this measure.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Arizona.

Mr. McCAIN. Mr. President, I come to the floor once again to discuss the threats facing our country, the challenges confronting the brave men and women of our Armed Forces. I feel compelled to remind my colleagues about what is at stake because of our failure right here to provide them the resources and equipment they need and deserve, placing their lives at greater risk. That is not my opinion; it is the opinion of the uniformed leaders of our

country who have stated time after time that because of our sequestration and our mindless meat ax, we are putting the lives of the men and women who are serving our Nation in uniform at greater risk.

Don't we have an obligation to try to stop that? Obviously, there is not a majority here in the Senate who believes we should, to our everlasting shame. Unless we change course, we will only continue that failure.

We are about to vote on yet another Omnibus appropriations bill. It is well over 1,000 pages. Look here; this is what we are about to vote on without a single amendment—without a single amendment. Is there any Member of the U.S. Senate who has read this? Is there any Member who has read this bill of over \$1 trillion that we are about to vote on? Many of us are going to be compelled to vote for it because we don't want to shut down the government again. The American people don't want the government to shut down, no matter what some colleagues of mine say. But here it is.

I challenge any of my colleagues to come to the floor and tell me they have read this bill.

Is it any wonder that the American people are fed up with this way of doing business? There are 1,000 pages—1,000 pages. That is what we are going to vote on in a relatively short period of time—haven't read it—no amendments.

I am sure there may be some provisions in this 1,000-page document that Members would like to modify, like to add to. But what business are we doing? What is the world's greatest deliberative body doing here in a couple hours? We are going to vote yes or no on a 1,000-page document. Shame on us. Shame on us.

Not a single appropriations bill—we have an Appropriations Committee. They have their subcommittees. My friend and colleague from Vermont is here and wants to talk about it. They churn out individual bills. I believe there are 13 of them, one of them being Defense, by the way. But all of that is without amendment, without debate on the floor of the world's greatest deliberative body. Yet we are going to go ahead and vote yes or no.

Many of us are going to vote yes because we don't want to shut down the U.S. Government. We don't want to deprive our citizens of the goods, services, and provisions that a government is supposed to provide people. I don't want to shut down the Grand Canyon again, my friends. I don't want to deprive people from all over the world the ability to see the Grand Canyon. So what do we do? CRAs.

I am all in favor of repealing regulations that are onerous and bad for America and small businesses and large. Is that a rationale for what we are about to do?

I say to my friends on the other side of the aisle: You blocked many of these bills that we wanted to bring to the

floor. You blocked them. Why? For what purpose? Of course, on this side of the aisle, we have agreed to do something like that.

So I just say to my colleagues: You should not be curious when you see the approval ratings of the Congress of the United States in the teens.

Again, as I said, we will be blamed for putting our men and women in uniform at greater risk. That is not JOHN MCCAIN's view; that happens to be the opinion of our uniformed service Chiefs who are telling us that when we are not funding the military, we are putting the lives of the men and women serving at risk.

We passed the Budget Control Act 6 years ago as an attempt to address our spending problem. This legislation led to a \$443 billion cut to defense. What has also happened? Deficits came down for a while, and we are on track to return to \$1 trillion deficits again in a matter of years. The national debt is set at \$20 trillion and has grown and will continue to grow.

We slashed our military, friends. We slashed it. Yeah, great job, we slashed the spending on the military. In fact, if you look, you will see the only portion where there has been a reduction in spending is where? Defense.

When you look at the past several years since sequestration, do you think the world has gotten safer? Do you think the men and women who are serving are better protected, better equipped?

We have 60 percent of our F-18s not flying. Why? No parts. We have two submarines tied up at the pier for a year because they cannot leave the pier. The Air Force is 1,000 pilots short.

What have we done? We have cut defense spending by 4 percent. Meanwhile, the interest on the debt has increased by 7 percent; nondefense, 19 percent; and the elephant in the room, the third rail that none of us want to touch is mandatory spending; that is Social Security and Medicare, primarily.

What have we done? We have shortchanged the men and women who are serving in the military, trying to defend this Nation while nondefense spending has gone up by 19 percent.

