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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, giver of everlasting life, nothing can separate us from Your limitless love.

Use our lawmakers today for Your glory, inspiring them to cultivate tough minds and tender hearts. Lord, help them to remember that nothing is impossible to those who place their trust in You. May the power of faith create in them both the desire and the ability to do Your will. As our Senators humble themselves in prayer, prepare their hearts and minds to serve Your purposes on Earth.

Lord, give Your consolation to those experiencing sorrow and Your love to us all.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 30, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WORK BEFORE THE SENATE

Mr. MCCONNELL. Mr. President, the Senate has a number of issues to wrap up, including the conference reports on the Water Resources Development Act, the Energy Policy Modernization Act, and, of course, the National Defense Authorization Act as well.

The action taken by the Senate yesterday will allow us to have a final vote on the critical Iran Sanctions Extension Act sometime this week. Later today, the House is set to vote on the 21st Century Cures bill, an important medical research and innovation bill which contains a number of bipartisan priorities.

Once their work is complete, the Senate will consider this measure and send it to the President's desk. Talks on the continuing resolution are ongoing. I will have more to say about that in the coming days.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

TRIBUTE TO BARBARA BOXER

Mr. REID. Mr. President, I have served in Congress now for 34 years. Throughout that time, I have tried to be pleasant and helpful to my colleagues. I feel very fortunate to have become personally close and friends with Members of Congress from all over this great country. BARBARA BOXER and I were Members of the House class of 1982. Such fond memories do I have of that class—TOM CARPER, DICK DURBIN, and scores of others. We had a huge class.

At first glance, BARBARA BOXER and HARRY REID had very little in common. She was from California. It is a heavily populated and liberal State. I was from Nevada, a much smaller State in area and in population. I was the only Democrat in my State's Congressional delegation. But I was stunned when I was asked to join this huge California Congressional delegation. Being from Nevada and being part of the largest Congressional delegation in America was extremely helpful to me.

The Californians were good to me in so many different ways, just allowing me to be part of their meetings every Wednesday morning. I was flattered when I was asked to be secretary-treasurer of that large delegation. I have so many memories of the work we did together, California and Nevada.

Howard Berman, who was the leader of that freshman class from California, was the head of the steering committee. Don Edwards was the chairman of the delegation at those meetings we had every morning. The Burton brothers and just so many others went out of their way to help me.

I came to know quickly that BARBARA BOXER was no ordinary public servant. She was relentless—I mean relentless—and dedicated and very principled. She was raised by hard-working, first-generation immigrants in Brooklyn, NY. She attended Brooklyn College, graduated with a degree in economics. Over the decades, we have gotten to know each other's families very well. We talk about each other's children. We have exchanged family experiences many, many times.

My favorite story of BARBARA BOXER's family is the time when she was a girl coming home from elementary school, with her mom, from a window that was up high, yelling down to her little daughter coming home from school—excitedly yelling out the window of the upstairs apartment: Daddy passed the bar. Daddy passed the bar.

BARBARA knew that her dad did not go to bars. But she quickly learned from her excited mother that she was talking about her dad having passed the very, very difficult New York bar examination. I always remember that story.

In 1965, BARBARA moved to Northern California from faraway New York. But in California, they sat down their roots and raised their two children, Doug and Nicole. Stew became a very prominent lawyer and BARBARA, a stockbroker.

It was in California where BARBARA began to make her mark very quickly as a trailblazer. In 1976, after having been in California not very long, in that very big county, part of the metropolitan area of San Francisco, she became a member of the Marin County Board of Supervisors. She was elected to that post. She quickly became the board's first woman president.

Shortly thereafter in 1982, BARBARA ran successfully for Congress. Her campaign slogan tells us all you need to know about her because that year her slogan was: ''BARBARA BOXER Gives a Damn.'' That was on all of her campaign literature, posters, everything. So I guess with a slogan like that, it should not be any surprise that she won handily.

In 1992, she was elected to the Senate. She stood no chance to win. Everybody told her that—all of the editorials, not only of the California papers but all over the country. BARBARA BOXER was in with the big time, and things were going to change for this upstart Member of the House of Representatives. She had tried to move too quickly. She should have stayed in the House, but she won by a really nice margin. This surprised everybody except her.

In 1992, she was elected to the Senate—the year that was popularly referred to as the ''Year of the Woman,'' and rightfully so. She was part of the memorable class that came here in 1982: DIANNE FEINSTEIN, PATTY MURRAY, Carol Moseley Braun, and, of course, the underdog, BARBARA BOXER.

In the Senate, BARBARA and I have worked together on matters of importance to Nevada, California, and our Nation. I have watched BARBARA BOXER lead on so many important issues. I am going to name only a handful of them. She worked to designate more than 1 million acres in California as a wilderness, keeping that land in a pristine condition for our children, our grandchildren, and generations to come. I say ''our'' because the wilderness in California or in Nevada does not belong to California or Nevada, it belongs to the people of this country. She fought for the Pinnacles National Monument to become America's 59th national park. It became such.

She helped lead the fight to stop drilling in the Arctic National Wildlife Refuge, and, of course, along the California shoreline. She has spoken about that so many times. It succeeded. We have had no oil spills on the coast of California because of a number of reasons, but there is no one more responsible for that nondegradation than BARBARA BOXER.

She advocated to eliminate government military waste as a Member of the House of Representatives and the Senate. It was her first breakthrough where she exposed the outrageous, exorbitant cost of purchases made by the military. She did that while she was in the House. Why was she taking on the establishment? Well, that is who she is; that is who she was.

She discovered that our military paid defense contractors unbelievable amounts of money: for a hammer—a claw hammer—$430; for a toilet seat, $640; for a coffee maker, $7,622. That is quite a coffee maker. For an aluminum ladder, which must have been one that would get you over the fence that Trump is going to build between Mexico and the United States, it cost $74,165.

It is legendary what she has done with the military. Ever since she did that, the military was no longer untouchable. BARBARA BOXER proved that. She put an end to all of the wasteful spending. Yes, she did—BARBARA BOXER—not all of it; some things slipped through the cracks, but she sure headed everyone in the right direction.

Maybe of lesser importance, but something we all watched very carefully in the House—it did not happen overnight, but she caused the all-male House gym to admit female Members of Congress. She went up against some big people to do that—the very well-known Dan Rostenkowski, the chairman of the Ways and Means Committee, and others—but she won.

BARBARA and I have worked together to protect Lake Tahoe. We share that. The States of California and Nevada share that alpine glacial lake. There is only one other lake like it in the world, and that is in Siberia, Lake Baikal. We feel good about what we have been able to do to promote the richness of this beautiful national treasure, Lake Tahoe.

She has also promoted clean energy. I can remember her going after a substance that was in gasoline to put in a car that ruined the environment. She came out strongly against that. Again, she prevailed. We no longer do that. She has also done a lot to protect our public lands.

I mentioned just a little bit of what she has done. I can say without any hesitation that BARBARA BOXER has been one of the best and most effective environmental leaders in the history of this country. That says a lot. She has made California and the entire country a cleaner, healthier, and a better place, especially as chair and ranking member of the Committee on Environment and Public Works. I loved that committee. It was a committee I was placed on when I first came to the Senate. I had the good fortune to be chairman of that committee twice.

She has done so much in her advocacy. For a lot of the things she was not able to declare a legislative victory, but she certainly declared a victory in the minds of the American people because she took on the big guys without any fear.

BARBARA is also a champion of women. She has been a groundbreaker on issues like sexual harassment and women's rights in the workplace, access to women's health, and clinic violence. She took that on. BARBARA BOXER has worked to protect women's access to health care and make sure that Planned Parenthood continues to help millions of women who depend on their services every year.

I lament the fact that BARBARA will not be here because, as you know, the new Republican majority has threatened to do away with Planned Parenthood. I don't know what they expect to do with the 2 million women who go there every year for help, but that is what they have said they are going to do.

I can remember, oh so clearly, because it was such a difficult time, working on the Affordable Care Act in my office just a short distance from here. BARBARA was there the better part of 2 days. We were facing incredibly contentious issues regarding women's health, and this required close attention. But it worked out. We were able to accomplish this in spite of some people who said we couldn't do that.

BARBARA has always been ideological, pure but with a sound mix of pragmatism on ObamaCare and other issues relating to women. I told her personally—and I said it publicly, but I wish to say it again—that I have enjoyed working with her. She has helped and mentored me and led me to understand issues important to the women of America like no one else, and I appreciate it very much.

I can remember writing her a letter in my longhand, my cursive. In that letter I told her a number of things, but this is something I said—a direct quote:

> BARBARA, I have three brothers. I've never had a sister. You are the sister I've never had.

That was what I said. To this day, we still refer to each other as brother and sister.

Stew and BARBARA are an exemplary team. They are partners in every sense of the word ''partner.'' Landra and I have been guests in their Southern California home. We have been together many times in Nevada.

For decades, BARBARA and I have worked together politically, campaigning in different parts of the country, different parts of California, and

different parts of Nevada. We have raised money together for the cause of Democrats. We have raised money for each other. It has always been a pleasure to work with her on this and other issues.

BARBARA and I came to Washington together in 1982, 34 years ago. BARBARA and I will be leaving Washington together after 34 memorable years together.

Senator BARBARA BOXER, congratulations on your historic career as a Senator for 40 million Californians and 300 million citizens of the United States.

BARBARA, remember, you are and always will be my sister.

Godspeed, BARBARA.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Senator REID, my leader, I can't tell you how humble I feel to hear you talk about my career and to put it, in many ways, in a historic place.

I am going to have a lot to say about your career, what you have meant to me. Today I won't get into it, but you are a man—you just don't throw words around. I know how humble you are because every time I try to praise you, even in a situation with just a few people around you, you look down like you are doing now. It makes you uncomfortable. I don't want to make you uncomfortable. So here is what I am going to say today. I am going to make you uncomfortable in the near future when I talk about your career and what it has meant to me. But today, hearing you talk about what you just said, weaving our friendship, our work together, and our family friendship has meant a lot to me.

Obviously, I am going to miss you, but I will say this. As we enter into uncharted territories in terms of politics, I know you and I are not going to lose our voices. We will have a platform. We are not leaving because we are tired of the fight. We are not leaving because we have nothing more to say, we are leaving because we think it is time for the next generation. I look forward to working with you in the future—and I mean that sincerely—just fighting for the things we care about, whether it is Lake Tahoe or whether it is clean air, whether it is fighting against the ravages of climate change, whether it is fighting for the right of the American people, from children to seniors, to have affordable health care. We are not going into the wilderness. That I was able to protect more than a million acres—I am so proud you mentioned that.

Today you have humbled me with your words. I will always be your sister. Thank you very much.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DACA

Mr. DURBIN. Mr. President, there are many disagreements in this Chamber and between the House and the Senate, but I think there is one thing we fundamentally agree on. Our system of immigration in this country is broken. There are many different ways to approach it in changing it, improving it, and fixing it, but most of us concede something is wrong. If we have 11 to 12 million people living in the United States who are not documented or not legal, by our definition—and that has been going on for years, sometimes decades—it raises a serious question about whether our immigration system works, whether it is responsive, and whether it serves the best interests of the United States.

Many of the people who are here once came to the United States on visitors' visas that they were supposed to ultimately see come to an end and leave, but they stayed. They got married. They had children in the United States who became citizens. Those who think that families represent the large share of undocumented people don't take a look at the families individually. They should. You may find in one household of a mother, father, and two or three children that only one person is undocumented, and it might be the mother.

The one thing we also came to discover was that there were many people here who were undocumented, technically illegal under our system, and they were in that condition through no fault of their own. Well, who could that be? Children—children who were brought here as toddlers, infants, small kids, and brought in with their families. They had no voice in the decision to come to America, but the family did, and they grew up here. Some of them came at a very early age. They didn't speak the language of their original country. They never visited that country.