So the next time I hear one of my colleagues say: Well, we should continue to cut defense spending because of the debt, we have already done that. We have already shortchanged the men and women who are defending this Nation.

Over the past 10 years, as I mentioned, mandatory spending has grown by 56 percent, and defense has been cut by 4 percent.

The death spiral is occurring. We are in budget cuts with a high operational tempo, and the military is now in a vicious cycle. The death spiral works like this. This is the death spiral, OK? Constant and frequent deployments increase costs. To send our men and women overseas into harm's way increases costs. The more you fly the

plane, the more it costs to maintain the plane. The more you deploy a soldier, the more you have to pay him or her to stay in the military.

When budget top lines are determined by politics and not requirements, the Department of Defense has to make tradeoffs. For example, the military may forgo buying military equipment to keep up with wartime costs, but this exacerbates the problem. Our equipment gets older as it is used more and the cost of maintaining aging equipment skyrockets. Here is the death spiral, why the state of our military is what it is today.

Three—count them—three of our Army brigades are at the highest level of readiness. Four of 64 Air Force squadrons are ready to fight tonight; that is four out of 64. Less than half of the Marine and Navy planes are ready for combat. The Air Force has a pilot shortfall of 1,500—1,000 of which are fighter pilots. The Navy has a maintenance backlog of 5.3 million days. The ship maintenance backlogs are so bad that some ships are like the submarine USS Boise, which is tied up in port and isn't qualified to dive and recently missed a deployment.

Look at this graphic. These are the aircraft—all of them that are fully mission capable. These are the Army units that are ready to fight tonight. This is the U.S. Air Force, and these depict the airplanes ready to fight; Marine Corps aircraft, the same way.

So here we are with this situation, and what are we doing? We aren't really addressing the issue because we are going to be faced in the next year or so with the same budget problem of sequestration.

While this is happening, our enemies aren't sitting still. Our adversaries are not waiting for this body to wake up to do its job and act. While we have forced our military to make tradeoffs between supporting immediate operational requirements and future modernization, China, Russia, and other adversaries have been singularly focused on developing military capabilities to target U.S. forces and take away our unique military advantages.

Our military has multiple missions. Our adversaries have one mission, and that is to undermine U.S. military superiority. I regret to inform my colleagues that they are succeeding much more than we anticipated.

The fact is, the U.S. military advantage is eroding. National Security Adviser GEN H.R. McMaster summed it up best when he testified that the U.S. Army is outgunned and outranged. The reality is not much different across the military services.

The President understands it. Rebuilding the military has been a major priority for this administration, but we have to face the simple fact that the military buildup proposed by this President is illegal because the Budget Control Act forbids it. Over the next 4 years, the Budget Control Act's caps on defense spending would leave President

Trump \$216 billion short. Even President Obama's budget was \$113 billion above the BCA caps, and that budget barely slowed the deterioration of military readiness and capabilities.

I regret to say, Chairman THORNBERRY, the distinguished chairman of the House Armed Services Committee, and I fare even worse against the BCA. We believe that rebuilding our military will require a defense budget of \$640 billion in fiscal year 2018. Sustaining that level of funding over the remaining years with the Budget Control Act would require an additional \$433 billion.

Give our men and women in uniform a budget that will allow them to rise to meet the challenges of the 21st century. Congress must change the Budget Control Act, and the only way to do that is with a bipartisan budget agreement. As we stand here, there is no serious conversation that I am aware of in this body or anywhere else in Washington about what the agreement would look like or what it would achieve.

The next 4 years can't be like the last 4 years. We must find a way to provide the military with the resources they need and deserve to perform the missions we assign them. We must provide them with the timely authorization of appropriations bills. We must provide them with something they have not had for years—certainty—so they can properly plan and efficiently use taxpayers' dollars to defend the Nation.

What are we looking at right now?