From the start, they thought they were Americans. They went to school, went to class, put their hands over their hearts and pledged allegiance to the only flag they ever knew. They sang the only national anthem they really knew, and they believed they were Americans. At some point in their lives, maybe someone in the household said: Let me tell you a stark truth here: You are not legal by this Nation's standards.

It was because of that group that I introduced a bill 15 years ago called the DREAM Act. The DREAM Act really defined this category of people who are undocumented, were brought here as children, grew up in America, graduated from our schools, and didn't create any criminal record in their lifetime, and they were hoping and praying that they would get a chance to stay in a legal status as citizens. That is what the DREAM Act was all about. It is just for these—they have come to be known as DREAMers—who came here as children and infants, to be given that choice.

It was a few years ago that I wrote a letter to President Obama—signed by Senator Lugar of Indiana, a Republican, who shared my feelings—and asked the President if he could do something to protect these young people from being deported. We had a number of Senators join me in a subsequent letter, and the President acted, creating something called DACA, the Deferred Action for Childhood Arrivals Program.

What it boiled down to was that, if these undocumented young people who came here as young children would step forward, identify themselves to our government, pay about $500 in a filing fee, and go through a criminal background check, we would give them a 2-year temporary protection from being deported and give them a temporary right to work in this country.

The DACA Program turned out to be a big success as 740,000 young people were eligible, signed up, and were cleared to be approved for this DACA status.

Then came a change in administrations, which will happen in just a few weeks. Questions started being raised. What is going to happen to these young people—the ones who complied with the law as they were told it existed, who did a risky thing in identifying themselves to a government, paid their fee, went through the background check, and now are in the United States? I have met so many of them—thousands of them across this country, the DREAMers, those who are DACA eligible, those who are DACA approved. They are amazing stories.

At the Loyola University Stritch School of Medicine in Chicago, they decided to open a competition in their medical school to allow these DACA-eligibles to apply—not to give them a special number of billets or positions in the school but to say: You can apply with everyone else.

For many of these young people from across the United States who dreamed of being a doctor one day, this was the answer to a prayer, and they were ready for it. They competed and they

won. I believe there are about 25, maybe more, who are currently medical students at Loyola in Chicago aspiring to be doctors. Now their life is complicated. They can't borrow money from the government to go to school. They are not eligible for any Federal assistance because they are technically undocumented.

So we created a program through our State where they would be able to borrow the money to go to school on one condition; for every year of schooling that is provided by these loans, they have to pledge 1 year as doctors to serve in underserved areas of our State, whether it is in the inner city or the rural areas.

So here are, at the moment, 25 aspiring DREAMers in the Loyola School of Medicine who will be giving us years of service in underserved communities in our State. Is that good for Illinois? Is it good for America? You bet it is. I am from downstate Illinois. There are many rural towns in our State that would beg for these doctors to come in so they can keep a local hospital open so they can have good medical talent when they need it.

These DREAMers, who are now protected DACA today, are questioning what their future will be with a new President. There were some powerful words spoken during the course of this campaign about immigration, but I am heartened by the fact that President-Elect Trump, after the election, said he wanted to try to bind the wounds of this country. When asked specifically about immigrants, after some of the harsh things he said during the campaign, he said many of these immigrants are terrific people.

Well, let me say to the President-elect, if you are looking for terrific people when it comes to immigrants, take a look at these DACA young people, take a look at these DREAMers. They are amazing.

I believe I have come to the floor 100 times, maybe more, to tell these DREAMer stories because it is one thing, as I have just done, to describe them in general, but it is another thing to get to meet them. Some of these young people have had the courage to step up and say: You can tell my story. I will send you a photo.

The story of one today is of Valentina Garcia Gonzalez. Valentina was 6 years old when her family brought her to the United States from Uruguay in South America. She grew up in the suburbs of Atlanta, GA. A very bright child, she learned English quickly. She said:

> After that, I became my parents' right hand. Everything and anything that involved speaking to the outside world meant I was in the front, translating and representing my parents. It was a lot of responsibility for a young undocumented kid.

In addition to this responsibility, Valentina turned out to be quite a good student. In middle school she received the President's Education Award not once but twice—once from President Bush and then again from President Obama.

In high school, Valentina was an honor graduate and an Advanced Placement Scholar. She was a leader in student government, a member of the Beta Club—a national academic honors program—and Peer Leaders, where she mentored younger students. She somehow also found time to be president of the school's environmental group and managed the varsity basketball team.

Valentina was quite a student, but Georgia State law bans undocumented students from attending that State's top public universities. As a result, she applied and was accepted to Dartmouth College, an Ivy League school in Hanover, NH. She is now a sophomore at Dartmouth, where she is a premed student majoring in neuroepidemiology. You see, Valentina's dream is to become a doctor, to help people, and to give back to her community.

To help pay for her few tuition, she works as a projectionist at a local theater. Keep in mind, as an undocumented student, she is ineligible for any Federal Government assistance. She still finds time to volunteer as a mentor for kids in the local community schools, and in a letter to me she said the following about DACA, President Obama's program:

> I am beyond grateful because, by receiving DACA, the U.S. has given me an opportunity to give back to this country that has given me so much. This is my country. I have worked hard to prove myself worthy in the eyes of my American counterparts and knowing that I am in a weird limbo in regards to my legal status doesn't make me sleep any easier. My name is registered with the government, so I might be deported if they decide to end DACA.

Let me say clearly to Valentina and the other DREAMers like her. I am going to do everything in my power as a U.S. Senator to ensure that DACA continues and to protect them from deportation. Many came forward, against the best advice of their parents, who say: You are registering with a government that can deport you. But they had confidence that if they followed the law, as it was described to them, if they were open and honest, America would treat them fairly.

That is all I am asking. For the 740,000 currently protected by DACA, and for the others who are eligible for it, who will go through a background check and pay their fee, we are asking for fairness. These young people came here as kids. They had no voice in the decision to come to America. Now they want us to be their voice in terms of their future in America.

Would America be better if Valentina was deported back to Uruguay, a country where she hasn't lived since she was 6 years old? Will it be stronger if we lose Valentina as a doctor, serving a critical part of America? The answer is clear.

Now is the time for America, this Nation of immigrants, to come together and heal the wounds that divided us during the election. I hope President-Elect Trump will understand and will continue the DACA Program that provides some fairness, some opportunity for these amazing young people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

THE BUDGET

Mr. ENZI. Mr. President, I want to start off by reminding everybody of an old but very short Hans Christian Andersen story about an emperor who was convinced by two very clever weavers that they could make clothes that would be invisible to anybody who was unfit for a position or stupid or incompetent. As a result, everybody thought they could see the clothes, until one little boy said: The emperor doesn't have any clothes. And then everybody gasped and realized that was the case.

Well, we have kind of been weaving a budget through the years that is kind of like the emperor's clothes. We want everybody to be able to see them and think we are fit and competent and not stupid, but as this year quickly draws to a close, we are once again approaching a Federal spending deadline that will likely be postponed with yet another temporary spending bill. In the last 40 years, Congress has enacted 175 of these continuing resolutions to avoid doing its job. This will be the 176th continuing resolution since the modern budget process was established.

The November election results show the American people are eager for change. With a new President taking the oath of office on January 20, Congress has an opportunity and a responsibility to get back to work. One of our top priorities must be fixing America's broken budget process to provide our Nation with a responsible fiscal blueprint and help guide our spending decisions now and into the future.

Let me tell you about America's coming fiscal crisis. America is on a course for a fiscal disaster. Sadly, that is not going to surprise many people. We all know the statistics: $20 trillion in debt, on track to grow to $29 trillion in 10 years, unchecked entitlement spending that assumes 70 percent of the budget, and the imminent return of trillion-dollar deficits.

Everyone knows we are in deep trouble, but what is surprising is that Congress is not considering ways to fix it. The country's finances are in a perilous position and the Federal Government has refused to act. We pretend to see the clothes.

That is because, when it comes to spending money, Congress is kind of like a binge eater. We don't want to start our diet until right after the next dessert, and we never seem to run out of ideas for new desserts. That attitude has led to a mammoth, oversized debt burden that will crush future generations' prosperity.

The first step to spending within our means is to establish healthy habits. We should stock the fridge with fruits

and vegetables, not cake and cookies. Unfortunately, America's broken budget process does the opposite. It makes it easy for Congress to spend and spend without ever checking its fiscal waistline. Congress never has to consider the fiscally healthy options that would put our budget on a better path.

America's looming fiscal crisis actually has its roots in the way America's budget and spending process is laid out. This money funds activities that most people would associate with good government, such as national defense, education, and infrastructure spending. This is the portion of the budget that attracts the most congressional scrutiny. We have limits in place that make it difficult to spend more than what is allotted, and those limits are subject to fierce debate and negotiations every 2 years or so. We also must pass spending bills to fund these government activities every year, forcing a public debate about where taxpayers' dollars should be spent. This portion of the budget is not growing rapidly and is not the cause of our unsustainable fiscal course.

The real culprit is the other 70 percent of the Federal budget. This portion is spent automatically without regular congressional action or review. Let me say that again. The real culprit is the other 70 percent of the Federal budget. This portion is spent automatically without regular Congressional action or review. In just 15 years, it will consume all government revenues as debt, interest payments and entitlements continue to grow rapidly. There are no effective limits to the amount that can be spent on that side of the budget, at least until this spending drives America into bankruptcy.

This is how the budget process makes it easy to spend money. There is regular review and strict limits on the small and shrinking portion of the budget—the 30 percent—but the much larger automatic spending programs are not regularly reviewed and can grow almost without limit. Some automatic spending programs have a dedicated but insufficient source of revenue. For example, Social Security, Medicare, and unemployment benefits are funded in part—in part—by payroll taxes and insurance premiums.

This makes sense. If Congress is not going to regularly review a program, there should at least be a source of funding to ensure the program is sustainable. However, the automatic programs that receive dedicated revenues are grossly underfunded, and many others do not receive any dedicated revenues. That means our government is making promises to pay for these programs even though they do not have any idea where the money will come from.

Let me repeat that. The automatic programs that receive dedicated revenues are grossly underfunded, and many others don't even receive any dedicated revenues. That means our government is making promises to pay for these programs even though they do not have any idea where the money will come from.

This chart gives us a little bit of an idea. The chart shows the dedicated revenues for some of the largest automatic spending programs. For example, Social Security and Medicare are each funded in part with a dedicated payroll tax. However, payroll taxes are less than benefit payments. We can see the Social Security spending gap over the next 10 years is two and three-tenths trillion, or $2,321 billion. Medicare's receipts cover only 54 percent of spending, leaving a funding gap of four and four-tenths, or $4,365 billion.

These annual cashflow deficits grow worse every year of the budget window, and they will continue to deteriorate at a faster rate outside the budget window as millions of baby boomers continue to retire.

Now, I like to phrase this a little differently. On Social Security, the amount of spending versus the amount of revenue—$12,000 billion in spending but only $10,000 billion in revenue, which leaves a program deficit of $2,321 billion. It is not being funded by Social Security now. Instead of revenue as a percentage of spending, I like to say we overspend by 18 percent.

On Medicare, $9,590 billion—that is a lot of money—in spending, but the revenue is only $5,225 billion. That is a deficit of $4,365 billion. So revenue as a percentage of spending is 54 percent, but it is 46 percent overspent.

Some people will say we shouldn't worry about these programs because we collected money from previous generations that will cover the cost of these programs. They say we have ''trust funds'' to pay for these programs. But you can't trust these government trust funds. There is no way the Federal Government puts away cash to be used later; instead, they took these excesses as they came in, in past years, when we had fewer baby boomers, and that cash was spent in exchange for bonds being put in a drawer. The bonds are with the full faith and trust of the Federal Government, but that is not real money. In order to spend that, money has to be put in the drawer. Yes, there was a surplus in Social Security, but it was spent. Now we will continue to manufacture money to make those payments, but the government has no way to invest money.