We are going to pass this thing. It will pass. Then, in September—how many months is that now? It is about 5 months from now—we are going to be bumping up against the same ceiling and the threat of shutting down the government. Are we going to wait until the beginning of September before we start to address this or not? Is that the kind of fiscal cowardice we are going to perform? We are going to see this movie again and again and again and again unless we repeal the Budget Control Act and start providing for the men and women who are serving this Nation and the challenges we are facing, which any military expert will tell you are the greatest they have been in 70 years. We have to stop this.

We will paper over our failures with continuing resolutions. We will cut piecemeal deals in the midnight hour that fail to fix the serious challenges this country faces. We will accept these outcomes because they are better than yearlong continuing resolutions or shutdowns. We will clear the pitifully low bar of success we have set for ourselves, and all the while, challenges we will have been charged to address will only get worse. We have to break this cycle.

After several years of political gridlock, we know a bipartisan budget deal will be necessary to pass appropriations bills. Let's try a novel idea. Why don't we work on the deal now? Why

don't we sit down together, with all of us recognizing the challenges to our national security, and fix this problem instead of kicking the can down the road? My friends, if we do not, I guarantee you we will be doing this same thing again in September. What is that? We will be looking at another 1,000-page bill—1,000 pages that none of us has read. Oh, I take it back. There may be four or five Senators who know what is in it. Maybe 4, maybe 5, maybe as many as 8 out of 100 will know about it. If we do not stop this, this is exactly the movie we are going to see come September—not acceptable.

Don't we owe the men and women who are serving in uniform in harm's way today—several of whom have just been killed in the last few days—more than what we are giving them? Don't we owe them the best equipment and the best training we can possibly provide them with rather than their being dictated to by a meat-ax called sequestration? Don't we?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as one of the Senators who has read this bill, I would note that most of this bill has been here since November. We were prepared to go in November and vote on each part of it separately.

I would advise the distinguished senior Senator from Arizona, who is a friend of mine, that his party did not want to go forward in November. They were asked by the then-President-elect not to go forward with it, and his party said it would not go forward with it. We could have passed all of the bills separately in November.

I would also note, as the distinguished senior Senator from Alaska said on the floor a few minutes ago, that Republicans and Democrats have been working very closely on this appropriations bill. She expressed—and I absolutely join her in this—that we go back to the way it always has been. My party is not in control of the schedule in the Senate, but I would ask that all of us in both parties work together and start doing the appropriations bills one by one, as we always have. In fact, this bill is the product of many long weeks and days and nights and weekends. I know. A lot of times, I went to bed at midnight, and my staff kept on working.

I thank Republican Chairman THAD COCHRAN, of Mississippi, for his leadership in reaching this agreement of keeping the government open for business. It is how Congress can and should work.

Forget the rhetoric. Forget political brinkmanship. This agreement shows something we have worked on and that when we come together and work through our differences—both parties here and both parties in the other body—that we can do the work of the American people.

I think the package before us is a good deal for the American people, and

I will vote for it, but we should not be celebrating this fact. On this, I agree with the distinguished Senator from Arizona in that we should not be finishing our work 7 months into the fiscal year. I wish his party had allowed us to do it last November. These bills could have been and should have been finished then. In fact, we were 98 percent done with our negotiations, both Republicans and Democrats, when then-President-elect Trump said: Pencils down, and put everything on hold. The Senator from Arizona and his party have been operating on a continuing resolution ever since. I am glad to hear him say this is not the way he wants to do it.

I, certainly, agree with the distinguished senior Senator from Alaska when she says this is not the way to do it. Those of us who have been here for a while know that does not work and it is no way to govern.

It is my goal—and I believe Chairman COCHRAN shares this goal—to return to regular order, which is when we consider each appropriations bill in committee, debate each one publicly on the floor, and then vote it up or down. That is the way we should operate. That is what the American people deserve. I look forward to working with Chairman COCHRAN to make this a reality when we return, in very short order, to the fiscal year 2018 bills.

I have been on the Appropriations Committee for decades, and I have served as either chairman or ranking member of different subcommittees there, just as I have served as chairman or ranking member on Agriculture and the Judiciary. Yet I decided this year to take on the vice chairmanship of the Appropriations Committee because I believe in the power of the purse, in the ability of this committee to make a real difference in people's lives, and because of the respect I have for Chairman COCHRAN.