As an accountant, I can tell you that the Federal budget operates on a cash basis, and previous Congresses spent that cash as soon as it came in—all the cash. There is no real money socked away to cover these costs. So when it comes time to pay for these programs, the only money the Treasury Department can rely on is these dedicated revenues. As the chart shows, they are not sufficient to cover spending, so the Treasury Department has to take extra money from taxpayers or borrow it in public debt markets.

Overall, the nonpartisan Congressional Budget Office estimates that the government will spend over $35 trillion on automatic spending programs over the next 10 years, but this chart shows these programs will only collect $15.5 trillion, or $15,538 billion—$15,538 billion but the spending will be $35,333 billion. As a percentage of spending, that is 44 percent. Actually, that is overspending of 56 percent. We aren't even taking in half of what we promised. So guess what happens next. The Treasury Department will ask taxpayers and public debt markets for an additional $20 trillion to pay for these programs.

That is why America is facing trillion-dollar deficits—overspending. ''Deficit'' is another word for ''overspending.'' It doesn't sound quite as bad as ''overspending.'' But that is why we are facing trillion-dollar overspending amounts in each year. That is why America's debt is $20 trillion, on the way to $29 trillion; it is overspending.

Let me talk about rising interest rates. To make matters worse, the historically low interest rates America pays on its debts are poised to rise, according to the latest signals from the Federal Reserve. That is why we have to do something, and we have to do something now. The interest is a mandatory expense—there is no way to avoid it—and it doesn't have any source of revenue other than the general fund. Now, we pay almost 2 percent interest on our $14 trillion in publicly held debt—$14,000 billion and we pay 2 percent on it. That is roughly $220 billion a year, excluding the share paid to Federal revenues which goes back to the Federal budget. But a 2-percent interest rate is not the norm for our government. When interest rates rise, as they are expected to do in the next few years, the $220 billion could more than triple. That will be $700 billion, maybe $800 billion a year spent on only the interest on our Nation's debt. That is more than we spend on national defense. That interest is a mandatory expense with no source of revenue.

So what is the bad news and the good news? That is the bad news, but there is good news too. Both the House Budget Committee, under the leadership of Chairman TOM PRICE, and the Senate Budget Committee have been working on solutions that would improve the way Congress considers budget legislation. Over the last year, the Senate Budget Committee has held a series of public hearings with expert witnesses, consulted with budget practitioners from both sides of the aisle, and sought advice from former chairmen. Members considered all the ideas presented and even entertained proposals to abolish the Budget Committee if it could be replaced with a better government structure. This yearlong effort demonstrated what successful budget reform should look like. I intend to pursue these reforms at every opportunity and enact as many as possible in the coming months.

At a minimum, we need to fix budget procedures in the Senate so that the

congressional budget is easier to pass and harder to ignore and easier to understand. The budget resolution is the only regular tool we have that forces Congress to examine all spending and revenues, including automatic spending, over a 10-year period. Unfortunately, the budget resolution has devolved into a purely political exercise, and that is often ignored. The last passed budget was good for about 3 months before waivers overrode the budget.

Congress cannot continue to lurch from crisis to crisis without meaningful, long-term budget plans. My reforms would fix congressional budgeting by reducing the political impediments to passing budget resolution. Budget proceedings would be more orderly and transparent, with less political ''gotcha'' amendments that define consideration of a budget resolution here in the Senate. My reforms would also make the budget meaningful by requiring a higher vote threshold for legislation that spends billions of taxpayer dollars without offsetting it—and offsetting it in a real way.

We also need to revise the concepts and rules that determine how we budget and estimate the cost of legislation. These outdated rules haven't been comprehensively reviewed and updated since 1967 and often lead to confusing or inaccurate estimates. A new commission of experts should update our Federal budget concepts for the 21st century.

We should also create new rules that encourage Congress to consider the annual appropriations measures on time under regular order. The current process has been completed on time only four times in the last 40 years. The last time was 1998, and that is when there was a lot of Social Security extra money spent. This is a disgrace. Congress should do its job on time and in an orderly fashion. It should not be negotiating a year's worth of spending in the weeks before the holidays like a college student cramming for midterms or maybe stuffing on spending like everybody is a budget Thanksgiving.

One of my proposals borrows an idea from the Wyoming State Legislature. They set aside a certain number of days every other year to consider only budget legislation. If a member wants to consider a nonbudget bill, which perhaps would be an emergency, they have to convince two-thirds of their colleagues to agree to take it up without any debate; otherwise, they stick to the spending.

I will also encourage enactment of Senator PORTMAN's bill to end government shutdowns and legislation to move the annual spending process to a biennial cycle so that it does not have to complete all 12 spending bills each year. Each agency would have 2 years of planning that they would be able to count on.

We need a fiscal course correction. Addressing America's long-term debt crisis is a daunting challenge that cannot be left to future generations as it has been in the past. But the annual budget process is not designed to force through the serious reforms needed to put America's budget back on a sustainable trajectory, nor should an annual majority-driven process be empowered to do so. That is why former Senators Kent Conrad and Judd Gregg, the former Democratic and Republican Budget Committee chairs, have advocated for a bipartisan task force, operating outside the annual budget process, to solve the country's long-term fiscal crisis. A BRAC-style commission similar to what has been introduced by Senator COATS should be created to set a sustainable, long-term fiscal target and recommend policy options to achieve that target, and Congress must take up and consider those recommendations.

This institution cannot continue to willfully ignore these serious threats to our country's future prosperity. This is the major issue of our time, and substantive solutions should be considered on the floor of the House and Senate. I know it is fun to invent and spend on new programs, but Congress has to be the adult in the room. They have to recognize whether their emperor has clothes or not. They can't pretend to see.

These bipartisan reforms wouldn't solve all of our budget problems, but they are a promising first step toward unsticking the budget gridlock that has gripped Washington in recent years. More importantly, they would create healthy fiscal habits that would force Congress to recognize and be able to address the daunting fiscal challenges this country faces. This crisis isn't going to go away, and only Members of Congress can fix it. The American people have spoken, and we owe it to them to put this country on a better path. These reforms are a necessary first step, and Congress must enact them as soon as possible.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. CORNYN. Mr. President, while he is still in the Chamber, let me express my gratitude to the chairman of the Budget Committee, Senator ENZI, for his leadership on these very difficult but very important issues.

One of the things I am most concerned about is that there no longer seems to be bipartisan consensus toward how to deal with our spending problems. We look at annual budget deficits and we look at the increase in the debt, and we know we have no current means to pay that back. While the Federal Reserve has basically made money free—in other words, interest rates are so low now, we don't have to pay our debt holders as much money now as we will in the future—we all know this is a ticking time bomb, with only about 30 percent of our Federal spending being discretionary or appropriated funds and roughly 70 percent being on autopilot. As our interest rates go up more and more, that is going to crowd out more of that 30 percent that we need to spend on our Nation's priorities, like national security.

This is a very serious issue, and I am grateful to the Senator from Wyoming, the chairman of the Budget Committee, for his leadership. I look forward to working with him as we work together to try to come up with meaningful solutions.

21ST CENTURY CURES BILL

Mr. CORNYN. Mr. President, we are winding down the final days of the 114th Congress, and some of the work we have been engaged in is coming to fruition.

I spoke to the chairman of the Environment and Public Works Committee, who told me he thought the WRDA bill—the water resources development bill—was coming together and would likely be voted on in the House tomorrow.

I believe that Senator MCCAIN and Chairman THORNBERRY in the House—the Armed Services Committee—have a national defense authorization bill that on Friday will be voted on in the House and then will be coming over here to the Senate.

We know that we have to, by the December 9 deadline, pass an appropriations bill that will keep the lights on for the Federal Government for an undetermined, at this point, period of time, probably sometime into next spring, when we will have a new President and a new administration.

This afternoon in the House, they are going to be voting on another important piece of legislation that I wanted to talk about briefly. It is called the 21st Century Cures Act. This has been a product of a lot of methodical and very deliberate hard work on both sides of the aisle in both Chambers, and it will make a big difference in the lives of Americans because it will help make our country healthier and stronger.

As its name suggests, it will help develop medical treatments and cures for some of the most tragic health problems facing families today. Recently, I was at the 75th anniversary celebration at the MD Anderson hospital in Houston, TX, and it is the premier cancer facility in the country. Some time ago, the hospital started their own MD Anderson Moon Shots Program and is doing all that it can do to study and research various forms of cancer with the goal to eliminate cancer as a public health threat. Of course, we know that Vice President BIDEN, who was part of that 75th anniversary celebration at MD Anderson in Houston, and this administration have their own Cancer Moonshot Program to help eliminate cancer, and that will also be part of this 21st Century Cures bill. The whole idea of the Moonshot, even to the current generation, reminds us that at one time we thought putting a man on the Moon was impossible, outside the

realm of possibility, but because of a vision and because of a commitment and a desire to push the bounds of our capabilities, they persevered and we found a way. MD Anderson's Moon Shots Program serves as another example of American ingenuity, ambition, and dogged determination to make the lives of our families and the future generations better than our own.

Fortunately, as I said, this Cures bill the House will be voting on today, which we will vote on next week, will provide funding for cancer and Alzheimer's research, among other terrible diseases, so that the best medical community in the world can help make great strides in fighting them.

This legislation will also fund the battle against opioid abuse, prescription drug abuse—something we have discussed a lot here on the floor during the last year because of the devastation that it has brought about in many parts of the country. Of course, we know that when the opioids aren't available, cheap heroin imported into the United States from south of our border is part of that scourge as well.

Overdoses and the abuse of opioid drugs are tearing families apart. This bill will provide additional grant funding to States to combat it and to help people who are already in the grips of this terrible addiction to find a way to freedom.

I am particularly glad that this legislation includes bipartisan mental health reforms that I introduced in this Chamber last year, known as the Mental Health and Safe Communities Act. I want to express my gratitude to Senator ALEXANDER, Senator MURRAY, and others on a bipartisan basis and bicameral basis for working with us to make sure we include mental health reform as a component of the 21st Century Cures legislation.

We all know that mental health problems are something that American families have to deal with. I dare say there is probably not a family in America that doesn't have to deal with this in some way or another—either at work, with people you go to church with, or with people you live next door to. In some way or another, mental health problems are rampant.

A lot of that has to do with well-intended but unintended consequences of deinstitutionalization of our mentally ill back in the 1990s. The idea was that it was not appropriate to institutionalize people with mental illness, and so we ought to deinstitutionalize them. But we contemplated that there would be some sort of safety net after they went back to their communities where they could get treatment and where they would get the care they needed. Unfortunately, what has happened and what my legislation is designed to address is that our jails have become the de facto default mental health treatment facilities in this country.

I recently was at a meeting of a large county sheriffs association in Washington, DC, and a friend of mine, the current sheriff of Bexar County, TX, Sheriff Pamerleau, said: How would you like to meet the largest mental health provider in America? I said: Well, sure.

She walked across the floor and introduced me to the sheriff of Los Angeles County, who runs the Los Angeles County jails. You get my point. We are warehousing people in jails and other places and not giving them the treatment they need in order to get their basic underlying problem taken care of. Of course, people with untreated mental illness frequently engage in petty crimes—trespassing and other things—which end them up in jail. But if they don't get treated, they are going to stay in that turnstile and keep coming back.