Our national budget is a reflection of our Nation's priorities, and the appropriations bills are where our priorities become realities. I am pleased to report we have worked hard to reflect Americans' values in the fiscal year 2017 consolidated appropriations bill before us. I think we have reached a good deal.

I am pleased that on a bipartisan basis we have rejected President Trump's ill-considered proposal to slash domestic programs by \$15 billion, including deep cuts in the NIH and low-income energy assistance. I am glad to see a \$2 billion increase for the National Institutes of Health. I was proud to have brought then-Vice President Biden to the University of Vermont last October to discuss his Cancer Moonshot Initiative and to see and hear how Vermonters are contributing to research to better treat—and hopefully cure—cancer. NIH funding is central to this effort.

Last year, the NIH accounted for nearly \$40 million in research funding for the University of Vermont. Every-

body—Republicans and Democrats—agree they have spent it well. This research is leading to advancements in lung disease treatments, cancers, and to more effectively using genome testing to advance the emerging and promising field of precision medicine.

In this bill, we were able to protect funding for LIHEAP. As the distinguished Presiding Officer and I know, we are in States in which the temperatures can often plunge way below zero. LIHEAP is a vital lifeline—certainly in the State of Vermont—to prevent people from being forced to make the wrenching choice of putting food on their tables for their families or keeping them warm.

We have also put in \$512 million—nearly double the resources available last year—to combat the opioid epidemic. This is a plague that grips every community in the country. It does not make any difference whether one is a Republican or a Democrat. It is hitting all of us. It is a problem that does not know the difference between rich or poor, urban or rural, Republican or Democrat. I think every Senator probably knows someone or a family with someone who has been in the grips of opioid addiction. My wife and I have sat down at kitchen tables with grieving parents who have lost their children. We have spoken to first responders who have seen so many people die. We have to confront this problem head-on in this country.

We are doing a number of other things. We are protecting funds for the EPA at the critical moment of confronting climate change. In that regard, I was pleased that Marcelle and I were able to host hundreds of Vermonters who had driven all night long in order to join the hundreds of thousands of people in the Nation's Capital for the Climate March.

I see that the distinguished chairman has come on the floor. I ask unanimous consent that I be able to yield to him, without losing my right to the floor, so I may finish my speech when he is finished.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this afternoon, the Senate will consider the Consolidated Appropriations Act of 2017. The bill will fund the Federal Government for the remainder of this fiscal year. I urge the Senate to approve the bill.

It provides our Armed Forces with the money they need to safeguard our homeland and protect our interests around the world. The funding levels are within the limits of the Budget Control Act. In total, the bill will increase Department of Defense spending by \$23.6 billion over President Obama's fiscal year 2017 request. These funds are badly needed to improve the readiness of our Armed Forces and to continue our campaign to defeat ISIL.

This bill includes the largest investment in border security in nearly a

decade. Additional funding is provided for fencing and other physical infrastructure, communications and surveillance technology, the hiring of additional agents, and additional detention beds to help stop the practice of catch and release. These funds will help reduce human trafficking and the flow of illegal drugs into our country.

While the additional funds for defense and border security have received much of the attention, there are many other important programs that are funded within the bill.

For the second year in a row, providing funding for research at the National Institutes of Health is increased by \$2 billion. New funding is included to combat the opioid epidemic that has plagued communities across the country. The FBI receives additional funding to protect against terrorist threats and combat illegal cyber activity.

Throughout the bill, spending controls are placed on Federal agencies. There are more than 150 rescissions, consolidations, or program terminations within the bill. These savings have been reallocated to higher priorities.

The basis of this legislation is with regard to the 12 appropriations bills that were reported from the Appropriations Committee. This is the second year in a row that the committee has reported all 12 bills. This bill reflects a year's worth of concerted effort by the chairmen and ranking members of our 12 subcommittees. It also reflects a great deal of hard work by the committees' staffs, for which I am deeply grateful.

I urge Senators to support the bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I note that the chairman and I are well aware of how well things go when we take each one of these bills. He certainly has led that effort, and that is the way we should do it.

I mentioned this when the Vermonters were here last weekend. Marcelle and I hosted them, so many of whom had driven through the night to join the hundreds of thousands of people in the Nation's Capital for the Climate March. Many of them asked: Why can't we do it the way we used to? I told them we were ready to go to all of the bills in November, and I am sorry that leadership said no.

There are things on which we have done a lot in this bill. Those of us on the Appropriations Committee have read this bill, and we have read most of it since last November.

The EPA provides funding to improve the environmental quality and ecological vibrancy of our small State's great Lake Champlain, the jewel of New England, as well as crucial funding for similar partnerships all over the country.

I am also pleased to report what is not in this bill. In a bipartisan way, we get rid of more than 160 poison pill riders—riders that would have under-

mined the health insurance of millions of Americans by attacking the protections they have under the Affordable Care Act and riders that would have slapped restrictions on women's access to healthcare, especially in rural areas, and riders that would have rolled back consumer financial protections of Dodd-Frank regulations and weaken environmental protections. Let's have votes up or down on those issues, anytime you want, but not in a must-pass spending bill.

I also particularly welcome the fact that not a single cent in the bill will go toward building President Trump's misguided wall on the southern border. When that issue came up in our debate, I said: Well let's have a vote, up or down, in the House and in the Senate, on the wall, where all Republicans and all Democrats vote. If it passes, then I will stop my objection. Nobody wants such a vote because not enough people support it. The American people should not, and they will not, be forced to pay tens of billions of dollars for a bumper-sticker solution to an incredibly complex problem—a wall that the President promised that Mexico, not American taxpayers, would pay for, even though all American taxpayers know that Americans, not Mexicans, would pay for it. His own department estimates that it would cost U.S. taxpayers \$22 billion. Some said during the debate: Show me a 30-foot wall, and I will show you a 31-foot ladder. I can also show you pictures of small prop planes and boats and tunnels. A wall is nothing more than an illusion. It is a false promise of security. Instead of debating this boondoggle, which Democrats as well as Republicans and Independents oppose, let's consider real solutions with comprehensive immigration reform.

In 2013, the Senate passed the large effort of Republicans and Democrats working together on comprehensive immigration reforms. Let's resume that debate and not throw money at this expensive illusion, where we are cutting vital medical research at the National Institutes of Health and others to pay for it.

There are a lot of anti-science proposals and impulses in the proposals that came from the administration, and I am proud that both Republicans and Democrats rejected them.

So I support the bill before us. I am proud to join with Chairman COCHRAN. It is not a perfect bill, but no products we all come together on are perfect. But on balance, it is a good deal for the American people. It reflects values of both Republicans and Democrats. The bipartisan work that brought us to this point shows what is possible and it lays the groundwork for our negotiations on the fiscal year 2018 appropriations bills.

So I want to extend again my thanks to Chairman COCHRAN and to the subcommittee chairmen and ranking members. It takes a tremendous amount of work to draft each of the underlying bills contained in this con-

solidated appropriations bill. While we were negotiating, I remember being on the phone at 10, 11 o'clock at night, night after night, but I went to bed, and the staff would keep on working until 2 or 3 in the morning.

So I thank the staff of the Appropriations Committee and subcommittee clerks on both sides of the aisle, who have been here day in and day out for many weeks. I certainly thank my staff director, Charles "Chuck" Kieffer, deputy staff director Chanda Betourney, and Jessica Berry, Jay Tilton, JP Dowd, and Jean Kwon, as well as Senator SCHUMER and his staff, including Gerry Petrella, Meghan Taira, Mike Lynch, and Mike Kuiken for the assistance they provided. I want to recognize and thank Bruce Evans and Fitz Elder from Chairman COCHRAN's staff, the majority staff director, and deputy staff director. They worked very, very hard and in their usual professional and courteous manner. I want to thank Bob Putnam, Hong Nguyen, and George Castro for the support they provide to the committee every day. And finally, I want to thank the editorial and printing staff, without whom we could never have produced this bill. Valerie Hutton, Penny Myles, Elmer Barnes and Karinthia Thames were here day and night, week after week, editing the dozens of drafts that ultimately became this consolidated bill. They work in relatively obscurity, but their expertise and dedication is not lost on us. We depend on them and we greatly appreciate what they do.