We all know the problem of homelessness in our streets. You walk down the street in Washington, DC, or any city in the country—such as Austin, TX—and you see people who have obvious symptoms of mental illness who are not being treated. What this legislation does is to provide a pathway to treatment, primarily by using preexisting appropriations to make grants to our States and local communities so they can deal with these using the very best practices in the country. For example, the Federal Government already spends about $2 billion a year on grants to State and local law enforcement. Doesn't it make sense to prioritize dealing with these mental health problems and particularly with the best practices in places such as San Antonio, TX, where the mental health community and law enforcement and other leaders have come together to try to come up with a program to divert people with mental illness to treatment and to provide additional training to law enforcement, to deescalate some of the conflicts that occur—for example, when the police show up and confront somebody with obvious mental illness. If the police don't get the kind of training they need, then that could end up in a tragedy, either for the person being arrested or for the police officers.

It is really important that we deal with this in a sensible way, and this legislation helps to do that—again, using some of that $2 billion in grant funding we give to State and local law enforcement but prioritizing and authorizing some of the very best practices occurring in communities around the country so that more people can benefit from these programs.

This also provides families additional tools. For example, if you have a family member who is suffering from severe mental illness—let's say they are an adult—there is not a whole lot you can do about it if they refuse to seek treatment or comply with their doctor's orders. There is a means—a very difficult means—for temporary institutionalization. For example, you have to get a doctor's order and then go to court and get somebody put in a State hospital or an institution, but they are not there forever. They may be there for 30 days or so, until their symptoms abate because they are complying with their doctor's orders and taking their medication.

The great news in mental health treatment is there are a lot of miraculous treatments, and if the person afflicted with mental illness will comply with their doctor's orders and take their medication, they can lead relatively normal and productive lives. But the great problem is that so often people refuse to take their medication. They start feeling better. They quit, and they become sicker and sicker, until they become a danger both to themselves and the community.

One of the things this legislation does is to provide an additional procedure, called assisted outpatient treatment, which gives local courts and civil courts the authority to consider a petition whereby a family member can come in and say: My son, my daughter, my husband, my relative is having serious problems with their mental illness and they are noncompliant with their treatments. Judge, will you please enter an order, which essentially is like probation, saying that periodically you have to come back and report to the court on your compliance with the order, but part of that is to follow your doctor's orders and to take your medication. I am not saying it is a panacea, but it provides family members another tool when their loved ones become mentally ill and when there are no good options for the family members to assure that they will get the treatment or remain compliant with their doctor's orders by taking their medication.

I applaud the House for taking up these critical reforms. I know Congressman TIM MURPHY has worked on this long and hard in the House. There are a lot of other people who have worked on this mental health reform. In this Chamber, Senator BILL CASSIDY has been a champion and CHRIS MURPHY, among others. Really, the persons who have gotten us this far—there are two of them—are Senator ALEXANDER and Senator MURRAY, the chairman and the ranking member of the HELP Committee. But it has taken a bipartisan, bicameral effort to try to get us to this point, and I am glad that we will be voting on this next week, after the House passes it today.

With that, I yield the floor.

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

UNANIMOUS CONSENT REQUEST—S. 2952

Mr. WYDEN. Mr. President, absent Senate action, at midnight tonight, this Senate will make one of the biggest mistakes in surveillance policy in years and years. Without a single congressional hearing, without a shred of meaningful public input, without any opportunity for Senators to ask their

questions in a public forum, one judge with one warrant would be able to authorize the hacking of thousands—possibly millions—of devices, cell phones, and tablets. This would come about through the adoption of an obscure rule of criminal procedure called rule 41. Rule 41 isn't something folks are talking about in coffee shops in Alaska, in Oregon, and in other parts of the country, but I am convinced Americans are sure going to come to Members of Congress if one of their hospitals—one of their crucial medical programs—is hacked by the government. It is a fact that one of the highest profile victims of cyber attacks are medical facilities, our hospitals.

The Justice Department has said this is no big deal. You basically ought to trust us. We are just going to take care of this. I will tell you, generally, changes to the Federal rules of procedure are designed for modest, almost housekeeping kinds of procedural changes, not major shifts in policies. When you are talking about these kinds of rules, they talk about who might receive a copy of a document in a bankruptcy proceeding. That is what the Rules Enabling Act was for. It wasn't for something that was sweeping, that was unprecedented, that could have calamitous ramifications for Americans the way government hacking would. As I have indicated, this would go forward without a chance for any Member of the Senate to formally weigh in.

The government says it can go forward with this rule 41 and conduct these massive hacks—large-scale hacks—without causing any collateral damage whatsoever and ensuring that Americans' rights are protected. Oddly enough—again, breaking with the way these matters are usually handled—the government will not tell the Congress or the American people how it would protect those rights or how it would prevent collateral damage or even how it would carry out these hacks. In effect, the policy is ''trust us.''

I think that right at the heart of our obligations is to do vigorous oversight. I always thought Ronald Reagan had a valid point when he said: You can trust but you ought to verify. That is especially important under this policy, where innocent Americans could be victimized twice—once by their hackers and a second time by their government.

We are going to have the opportunity to do something about it before this goes into effect in just over 12 hours. I want to emphasize that those of us who would like the chance for Members of Congress to weigh in and be heard—our concern has been bipartisan. Senator COONS. Senator DAINES. We have worked in a bipartisan fashion on this for months.

This morning we are going to offer three unanimous consent requests to block or delay this particular change in order to make sure our colleagues have an opportunity to do what I think is Senate 101: to have a hearing and have a review that is bipartisan, where Senators get to ask questions, to be able to get public input in a meaningful kind of fashion.

I urge every Senator to think, and think carefully, before they prevent this body from performing the vigorous oversight Americans demand of Congress. That is right at the heart of what Senator COONS, Senator DAINES, and I will be talking about. This rule change will give the government unprecedented authority to hack into Americans' personal phones, computers, and other devices. Frankly, I was concerned about this before the election, but we now know that the administration—it is a new administration—will be led by the individual who said he wanted the power to hack his political opponents the same way Russia does. These mass hacks could affect cell phones, desktop computers, traffic lights, not to mention a whole host of different areas. During these hacks and searches, there is a considerable chance that the hacked devices will be damaged or broken, and that would obviously be a significant matter. Don't take my word for it.

Mr. President, I ask unanimous consent to have an article that I wrote with renowned security experts Matt Blaze and Susan Landau printed in the RECORD.

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

[From Wired.com, Sept. 14, 2016]

THE FEDS WILL SOON BE ABLE TO LEGALLY HACK ALMOST ANYONE

(By Senator Ron Wyden, Matt Blaze and Susan Landau)

Digital devices and software programs are complicated. Behind the pointing and clicking on screen are thousands of processes and routines that make everything work. So when malicious software—malware—invades a system, even seemingly small changes to the system can have unpredictable impacts.

That's why it's so concerning that the Justice Department is planning a vast expansion of government hacking. Under a new set of rules, the FBI would have the authority to secretly use malware to hack into thousands or hundreds of thousands of computers that belong to innocent third parties and even crime victims. The unintended consequences could be staggering.

The new plan to drastically expand the government's hacking and surveillance authorities is known formally as amendments to Rule 41 of the Federal Rules of Criminal Procedure, and the proposal would allow the government to hack a million computers or more with a single warrant. If Congress doesn't pass legislation blocking this proposal, the new rules go into effect on December 1. With just six work weeks remaining on the Senate schedule and a long Congressional to-do list, time is running out.

The government says it needs this power to investigate a network of devices infected with malware and controlled by a criminal—what's known as a ''botnet.'' But the Justice Department has given the public far too little information about its hacking tools and how it plans to use them. And the amendments to Rule 41 are woefully short on protections for the security of hospitals, life-saving computer systems, or the phones and electronic devices of innocent Americans.

Without rigorous and periodic evaluation of hacking software by independent experts, it would be nothing short of reckless to allow this massive expansion of government hacking.

If malware crashes your personal computer or phone, it can mean a loss of photos, documents and records—a major inconvenience. But if a hospital's computer system or other critical infrastructure crashes, it puts lives at risk. Surgical directives are lost. Medical histories are inaccessible. Patients can wait hours for care. If critical information isn't available to doctors, people could die. Without new safeguards on the government's hacking authority, the FBI could very well be responsible for this kind of tragedy in the future.

No one believes the government is setting out to damage victims' computers. But history shows just how hard it is to get hacking tools right. Indeed, recent experience shows that tools developed by law enforcement have actually been co-opted and used by criminals and miscreants. For example, the FBI digital wiretapping tool Carnivore, later renamed DCS 3000, had weaknesses (which were eventually publicly identified) that made it vulnerable to spoofing by unauthorized parties, allowing criminals to hijack legitimate government searches. Cisco's Law Enforcement access standards, the guidelines for allowing government wiretaps through Cisco's routers, had similar weaknesses that security researchers discovered.

The government will likely argue that its tools for going after large botnets have yet to cause the kind of unintended damage we describe. But it is impossible to verify that claim without more transparency from the agencies about their operations. Even if the claim is true, today's botnets are simple, and their commands can easily be found online. So even if the FBI's investigative techniques are effective today, in the future that might not be the case. Damage to devices or files can happen when a software program searches and finds pieces of the botnet hidden on a victim's computer. Indeed, damage happens even when changes are straightforward: recently an anti-virus scan shut down a device in the middle of heart surgery.

Compounding the problem is that the FBI keeps its hacking techniques shrouded in secrecy. The FBI's statements to date do not inspire confidence that it will take the necessary precautions to test malware before deploying them in the field. One FBI special agent recently testified that a tool was safe because he tested it on his home computer, and it ''did not make any changes to the security settings on my computer.'' This obviously falls far short of the testing needed to vet a complicated hacking tool that could be unleashed on millions of devices.

Why would Congress approve such a short-sighted proposal? It didn't. Congress had no role in writing or approving these changes, which were developed by the US court system through an obscure procedural process. This process was intended for updating minor procedural rules, not for making major policy decisions.

This kind of vast expansion of government mass hacking and surveillance is clearly a policy decision. This is a job for Congress, not a little-known court process.

If Congress had to pass a bill to enact these changes, it almost surely would not pass as written. The Justice Department may need new authorities to identify and search anonymous computers linked to digital crimes. But this package of changes is far too broad, with far too little oversight or protections against collateral damage.

Congress should block these rule changes from going into effect by passing the bipartisan, bicameral Stopping Mass Hacking Act.

Americans deserve a real debate about the best way to update our laws to address online threats.

Mr. WYDEN. In the op-ed, we point out that legislators and the public know next to nothing about how the government conducts the searches and that the government itself is planning to use software that has not been properly vetted by outside security experts. A bungled government hack could damage systems at hospitals, the power grid, transportation, or other critical infrastructure, and Congress has not had a single hearing on this issue—not one.

In addition, the Rules Enabling Act gives Congress the opportunity to weigh in, which is exactly what my colleagues hope to be doing now on this important issue.

Because of these serious damages, I introduced a bill called the Stop Mass Hacking Act with a number of my colleagues, including Senators DAINES and PAUL. This bill would stop these changes from taking effect, and I am here this morning to ask unanimous consent that the bill be taken up and passed.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2952 and the Senate proceed to its immediate consideration, that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, reserving the right to object, I respect our colleague's right to come to the floor and ask unanimous consent. I understand that there are three unanimous consent requests, and I will be objecting to all three of them. I will reserve my statement as to why I am objecting after the third request.

At this point, I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, I wish to recognize my colleague from Montana, and after my colleague from Montana speaks, my friend from Delaware will address the Senate.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I thank my colleague from Oregon, Senator WYDEN, for talking about this important issue on the floor today.

We shop online with our credit cards, order medicine with our electronic health care records, talk to friends, share personal information, Skype, post beliefs and photos on social media, or Snapchat fun moments, all the while believing everything is safe and secure. It is more important now than ever to ensure that the information we store on our devices is kept safe and that our right to privacy is protected, and that is what we are really talking about here today. How can we ensure that our information is both safe and secure from hacking and government surveillance?