Lastly, on a personal matter, I wish to take a moment for special recognition of Charles Kieffer. Chuck is well known to the Senate. He is a familiar figure here in this Chamber. He has served on the Appropriations Committee for many years, under numerous chairmen and vice chairmen. I was grateful that he was willing to take on and continue there when I took over as vice chairman.

What a lot of people don't know is that he has been working around the clock on this, and in March he lost his father Jerry. Just a few weeks ago, he lost his mother Fran.

If you know even a little bit about his parents, there is no doubt where Chuck gets his dedication to public service. His father Jerry served as the executive director of the National Cultural Center at the Kennedy Center. He held positions in the Truman, Eisenhower, Nixon, Ford, and Carter administrations.

Chuck's mother Fran was a longtime member of the League of Women Voters. She dedicated time to numerous civic institutions throughout her lifetime. At 93 and 89, respectively, Jerry and Fran lived a long and full life, including a marriage of 68 years.

Their loss will be profoundly felt by their family and friends. My and Marcelle's thoughts are with Chuck, his wife Meg, and their family. I thank him for his tireless dedication to this institution, even during a time of great

personal sorrow. I would like to think that his parents are looking down from their place of eternal reward with a great deal of pride in their son.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I am going to be voting no on this 1,700-page bill.

I am not blind to some of the good parts of the bill. It includes last year's Intelligence Authorization Act, and it includes some parts of the bill that I worked on that would counteract Russian activities in the United States and Europe—provisions that were blocked by the Obama administration since they refused to ever get tough on Russia.

It increases defense spending, although not to an adequate degree in relation to the threats we face.

For the first time in years, it recognizes that every dollar we spend on defense doesn't have to be matched by another dollar elsewhere in our budget.

Now, there are parts of this bill that got dropped that I would like to have seen, for instance, blocking Federal funding for sanctuary cities. We might as well call them "outlaw cities" because they refuse to comply with Federal immigration law and turn over illegal immigrants facing deportation to Federal authorities.

But I want to hone in on one particular provision that shows just how bad this process is. In a 1,700-page bill, they don't hide the good things in the bill. They only hide the bad things. So look to page 735, section 543, where you will find an increase in H-2B visas of almost 79,000—a 120-percent increase over the normal annual cap of a so-called seasonal visa program for temporary workers that can take up to 9 or 10 months.

It is not necessary. It has nothing to do with funding the government—nothing. It hasn't been vetted. It hasn't gone through the normal legislative process, which would be the Judiciary Committee, where the chairman and the senior Democrat both have written that they oppose this measure. I don't even know how it got in there. I don't know if it was the chairman or the ranking member. They may not know. It is 1,700 pages, after all. It takes hours to even figure out what it means because it is so complicated in language.

But this is what it does: It takes jobs away from American workers and abuses the immigrants that come into this country.

In the past 10 years, the Department of Labor has found 800 employers—800—that have abused 23,000 guest workers—everything from stealing their wages, demanding bribes for their visas, and even sexual abuse—and those are only the ones that have been caught. That is because unlike American workers, these immigrant workers cannot leave their job. If they are fired, they go back to their home country, where

they often have huge families who are depending on them for their remittances. Their employers know that, and they take advantage of them. It is a newfangled form of indentured servitude.

Some people in this institution complain about the way Arab countries treat guest workers from South Asia and Southeast Asia. The conditions under which some of these H-2B workers operate are hardly much better. They live in filth and squalor. They are charged exorbitant fees for their housing and for their food. The employers largely get away with it because they know that these immigrant workers will not complain. They will not go to the authorities. They will not report it to the Department of Labor because if they do, they go back to their home country.

Those are just the immigrant workers. What about the American workers? There are a lot of reasons why unscrupulous American employers favor temporary guest workers. They don't have to pay payroll taxes on them, for instance. They don't have to pay unemployment taxes on them. But the real reason is that those guest workers have virtually no leverage to demand higher wages. As I said, they can be sent home because they are tied to a single employer. Americans have more bargaining power. If they can get a better wage down the road, then they will go down the road. If they get better benefits, they can go to a new job, but those guest workers cannot.

So the employers who abuse the H-2B program go to the greatest lengths to avoid hiring an American worker. The program says you have to advertise for the jobs in advance, and they do, hundreds of miles away in obscure newspapers that have nothing to do with the employer's local economy.

Many employers discourage Americans from applying in the first place. Remember, these are unskilled labor positions—unskilled. These are not high-tech jobs, but unskilled guest workers. They subject American workers to the most extreme, unreasonable, extraneous tests before they hire them—tests they do not give to those foreign guest workers because they can pay them lower wages. When they finally are forced to hire an American worker, because they face penalties from the Department of Labor if they don't, they try to make conditions as bad as possible for them so they can fire them and then replace them with a foreigner.

A lot of arguments for this kind of program boil down to this: No American will do that job. That is a lie. It is a lie. There is no job that Americans will not do. There is no industry in America where a majority of workers are not native born, American citizens, or first generation lawful immigrants—not landscapers, not construction workers, not ski instructors, not life-guards, not resort workers—not a single one. If the wage is decent and the

employer obeys the law, Americans will do the job. If it is not, then, they should pay higher wages. To say anything else is an insult to the work ethic of the American people who make this country run.

We just had an election in which the President distinguished himself more on immigration than on any other single issue. We all realize that, right? We all realize that uncontrolled mass migration is upending the politics and societies all across Europe. My colleagues realize that, right? What is it going to take for the people in Washington, DC, to realize just how out of touch they are when it comes to protecting the jobs and the wages of American workers?

I will vote no, and I will say that today is not the day when Washington realizes just how out of touch they are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent for 3 minutes, and it will probably be less than that.

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

Mr. TESTER. Mr. President, I would like to thank the body for this bill.

This is an omnibus, and I am going to vote for it. There are some things that are disturbing about it—there is no doubt about that—not to mention the fact that Congress took 7 months to take care of this plan for the long term, which created uncertainty out there on the ground. There were 7 months when Congress sat on their hands, which left towns, hospitals, airports, and our citizenry in the lurch.

But it does do some good things, and I think it does reflect the values of rural America, which I think is really important. I think it is a responsible budget for rural America in States like Montana.

One of the things it does that I think is entirely appropriate is that it pushes the Education Department to reconsider the Upward Bound grant applications that were denied because of ridiculous—and I do mean ridiculous—format requirements, which will allow first-generation college kids to be able to go to college.

What the Department of Education did with the Upward Bound Program is the worst of the bureaucracy that government can allow. This bill helps fix that. It gives the Department of Education a pair of glasses so they can apply a little common sense to their rules.

It also does some good things for our national parks, it does some good things for our bases, and it does some good things to help our natural resources. But since I am ranking member on the Appropriations Subcommittee on Homeland Security, I can tell you that overall, I think it really fits the needs of our homeland security, whether it is border security or cyber security. I think it is a responsible bill to help invest in our

economy moving forward while keeping this country secure.

With that, I would encourage a “yes” vote on this bill. I would just ask that next time around, which is going to start immediately, we let the subcommittees on appropriations do their work and bring these subcommittee bills to the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). Under the previous order, the motion to refer with amendment is withdrawn and the motion to concur with amendment is withdrawn.

Under the previous order, the question occurs on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 244.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Nebraska (Mr. SASSE).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted “yea” and the Senator from Nebraska (Mr. SASSE) would have voted “nay.”