Certainly technology has made our lives easier, but it has also made it easier for criminals to commit crimes and evade law enforcement. In short, our laws aren't keeping up with 21st-century technology advances. But the government's solution to this problem we are talking about today, the change to rule 41 of the Federal Rules of Criminal Procedure, represents a major policy shift in the way the government investigates cyber crime. This proposed solution essentially gives the government a blank check to infringe upon our civil liberties. The change greatly expands the hacking power of the Federal Government, allowing the search of potentially millions of Americans' devices with a single warrant. What this means is that the victims of hacks could be hacked again by their very own government.

You would think such a drastic policy change that directly impacts our Fourth Amendment right would need to come before Congress. It would need to have a hearing and be heard before the American people with full transparency. But, in fact, we have had no hearings. There has been no real debate on this issue.

My colleagues and I have introduced bipartisan, bicameral legislation to stop the rule change and ensure that the American people have a voice. The American people deserve transparency, and Congress needs time to review this policy to ensure that the privacy rights of Americans are protected.

The fact that the Department of Justice is insisting this rule change take effect on December 1—that is tonight at midnight—frankly, should send a shiver down the spines of all Americans.

My colleagues and I are here today to not only wake up Americans to this great expansion of powers by our government but also to urge our colleagues to join this bipartisan effort to stop rule 41 changes without duly considering the impact to our civil liberties. Our civil liberties and our Fourth Amendment can be chipped away little by little until we barely recognize them anymore. We simply can't give unlimited power for unlimited hacking which puts Americans' civil liberties at risk.

Again, I thank my colleagues from Delaware and Oregon for joining me here today, and I yield to my friend and colleague from Delaware, Senator COONS.

The PRESIDING OFFICER. The Senator from Delaware.

UNANIMOUS CONSENT REQUEST—S. 3475

Mr. COONS. Mr. President, I thank my colleagues, Senator WYDEN and Senator DAINES. They have worked tirelessly to address this pressing issue of the pending change to privacy protections contained in a proposed change to the Federal Rules of Criminal Procedure.

As you have heard, if Congress fails to act today and thoroughly consider and debate these rule changes, they will go into effect at midnight tonight. They will take effect tomorrow, December 1. I believe it is essential that these rules strike a careful balance, giving law enforcement the tools they need to investigate cyber attacks and cyber crimes to keep us safe while also protecting Americans' constitutional rights to freedom from unreasonable searchs, our right to privacy.

Neither the Senate nor House has held a single hearing or markup to evaluate these changes to the Federal Rules of Criminal Procedure. The body of government closest to the people has utterly failed to weigh in on an issue that can immediately and directly impact our constituents—our citizens. While the proposed changes are not necessarily bad or good, they are serious and present significant privacy concerns that warrant careful consideration and debate.

All Americans should want criminal investigations to proceed quickly and thoroughly, but, as I have said, I am concerned that these changes would remove important judicial safeguards by having one judge decide on a search that would give our government the ability to search and possibly alter thousands of computers owned by innocent and unknowing American citizens all over our country.

Members of Congress should have an opportunity to consider this information seriously. We should carefully evaluate the merits of these proposed changes and their ramifications. I think it is our duty to have a frank and open discussion so we can think about the unintended consequences and protect our constituents' rights. Two weeks ago, I introduced legislation that would give Congress the time to have that conversation. The Review the Rule Act, or S. 3475, would delay the changes to rule 41 until July 1, 2017. That bill is cosponsored by Senators WYDEN, LEAHY, BALDWIN, and FRANKEN, as well as Republican Senators DAINES, LEE, and PAUL. That list of Senators from every part of our ideological spectrum is just a reminder that this is not a partisan issue. This is a bipartisan group of Senators raising questions and challenges to a proposal by the Obama administration's Justice Department.

I think it is important to remind anyone watching or listening that we want to ensure that the American people are kept safe from hackers and online criminal activity. We want law enforcement to have the tools to investigate and address potential threats, but we shouldn't have to sacrifice our rights to privacy and protection from unreasonable searches and seizures just to achieve that protection.

I encourage my colleagues to join me in supporting this legislation and

working together to evaluate these changes to the Federal Rules of Criminal Procedure.

Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3475 and that the Senate proceed to its immediate consideration. I further ask that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I understand that the Senator from Montana will not be offering a unanimous consent request, so if it is all right with my colleagues, I wish to explain why I have objected.

Excuse me. I will yield back to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will still be offering a third proposal, so I ask my colleague if he wishes to speak now or after the third request.

Mr. CORNYN. Mr. President, I appreciate the courtesy of my friend and colleague from Washington—excuse me, Oregon, but I will reserve my remarks until after he makes the next UC request.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, when the Oregon Ducks go to the NCAA title game in basketball, I will invite my friend to sit with me and he will see Oregon in action.

UNANIMOUS CONSENT REQUEST—S. 3485

Mr. WYDEN. Senator CORNYN has now objected to passage of the two bills relating to rule 41, and he is certainly within his right to do so. I wish to offer the theory—not exactly a radical one, in my view—that if we can't pass bills with respect to mass surveillance or have hearings, we at least ought to have a vote so that the American people can actually determine if their Senators support authorizing unprecedented, sweeping government hacking without a single hearing. There is a lot more debate in this body over the tax treatment of race horses than massive expansion of surveillance authority.

In a moment, I will ask unanimous consent that the body move to an immediate rollcall vote on the Stalling Mass Damaging Hacking Act which would delay rule 41 changes until March 31. I don't condone Congress kicking cans down the road. This is one example of where, with a short delay, it would be possible to have at least one hearing in both bodies so that Congress would have a chance to debate a very significant change in our hacking policy.

Congress has not weighed, considered, amended, or acted like anything resembling an elected legislature on this issue. There have been some who have looked into the issue, but—I call it Senate 101—we should at least have a hearing on a topic with enormous potential consequences for millions of Americans. That had not been done, despite a bipartisan bill being introduced in the House and the Senate, days after the changes were approved. Lawmakers and the public ought to know more about a novel, complicated, and controversial topic, and they would be in a position to have that information if there was a hearing and Members of both sides of the aisle could ask important questions.

Since the Senate has not had a hearing on this issue, lawmakers have still been trying to get answers to important questions. Twenty-three elected representatives from the House and Senate, Democrats and Republicans spanning the philosophical spectrum, have asked substantive questions that the Department of Justice has failed to answer, and they barely went through the motions. They spectacularly failed to respond to both concerns of Democrats and Republicans in both the Senate and in the House.

I ask unanimous consent that the letter that was sent to the DOJ, signed by myself and 22 bipartisan colleagues from the House and Senate, be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, October 27, 2016.

Hon. LORETTA LYNCH,
U.S. Attorney General,
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL LYNCH: We write to request information regarding the Department of Justice's proposed amendments to Rule 41 of the Federal Rules of Criminal Procedure. These amendments were approved by the Supreme Court and transmitted to Congress pursuant to the Rules Enabling Act on April 30, 2016. Absent congressional action the amendments will take effect on December 1, 2016.

The proposed amendments to Rule 41 have the potential to significantly expand the Department's ability to obtain a warrant to engage in ''remote access,'' or hacking of computers and other electronic devices. We are concerned about the full scope of the new authority that would be provided to the Department of Justice. We believe that Congress—and the American public—must better understand the Department's need for the proposed amendments, how the Department intends to use its proposed new powers, and the potential consequences to our digital security before these rules go into effect. In light of the limited time for congressional consideration of the proposed amendments, we request that you provide us with the following information two weeks after your receipt of this letter.

1. How would the government prevent ''forum shopping'' under the proposed amendments? The proposed amendments would allow prosecutors to seek a warrant in any district ''where activities related to a crime may have occurred.'' Will the Department issue guidance to prosecutors on how this should be interpreted?

2. We are concerned that the deployment of software to search for and possibly disable a botnet may have unintended consequences on internet-connected devices, from smartphones to medical devices. Please describe the testing that is conducted on the viability of 'network investigative techniques' (''NITs'') to safely search devices such as phones, tablets, hospital information systems, and internet-connected video monitoring systems.

3. Will law enforcement use authority under the proposed amendments to disable or otherwise render inoperable software that is damaging or has damaged a protected device? In other words, will network investigative techniques be used to ''clean'' infected devices, including devices that belong to innocent Americans? Has the Department ever attempted to ''clean'' infected computers in the past? If so, under what legal authority?

4. What methods will the Department use to notify users and owners of devices that have been searched, particularly in potential cases where tens of thousands of devices are searched?

5. How will the Department maintain proper chain of custody when analyzing or removing evidence from a suspect's device? Please describe how the Department intends to address technical issues such as fluctuations of internet speed and limitations on the ability to securely transfer data.

6. Please describe any differences in legal requirements between obtaining a warrant for a physical search versus obtaining a warrant for a remote electronic search. In particular, and if applicable, please describe how the principle of probable cause may be used to justify the remote search of tens of thousands of devices. Is it sufficient probable cause for a search that a device merely be ''damaged'' and connected to a crime?

7. If the Department were to search devices belonging to innocent Americans to combat a complicated computer crime, please describe what procedures the Department would use to protect the private information of victims and prevent further damage to accessed devices.

Sincerely,

Ron Wyden; Patrick Leahy; Tammy Baldwin; Christopher A. Coons; Ted Poe; John Conyers, Jr.; Justin Amash; Jason Chaffetz; Steve Daines; Al Franken; Mazie K. Hirono; Mike Lee; Jon Tester; Elizabeth Warren; Martin Heinrich; Judy Chu; Steve Cohen; Suzan DelBene; Louie Gohmert; Henry C. ''Hank'' Johnson; Ted W. Lieu; Zoe Lofgren; Jerrold Nadler.

Mr. WYDEN. I also ask unanimous consent that the response from the Department of Justice, which I have characterized as extraordinarily unresponsive to what legislators have said, be printed in the RECORD as well.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 18, 2016.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: This responds to your letter to the Attorney General, dated October 27, 2016, regarding proposed amendments to Rule 41 of the Federal Rules of Criminal Procedure, recently approved by the Supreme Court. We are sending identical responses to the Senators and Members who joined in your letter.

The amendments to Rule 41, which are scheduled to take effect on December 1, 2016,

mark the end of a three-year deliberation process, which included extensive written comments and public testimony. After hearing the public's views, the federal judiciary's Advisory Committee on the Federal Rules of Criminal Procedure, which includes federal and state judges, law professors, attorneys in private practice, and others in the legal community, approved the amendments and rejected criticisms of the proposal. The amendments were then considered and unanimously approved by the Standing Committee on Rules and the Judicial Conference, and adopted by the United States Supreme Court.

It is important to note that the amendments do not change any of the traditional protections and procedures under the Fourth Amendment, such as the requirement that the government establish probable cause. Rather, the amendments would merely ensure that venue exists so that at least one court is available to consider whether a particular warrant application comports with the Fourth Amendment.

Further, the amendments would not authorize the government to undertake any search or seizure or use any remote search technique, whether inside or outside the United States, that is not already permitted under current law. The use of remote searches is not new, and warrants for remote searches are currently issued under Rule 41. In addition, courts already permit the search of multiple computers pursuant to a single warrant, so long as the necessary legal requirements are met with respect to each computer. Nothing in the amendments changes the existing legal requirements.

The amendments apply in two narrow circumstances. First, where a criminal suspect has hidden the location of his computer using technological means, the changes to Rule 41 would ensure that federal agents know which magistrate judge to go to in order to apply for a warrant. For example, if agents are investigating criminals who are sexually exploiting children and uploading videos of that exploitation for others to see—but concealing their locations through anonymizing technology—agents will be able to apply for a search warrant to discover where they are located.

An investigation of the Playpen website—a Tor site used by more than 100,000 pedophiles to encourage sexual abuse and exploitation of children and to trade sexually explicit images of the abuse—illustrates the importance of this change. During the investigation, authorities were able to wrest control of the site from its administrators, and then obtained approval from a federal court to use a remote search tool to undo the anonymity promised by Tor. The search would occur only if a Playpen user accessed child pornography on the site (a federal crime), in which case the tool would cause the user's computer to transmit to investigators a limited amount of information, including the user's true IP address, to help locate and identify the user and his computer. Based on that information, investigators could then conduct a traditional, real-world investigation, such as by running a criminal records check, interviewing neighbors, or applying for an additional warrant to search a suspect's house for incriminating evidence. Those court-authorized remote searches in the Playpen case have led to more than 200 active prosecutions—including the prosecution of at least 48 alleged abusers—and the identification or rescue of at least 49 American children who were subject to sexual abuse. Nonetheless, despite the success of the Playpen investigation, Federal courts have ordered the suppression of evidence in some of the resulting prosecutions because of the lack of clear venue in the current version of Rule 41. In other cases, courts have declined to suppress evidence because the law was not clear, but have suggested that they would do so in future cases.

Second, where the crime involves criminals hacking computers located in five or more different judicial districts, the changes to Rule 41 would ensure that federal agents may identify one judge to review an application for a search warrant rather than be required to submit separate warrant applications in each district—up to 94—where a computer is affected. For example, agents may seek a search warrant to assist in the investigation of a ransomware scheme facilitated by a botnet that enables criminals abroad to extort thousands of Americans. Such botnets, which range in size from hundreds to millions of infected computers and may be used for a variety of criminal purposes, represent one of the fastest-growing species of computer crime and are among the key cybersecurity threats facing American citizens and businesses. Absent the amendments to Rule 41, however, the requirement to obtain up to 94 simultaneous search warrants may prevent cyber investigators from taking needed action to liberate computers infected with such malware. This change would not permit indiscriminate surveillance of thousands of victim computers—that is not permissible now and will continue to be prohibited when the amendment goes into effect. This is because other than identifying a court to consider the warrant application, the amendment makes no change to the substantive law governing when a warrant application should be granted or denied.

The amended rule limits forum shopping by restricting the venue in which a magistrate judge may issue a warrant for a remote search to ''any district where activities related to a crime may have occurred.'' Often, this language will leave only a single district in which investigators can seek a warrant. For example, where a victim has received death threats, extortion demands, or ransomware demands from a criminal hiding behind Internet anonymizing technologies, the victim's district would likely be the only district in which a warrant could be issued for a remote search to identify the perpetrator.

In cases involving widespread criminal conduct, activities related to the crime may have occurred in multiple districts, and thus there may be multiple districts in which investigators may seek a warrant under the new amendment. For many years, however, existing laws have recognized the need for warrants to be issued in a district connected to criminal activity even when the information sought may not be present in the district. The language of the new Rule 41(6)(6) amendment limiting warrant venue to ''any district where activities related to a crime may have occurred'' was copied verbatim from the existing warrant venue provisions in Rule 41(6)(3) and (b)(5), which authorize judges to issue out-of-district warrants in cases involving terrorism and searches of U.S. territories and overseas diplomatic premises. Thus, the new venue provision of Rule 41(b)(6) for remote searches is consistent with existing practices in these other contexts. Similarly, warrants for email and other stored electronic communications are sought tens of thousands of times a year in a wide range of investigations. Such warrants may be issued in any district by a court that ''has jurisdiction over the offense being investigated.'' 18 U.S.C. §§2703 & 2711(3).

As with law enforcement activities in the physical world, law enforcement actions to prevent or redress online crime can never be completely free of risk. Before we conduct online investigations, the Department of Justice (the Department) carefully considers both the need to prevent harm to the public caused by criminals and the potential risks of taking action. In particular, when conducting complex online operations, we typically work closely with sophisticated computer security researchers both inside and outside the government. As part of operational planning, investigators conduct predeployment verification and validation of computer tools. Such testing is designed to ensure that tools work as intended and do not create unintended consequences. That kind of careful consideration of any future technical measures will continue, and we welcome continued collaboration with the private sector and cybersecurity experts in the development and use of botnet mitigation techniques. The Department's antibotnet successes have demonstrated that the Department can disrupt and dismantle botnets while avoiding collateral damage to victims. And of course, choosing to do nothing has its own cost: leaving victims' computers under the control of criminals who will continue to invade their privacy, extort money from them through ransomware, or steal their financial information.

Law enforcement could obtain identifying information (such as an IP address) from infected computers comprising a botnet in order to make sure owners are warned of the infection (typically, by their Internet service provider). Or law enforcement might engage in an online operation that is designed to disrupt the botnet and restore full control over computers to their legal owners. Both of these techniques, however, could involve conduct that some courts might hold constitutes a search or seizure under the Fourth Amendment. In general, we anticipate that the items to be searched or seized from victim computers pursuant to a botnet warrant will be quite limited. For example, we believe that it may be reasonable in a botnet investigation to take steps to measure the size of the botnet by having each victim computer report a unique identifier; but it would not be lawful in such circumstances to search the victims' unrelated private files. Whether or not a warrant authorizing a remote search is proper is a question of Fourth Amendment law, which is not changed by the amendments to Rule 41. Simply put, the amendments do not authorize the government to undertake any search or seizure or use any remote search technique that is not already permitted under the Fourth Amendment. They merely ensure that searches that are appropriate under the Fourth Amendment and necessary to help free victim computers from criminal control are not, as a practical matter, blocked by outmoded venue rules.

The amendment's notice requirement mandates that when executing a warrant for a remote search, ''the officer must make reasonable efforts to serve a copy of the warrant on the person whose property was searched or whose information was seized or copied,'' and that ''[s]ervice may be accomplished by any means, including electronic means, reasonably calculated to reach that person.'' What means are reasonably available to notify an individual who has concealed his location and identity will of course vary from case to case. If the remote search is successful in identifying the suspect, then notice can be provided in the traditional manner (following existing rules for delaying notice where appropriate in ongoing investigations). If the search is unsuccessful, then investigators would have to consider other means that may be available, for example through a known email address. In an investigation involving botnet victims, the Department would make reasonable efforts to

notify victims of any search conducted pursuant to warrant. For example, if investigators obtained victims' IP addresses at a particular date and time in order to measure the size of the botnet, investigators could ask the victims' Internet service providers to notify the individuals whose computers were identified as being under the control of criminal bot herders. Under such an approach, it would not even be necessary for investigators to learn the identities of specific victims. The Department will, of course, also consider other appropriate mechanisms to provide notice consistent with the amended Rule 41.

Under the Federal Rules of Evidence, the government must establish the authenticity of any item of electronic evidence it moves to admit in evidence. To do so, it must offer evidence ''sufficient to support a finding that the item is'' what the government claims it to be, and a criminal defendant may object to the admission of evidence on the basis that the government has not established its authenticity. The amendments to Rule 41 do not make any change to the law governing the admissibility of lawfully obtained evidence at trial, whether on the basis of authenticity or any other basis, and to our knowledge authenticity objections have not played a substantial role in prior federal criminal trials at which evidence obtained as a result of remote searches was introduced.

Protecting victims' privacy is one of the Department's top priorities. To the extent that investigators collect any information concerning botnet victims, the Department will take all appropriate steps to safeguard any such information from improper use or disclosure. The Department presently and vigorously protects the private information collected pursuant to search warrants for computers and documents seized from a home or business and the Department will follow the same exacting standards for any warrant executed under the amendments to Rule 41.

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

PETER J. KADZIK,
Assistant Attorney General.

Mr. WYDEN. Colleagues are going to see that substantive, clear questions, posed by Democrats and Republicans in writing, were not responded to.

Because of the lack of genuine answers from the Justice Department to this letter, signed by 23 Members of Congress, and the substantial nature of these unprecedented changes in surveillance policy, I ask now for unanimous consent for a vote on the SMDH Act to give Congress time to debate these sweeping changes to government's hacking authority.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3485, introduced earlier today; that at a time to be determined by the majority leader, in consultation with the Democratic leader, but no later than 4 p.m. today, the Senate proceed to vote in relation to this bill.

The PRESIDING OFFICER. Is there objection?

The majority whip.

Mr. CORNYN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I know sometimes that when people hear us engage in these debates, they think we don't like each other and we can't work together; that we are so polarized, we are dysfunctional. Actually, these Senators are my friends in addition to being colleagues. Let me just explain how I think their concerns are misplaced.

First of all, we all care about, on the spectrum of privacy to security, how that is dialed in. As the Presiding Officer knows, as the former attorney general of Alaska, we always try to strike the right balance between individual privacy and safety and security and law enforcement, and sometimes we have differences of opinion as to where exactly on that spectrum that ought to be struck, but the fundamental problem with the requests that have been made today is, Federal Rule Of Criminal Procedure 41 has already been the subject of a lengthy 3-year process with a lot of thoughtful input, public hearings, and deliberation.

As the Presiding Officer knows, the courts have the inherent power to write their own rules of procedure, and that is what this is, part of the Federal Rules of Criminal Procedure. What happens is a pretty challenging process when we want to change a Federal rule of criminal procedure. We have to get it approved by the Rules Advisory Committee. It is made up of judges, law professors, and practicing lawyers. Then it has to be approved by the Judicial Conference. Then, as in this case, they have to be endorsed by the U.S. Supreme Court, which is Federal Rule of Criminal Procedure 41, which happened on May 1, 2016.

If there was any basis for the claim that this is somehow a hacking of personal information without due process of law or without adequate consideration, I just—I think the process by which the Supreme Court has set up, through the Rules Advisory Committee and through the Judicial Conference, dispels any concerns that the objections that were raised were not adequately considered.

I am also told, Senator GRAHAM from South Carolina chaired a subcommittee hearing of the Senate Judiciary Committee—I believe it was last spring—on this very issue. So there has been some effort in the Congress to do oversight and to look into this, although perhaps it didn't get the sort of attention that it has gotten now.

The biggest, most important point to me is that for everybody who cares about civil liberties and for everybody who cares about the personal right of privacy we all have in our homes and the expectation of privacy we have against intrusion by the government without due process, this still requires the government to come forward and do what it always has to do when it seeks a search warrant under the Fourth Amendment. You still have to go before a judge—an impartial magistrate—you still have to show probable cause that a crime has been committed, and the defendant can still challenge the lawfulness of the search. The defendant always reserves that right to challenge the lawfulness of the search. I believe all of these constitutional protections, all of these procedural protections, all the concerns about lack of adequate deliberation can be dispelled by the simple facts.

There is a challenge when cyber criminals use the Internet and social media to prey on innocent children, to traffic in human beings, to buy and sell drugs, and there has to be a way for law enforcement—for the Federal Government—to get a search warrant approved by a judge based on the showing of probable cause to be able to get that evidence so the law can be enforced and these cyber criminals can be prosecuted. That is what we are talking about. All this rule 41 does is creates a circumstance where if the criminal is using an anonymizer, or some way to scramble the IP address—the Internet Protocol address of the computer they are operating from—then this rule of procedure allows the U.S. attorney, the Justice Department, to go to any court that will then require probable cause, that will then allow the defendant to challenge that search warrant—but to provide a means by which you can go to court and get a search warrant and investigate the facts and, if a crime has been committed, to make sure that person is prosecuted under the letter of the law.