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN) is necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—79

Alexander	Gillibrand	Perdue
Baldwin	Harris	Peters
Barrasso	Hassan	Portman
Bennet	Hatch	Reed
Blumenthal	Heinrich	Roberts
Blunt	Heitkamp	Rounds
Booker	Hirono	Rubio
Boozman	Hoeben	Sanders
Brown	Inhofe	Schatz
Burr	Johnson	Schumer
Cantwell	Kaine	Shaheen
Capito	King	Shelby
Cardin	Klobuchar	Stabenow
Carper	Lankford	Sullivan
Casey	Leahy	Tester
Cassidy	Manchin	Thune
Cochran	Markey	Tillis
Collins	McCain	Udall
Coons	McCaskill	Udall
Cornyn	McConnell	Van Hollen
Cortez Masto	Menendez	Warner
Donnelly	Merkley	Warren
Duckworth	Moran	Whitehouse
Enzi	Murkowski	Wicker
Feinstein	Murphy	Wyden
Franken	Murray	Young
Gardner	Nelson	

NAYS—18

Corker	Fischer	Lee
Cotton	Flake	Paul
Crapo	Graham	Risch
Cruz	Grassley	Scott
Daines	Heller	Strange
Ernst	Kennedy	Toomey

NOT VOTING—3

Durbin	Isakson	Sasse
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The motion was agreed to.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 244

The PRESIDING OFFICER. Under the previous order, the clerk will report the enrollment correction.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 53) providing for a correction in the enrollment of H.R. 244.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution, H. Con. Res. 53, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 53, Scott Gottlieb to be Commissioner of Food and Drugs, Department of Health and Human Services.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Scott Gottlieb, of Connecticut, to be Commissioner of Food and Drugs, Department of Health and Human Services.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Scott Gottlieb, of Connecticut, to be Commissioner of Food and Drugs, Department of Health and Human Services.

Mitch McConnell, John Cornyn, Tom Cotton, Dan Sullivan, Shelley Moore Capito, John Barrasso, Roger F. Wicker, Mike Rounds, Orrin G. Hatch, Bill Cassidy, Pat Roberts, Mike Crapo, Lamar Alexander, Richard Burr, John Thune, Jerry Moran, James E. Risch.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the Gottlieb nomination occur following disposition of the Wilson nomination on Monday, May 8.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana.

NATIONAL DAY OF AWARENESS FOR MISSING AND MURDERED NATIVE WOMEN AND GIRLS

Mr. DAINES. Mr. President, tomorrow, May 5, Hanna Harris should have been 25 years old. Instead of celebrating a birthday, we will be celebrating her memory. Hanna was a 21-year-old member of the Cheyenne Tribe. She lived in Lame Deer, MT, with her 10-month-old son. The last time she was seen alive was the Fourth of July of 2013. After that, she went missing, and 5 days later, her body was found. Hanna was found to have been raped and murdered.

For too long, the stories of missing and murdered American Indian and Alaska Native women have gone unheard. In fact, according to the Centers for Disease Control and Prevention, homicide was the third leading cause of death among American Indian and Alaska Native women between the ages of 10 and 24 years and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age.

According to a study commissioned by the Department of Justice, American Indian women face murder rates that are more than 10 times the national average. Let me repeat that. American Indian women face murder rates 10 times the national average. If this were the case in any other community outside of Native communities, there would be public outcry, but there hasn't been until now. In fact, yesterday the Senate approved my resolution to designate May 5, Hanna Harris's birthday, as a day of remembrance. It will be a day to join together to commemorate the lives of those we lost tragically, like Hanna. It is a day to validate the pain Tribal communities have felt and feel every day. It will mark a national day of awareness for Native women and girls who have gone missing or have been murdered.

I was joined by 12 of my colleagues in passing this resolution to declare that the tragic loss of Native women and girls is not just an issue, it is an epidemic, and I thank them for their support.

Tomorrow, on Hanna's birthday, I will walk with Melinda Limberhand Harris, Hanna's mother, and with Tribal leadership, as well as members in Lame Deer, MT, who have also lost a mother, a daughter, a sister, or a friend. On May 5, we will remember RoyLynn Rides Horse, we will remember Kenzley Olson, and we will remember the thousands of other American Indian and Alaska Native women who have been killed or have disappeared without a trace. And we will remember Hanna Harris on her birthday tomorrow as we walk together in Lame Deer, MT.

Mr. President, I yield my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.