I appreciate the concerns my colleagues have expressed, that somehow we have gotten the balance between security and privacy wrong, but I believe that as a result of the process by which the Rules Advisory Committee, the Judicial Conference, and the Supreme Court have approved this rule after 3 years of deliberation, including public hearings, scholarly input by academicians, practicing lawyers, law professors and the like, I think that ought to allay their concerns that somehow this is an unthought-through or hasty rule that is going to have unintended consequences. I think the fundamental protection we all have under the Fourth Amendment of the Constitution against unreasonable searches and seizures and the requirement that the government come to court in front of a judge and show probable cause that a crime has been committed, and that even once the search warrant is issued, that the defendant can challenge the lawfulness of the search—all of that ought to allay the concerns of my colleagues that somehow we have gotten that balance between privacy and security right because I think this does strike an appropriate balance.

Those are the reasons I felt compelled to object to the unanimous consent requests, and I appreciate the courtesy of each of my colleagues.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I wish to engage my friend for a moment with respect to his remarks. He is absolutely right that we

have been friends since we arrived here, and we are working together on a whole host of projects right now. So this is debate about differences of opinion with respect to some of the key issues. I wish to make a couple of quick points in response to my colleague.

My colleague said there had been an inclusive process for discussing this. As far as I can tell, the vast amount of discussion basically took place between the judges and the government. My guess is, if you and I walked into a coffee shop in Houston or Dallas, or in my home State, in Coos Bay or Eugene, people wouldn't have any idea what was going to happen tonight at midnight. Tonight at midnight is going to be a significant moment in this discussion.

My colleague made the point with respect to security and privacy. I definitely feel those two are not mutually exclusive; we can have both, but it is going to take smart policies. My colleague has done a lot of important work on the Freedom of Information Act issues. These are complicated, important issues, and nobody up here has had a chance to weigh in. There has been a process with some judges, and I guess some folks got a chance to submit a brief. Maybe there was a notice in the Federal Register; that is the way it usually works, but nobody at home knows anything about that. My guess is, none of our hospitals know anything about something like this, and it has real implications for them because our medical facilities—something we all agree on that have been major sources of cyber hackings—they have been major kinds of targets.

Again, this is not the kind of thing where somebody is saying something derogatory about somebody personally; we just have a difference of opinion with respect to the process. To me, at home, when people hear about a government process, they say: Hey, I guess that means I get a chance to weigh in. That is why I have townhall meetings in every county every year because that is what the people think the process is, not judges talking among themselves.

The second point my friend touched on was essentially the warrant policies and that he supports the Fourth Amendment and this is about the Fourth Amendment. I think that is worth debating. To me, at a minimum, this is an awful novel approach to the Fourth Amendment. One judge, one warrant for thousands and potentially millions of computers which could result in more damage to the citizen after the citizen has already been hit once with the hack. So my colleague said this is what the fourth Amendment is about. I think that is a fair point for debate. I would argue this is an awful novel approach to the Fourth Amendment. This is not what I think most people think the Fourth Amendment is. Hey, this is about me and somebody is going to have to get a warrant about me. It is about individuals. To me, the Senate has now—and we still have officially 12 hours to do something about it—but as of now, the Senate has given consent to an expansion of government hacking and surveillance. In effect, the Senate, by not acting, has put a stamp of approval on a major policy change that has not had a single hearing, no oversight, no discussion. In effect, the Senate—this is not even Senate 101. That is what everybody thinks Senators are supposed to be about. When we are talking about search and seizure, that is an issue for Congress to debate, and the Justice Department shouldn't have the ability to, at a minimum, as I indicated in my conversation with my colleague from Texas, come up with a very novel approach to the Fourth Amendment without elected officials being able to weigh in.

Now I will close by way of saying that when Americans find out that the Congress is allowing the Justice Department to just wave its arms in the air and grant itself new powers under the Fourth Amendment without the Senate even being a part of a single hearing, I think law abiding Americans are going to ask: So what were you people in the Senate thinking about? What are you thinking about when the FBI starts hacking the victims of a botnet attack or when a mass attack breaks their device or an entire hospital system, in effect, has great damage done, faces great damage, and possibly puts lives at risk?

My hope is that Congress would add protections for Americans surrounding the whole issue of government hacking. I have said again and again and again that the smart technology policy, the smart surveillance policy from the getgo is built around the idea that security and liberty are not mutually exclusive, that a smart policy will do both, but increasingly, policies coming out of here aren't doing a whole lot of either. In this case, I think the Senate is abdicating its obligations. Certainly, in the digital era, Americans do not throw their Fourth Amendment rights out the window because they use a device that connects to the Internet.

So I am going to close by way of saying that I think this debate about government hacking is far from over. My guess is that Senators are going to hear from their constituents about this policy sooner rather than later, and we will be back on the floor then, looking to do what should have been done prior to midnight tonight, which is to have hearings, to involve the public—not just Justices and maybe a few people who can figure out how to find that section of the Federal Register so they can weigh in.

Americans are going to continue to demand from all of us in the Senate policies that protect their security and their liberty. They are right to do so. That cause will be harmed if the Senate doesn't take steps between now and midnight.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

21ST CENTURY CURES BILL

Ms. WARREN. Mr. President, I am glad to be here with my colleagues today to have a chance to talk about the 21st Century Cures bill. On Monday I came to the Senate floor to speak against a deal that was emerging in the House of Representatives around this bill.

When Congress first started working on this proposal 2 years ago, the idea was for Democrats and Republicans to work together to improve medical innovation and access to lifesaving cures. For over 2 years a lot of people worked really hard on that effort. We had a chance to bring down the cost of skyrocketing drugs. We had a chance to support medical research so we could start to cure diseases such as Alzheimer's and diabetes. We had a chance to help coal miners whose health care is on the ropes and who are running out of time. Unfortunately, the Cures bill introduced in the House last week didn't do any of those things. Instead, it was a typical Washington deal—a deal that ignored what voters want, and held a bunch of commonsense, bipartisan health proposals hostage unless Congress also agreed to pass a giant giveaway to drug companies.

So how did this happen? Lobbyists. Kaiser Health News estimated that the new Cures bill has generated more lobbying than almost all of the 11,000 bills that have been proposed during this Congress. At one point, there were about three lobbyists for every single Member of Congress. Every one of those lobbyists wanted favors. Wow. Did they get some doozies here: a provision to make it easier for drug companies to commit off-label marketing fraud—taking pills that are approved for one use and using them for a whole lot of other purposes—without any evidence that it is either safe or effective, a provision making it easier for drug companies to hide gifts they give to doctors who prescribe certain drugs, a giveaway to a major super PAC donor who stands to benefit financially through pushing regenerative therapies through FDA, even if they don't meet the FDA's gold standard for safety and effectiveness.

This bill is not about doing what the American people want. This bill is about doing what drug companies and donors want. On Monday, I made it clear that I oppose this. Since then, two things have happened. First, since Monday, the public has gotten wind of this deal and they don't like it. In the last 24 hours, more than 100,000 people

have signed petitions calling on Congress to just reject the deal. Second, since Monday, we have seen the bill changed a little.

Last night, after they got some heat, the House took out the provision letting drug companies hide kickbacks to donors. Good. I guess they were having a hard time explaining to anybody why it made any sense to help drug companies cover up bribery. The lobbyists are disappointed about that, but they are still pushing for the bill because even though the kickbacks are out, letting drug companies get away with fraud is still in.

Giveaways are bad in this bill, but that is not the only thing that is a problem with this bill. What is not in the bill also hurts. Seventy years ago, Congress promised to provide for the health and welfare of American coal miners and their families. Now 120,000 coal miners, their widows, and their families will see massive cuts to their health benefits and retirement pensions. Why? Because the bipartisan mine workers protection act was left out of this bill. Without it, 12,500 coal miners will lose their health insurance on December 31 of this year. Another 10,000 will lose their coverage next year and on and on into the future.

According to exit polls, 70 percent of voters say they think the American economy and the lawmakers who oversee it are owned—owned by big companies and special interests. Bills like the 21st Century Cures Act are the reason why. There is so much we could do with this bill.

This Congress could step up for thousands of American coal miners. For their entire lives, these coal miners have sacrificed everything for their families, for their communities, and for this country. They have literally sacrificed their health. They are running out of time. We could help.

This Congress could step up to help millions of people who are struggling with exploding drug prices. We could help bring down the cost of drugs. This Congress could step up to help the millions of families who have been touched by Alzheimer's, diabetes, cancer, and other deadly disease.

We could help by providing more funding for the research that would generate real cures. This Congress could step up to deal with drug companies that think they are above the law, giant corporations that think they can break the rules and then get Congress to do special favors for them. We can just say: No, that is not what we are in business to do. The American people are not clamoring for the Cures bill, at least not this version.

Tens of thousands of people have asked us not to pass it. Even the conservative group Heritage Action for America has come out strongly against this deal. I don't agree with all of their objections, but they explain, ''In Washington terms, backroom negotiators have turned the Cures bill into a Christmas tree loaded with handouts for special interests, all at the expense of the taxpayer.''

Boy, got that one right. This kind of backroom dealing that helps those with money and connections and leaves scraps for everyone else is why people hate Washington. It is the reason I will oppose this bill.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts for calling us together on the floor to discuss this important bill, the 21st Century Cures Act. It is a bill I followed closely because I started off introducing the American Cures Act.

My goal in medical research was inspired by Dr. Francis Collins at the NIH. He just told me point blank: If you want to increase the output of medical research, find cures for diseases and help innocent people, increase the spending at the NIH by 5 percent real growth a year for 10 years, and I will light up the scoreboard.

That is what I set out to do. That is what the American Cures Act set out to do, including the Centers for Disease Control and the Department of Defense medical research. As is usually the case in Congress, it is no surprise when someone sees an idea and thinks they can do it a little differently and a little better so, in the House of Representatives, Congressman FRED UPTON and Congresswoman DIANA DEGETTE introduced the 21st Century Cures Act.

Theirs was a different approach. I guess it reflected a difference in philosophy. What we see today is what has happened to an originally good idea as it worked its way through the House of Representatives over a long period of time. The simple concept of increasing medical research spending at NIH by 5 percent a year has now become a very complicated formula.

Frankly, it is one I have very mixed feelings over. I look at it and think: It would have been so simple for us to make a national commitment on a bipartisan basis to increase NIH funding by 5 percent a year and to do it over 10 years. I know we would see the difference.

Just to put things in perspective so we understand them, there are certain diseases now which are costing us dearly: Alzheimer's. We know about that, don't we. There is hardly a family in America who does not have someone in their family or a friend who has been stricken by Alzheimer's. Think of this for a moment. An American is diagnosed with the Alzheimer's disease once every 67 seconds—once every 67 seconds.

Twenty percent—twenty percent of all the money we spend on Medicare in America is spent for Alzheimer's and dementia—one out of five dollars—but you add to that, one out of three dollars in Medicare is spent on diabetes, so between diabetes and Alzheimer's, over half of our Medicare budget is going to those patients.

When we talk about the need to develop new drugs to intervene and, with God's blessing, to cure some of these diseases, we are talking about not only alleviating human suffering, we are talking about the very real cost of government and health care—the very real cost that we bear as individuals, as families, as businesses, as a government, and as taxpayers.

In this bill are some positive things, this 21st Century Cures bill. I do want to highlight them because they are worthy; the fact that we are now going to commit ourselves to deal with issues such as opioids. The opioid-heroin epidemic in America is real, and we are not investing in what we need to treat it and deal with it. We need to have substance abuse treatment—much, much more than we have today.

One out of six or eight people who are currently addicted are receiving treatment. We need to do dramatically better. This bill puts money into that. It also includes language, including some parts I offered as an amendment, that will deal with mental illness. Mental illness and substance abuse treatment are basically on the same track in terms of helping people. This bill addresses that. I am glad it does. I think that is very positive.

What is disappointing about this bill—there are several things. First, the money we are spending in this bill largely comes from one source, prevention—health care prevention funding in the Affordable Care Act. How important is that? Do you know how that money is being spent? We have something called the 317 vaccination program. What it says is, if you come from one of the poorest families in America, we will pay for our children to be vaccinated so they don't have to worry about the diseases that can change the life or even take the life of an infant.

The 317 vaccine program, half of the money comes from the prevention funds we are raiding for medical research. Does that make sense; that we are going to take money away from prevention and vaccination to invest in new drugs to treat diseases? We can prevent these diseases in the first place with adequate vaccinations.

It is a warped sense of justice in America that we would eliminate the health care prevention funds to pay for health care research funds. It is a zero sum as far as I am concerned. It is not just a matter of vaccinations. When you look at other things: 43 percent of the money that is spent on diabetes in America—prevention of diabetes in America—is through the prevention fund in the Affordable Care Act.

That figure tells us that if we can invest on getting people to change their lifestyles, sometimes very slightly, or to take certain drugs, they can avoid the onset of diabetes. So we are cutting the prevention funds for diabetes in order to pay for more research for cures for diabetes. Does that make sense?

Let me ask you about this: tobacco. A lot of my career in Congress has been focused on tobacco, the No. 1 avoidable

cause of death in America today. Tobacco cessation programs pay off many times over. They are paid for by the prevention funds we are now raiding for medical research. We are taking away the funds to prevent tobacco addiction, and we are going to put more investment in trying to find cures for lung disease. There is something wrong with this thinking—completely wrong with this thinking.

At the outset, I would say going to the prevention programs to pay for research programs is not clear thinking on the part of the people that are putting this together. We are told: Well, you better do it because the Republicans will take control of the White House and Congress next year and they are going to wipe out all of the prevention funds. They want to do away with the Affordable Care Act. We will pay a heavy price for that. We are starting to make that payment today.

The second thing I want to say is, I am totally underwhelmed by the amount of money in this bill. When you take a look at the amount of money that is being spent here, it has dramatically changed as we have debated this bill. Originally, this was a $9.3 billion program for medical research, pretty hefty. Over a 5-year-period of time, this would have had a dramatic impact in a short period of time.

Well, that changed. It is about half of that now. It is spread over 10 years. So the amount of money actually going to the National Institutes of Health any given year is interesting—$400 million, $500 million—but it does not match what was originally promised in the 21st Century Cures Act. Of course, the question is, if this money is put in out of prevention funding, will it be additive? Will it be more?

Let me close by saying this. I know there are many who have strong feelings about this bill. I think it is a step in the right direction, but as Senator WARREN has told us, it is at a hefty cost when it comes to some of the favors included in this bill for people who have friends in high places when it comes to the Congress.

Here is what I can tell you with certainty. We have been able, for 2 successive years in the appropriations process, to do something important and historic. Let me tip a hat to my colleague from Missouri, Senator ROY BLUNT, a Republican, who took up this cause in the Appropriations Committee and provided 5-percent real growth in spending for the National Institutes of Health last year and would do it again this year if the Republican leadership would allow us to bring his appropriations bill to the floor.

We know we can make substantial new investments in NIH medical research. We have a bipartisan will to achieve it. We have the Appropriations Committee ready to act. Instead, what I am afraid of is this bill, which is a modest investment in medical research, will be the end of the conversation for many Members of Congress.

When the time comes months from now, whether this passes or not—it probably will pass—but when the time comes months from now for us to debate medical research, many will say: Oh, we already checked that box. We have already done that with the 21st Century Cures bill.

This bill is a pale imitation of the original bill. It is only a fraction of the funding which the Appropriations Committee has already put in to enhance medical research at the NIH. It overpromises and underdelivers. Some of the aspects of it—the troubling aspects—are off-label drugs and special favors for the contributors when it comes to medical treatment are out of place here.

If we did not learn any lesson in this last election about draining the swamp, well, shame on us because the American people told us do it differently—do it openly. Bring in transparency and honesty in this effort. When it comes to medical research, we should expect nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to join my colleagues from Massachusetts and Illinois to express strong objections to the 21st Century Cures Act, a bill that is being considered in the House today and will be considered in the Senate.

This bill proceeds to make effective $6.3 billion in cuts to programs while laying out a vision of what might possibly be spent in the future to assist in medical research. This is very much an imbalance. Real cuts—and as I will point out, those cuts hit things that matter with a promise of some of future possible action. We have seen these promises made and broken time and time and time again in this Chamber. If you are going to make a real commitment, then why isn't the real commitment in this bill?

I ask my colleagues from across the aisle: Why isn't the real commitment to these programs in this bill? Why isn't the spending in this bill? Why isn't the spending on precision medicine that is promised to be considered in the future in this bill? Why isn't the funding for the Cancer Moonshot promised to be considered at some point in the future actually in this bill? Why isn't the program to help address an understanding of and pursue cures for Alzheimer's, which is actually just a promise to be considered in the future—why isn't that actually in this bill? Why isn't the work promised to be considered in the future for adult stem cell research, which could have application to multiple cures and multiple diseases, actually in this bill?

Well, I will tell you what is in this bill. What is in this bill is a provision that loosens the rules governing how companies market their drugs and the anti-fraud laws that go along with them—headache pills being advertised on television as a cure for the common cold and hair loss, perhaps. This is just what Big Pharma wants: freedom, freedom to mislead consumers about what drugs actually have been proven to do.

I will tell you what else is in this bill. It allows people to sell untested treatments and drugs without final FDA approval that has demonstrated the treatments are safe. Two big factors deregulating responsible provisions for Big Pharma are in this bill. But all of those rainbows, all those stars promised—those are for future consideration, to dress up special interest provisions for Big Pharma.

I will tell you what else is in this bill. There are special interest provisions for Big Tobacco, taking away $3.5 billion in prevention funds from the public health fund, $3.5 billion real dollars in prevention. The tobacco companies hate prevention programs because they make their money from addicts. Their goal in life is to get people addicted. This prevention fund is to prevent people from getting addicted. As you ponder all the diseases that stem from the use of tobacco—cancer of the lungs, cancer of the esophagus, heart disease in one form or another, all kinds of forms of decimation due to the daily inhaling of these toxins—that is what the tobacco industry thrives on, and they thrive on it from addiction.

Here we have a fund designed to help people avoid the addiction that takes away from their quality of life, often for decades of their time on our beautiful, blue-green planet, and, instead, encourages a process through which people will not only suffer personally but have massive medical bills, driving up the cost of health care in America for everyone, driving up the cost of insurance for everyone in America.

Since its launch in 2012, the Tips campaign has helped more than 400,000 smokers quit for good. According to the Centers for Disease Control and Prevention, it saved 50,000 lives. At a cost of less than $400 for each year of life saved, in public health circles it is considered a best buy, dollars well spent that improve the quality of thousands of people's lives and reduce costs in the health care system. That is a win-win.

But what is in this bill? An assault on that win-win to help the tobacco companies get more addicts.

The chronic diseases and unhealthy behaviors the prevention fund is intended to address impose tremendous costs. Tobacco use alone costs about $170 billion a year. Last year in health care expenses, more than 60 percent of it was paid by taxpayers through Medicare and Medicaid, so we all feel the impact of this.

What else gets cut? Oh, Medicare funding gets cut. If you are for taking apart the preeminent health care system so that our seniors can retire without the stress of worrying about access to health care, then vote for this bill. This is an assault on Medicare—big favors for Big Pharma, big favors for Big Tobacco, and an assault on Medicare.

It doesn't trim some Medicare programs that maybe are not as effective as others and help the others be stronger, more effective. No, it just takes away from Medicare.

Those are the things that are in this act, but what is not in this act? The mine workers protection act championed by my colleague from West Virginia, Senator MANCHIN. The mine workers protection act isn't in here, but the provisions expire for thousands of mine workers in the near future. There are 12,500 coal miners who will lose their health insurance on December 31. Another 10,000 will lose their health coverage next year and on into the future if we don't restore this program. If this bill is about health care, why isn't the coal miners' provision in here? I think it should be, but it is not.

What else isn't in here? Senator WYDEN's provision to help children who are foster children gain access to programs to help them address mental health and addiction. That was in here yesterday. That would have been a positive talking point for this bill yesterday, but it was stripped out last night. This bill isn't ready, not just for prime time; it is not ready for consideration at all.

If we are going to cut real programs to fund other real programs such as the Moonshot and Alzheimer's research, strengthening NIH, then get it into this bill. Don't just put in the real cuts and then say there is some promise and an invitation to chase a rainbow down the road. Put it in the bill.

The things that are in here are powerful, deregulatory giveaways to Big Pharma and Big Tobacco, making the lives of our citizens worse, not better. That is why we should kill this bill.

Thank you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

CHIEF PETTY OFFICER SCOTT C. DAYTON

Mr. KAINE. Mr. President, I rise today to honor Naval CPO Scott Dayton, a Virginian who became America's first combat casualty in Syria. Scott was a resident of Woodbridge, VA, here in Northern Virginia. He enlisted in the military in 1993, in the Navy, and had a distinguished 23-year career, finishing his time in one of the most dangerous billets in the military—as a bomb disposal expert.

Scott was working in Syria pursuant to Operation Inherent Resolve, and on Thanksgiving day he was killed. He was a 42-year-old Virginian based out of Virginia Beach, but he was killed working to dispose of bombs about 30 miles from Raqqa, Syria, which is one of the two main headquarters of ISIS.

Scott Dayton was a decorated sailor in his 23-year military career. He won virtually every award there was, including a Bronze Star—19 different awards and commendations. Because his death occurred over a holiday weekend, there wasn't a lot of attention paid to it, but it was something I really wanted to come to the floor today to talk about because he is the first combat death in Syria of an American servicemember in Operation Inherent Resolve.

I wish we were paying more attention to this, and that is what I want to devote the rest of my comments to.

USE OF MILITARY FORCE AUTHORIZATION

Mr. KAINE. We began Operation Inherent Resolve, which is a war against ISIS, on August 7, 2014. President Obama announced at the time that we were engaging in targeted airstrikes against ISIS because of their advance toward Erbil. There is a U.S. consulate in Erbil, and so that was part of the President's inherent powers to defend the Nation—to protect our consulate.

Within a very few weeks, we had completely protected American interests, and President Obama said now is the time to go on offense against ISIS. The President appeared before the American public in a televised speech the evening of September 10, 2014, and said that we had taken care of the imminent threat to the United States but now we needed to go into an offensive war to ''degrade and ultimately destroy the Islamic state.'' And that description of what the mission is has now been broadened, in the words of current Secretary of Defense Ash Carter, to focus on ISIS's lasting defeat.

Since the war against ISIS began in August 2014, more than 5,000 members of the U.S. military have served in Operation Inherent Resolve either in Iraq or Syria. Right now, just as an example, from my home State, there is a carrier, the USS *Eisenhower*—homeported in Norfolk—that is in the gulf now as part of Operation Inherent Resolve. The U.S. military has launched over 12,600 airstrikes. We are carrying out special forces operations. We are assisting the Iraqi military, Syrians fighting the Islamic State in Syria, as well as the Kurdish Peshmerga in the northern part of Iraq.

Because of the work of American troops and those they are working with, we have made major gains against ISIS in northern Iraq. The territory they control in northern Iraq has dramatically shrunk. We have made major gains in shrinking their territory in northern Syria, and that is to be credited to brave folks like CPO Scott Dayton. But the threat posed by the Islamic State continues, and increasingly, as their battle space shrinks in real estate, they undertake efforts off that battleground to try to destabilize us around the world.

This fight against ISIL, which is a key—maybe the key—national security priority involving U.S. combat operations in Iraq and Syria, will likely continue for the long foreseeable future, even after the complete liberation of Mosul and Raqqa, which I am confident will occur. The war has cost $10 billion—800 days of operations at an average of $12.6 million a day.

I began by honoring Scott Dayton, but Scott Dayton is not the only military member who has lost his life in this war. Five have been killed in combat in total, and 28 American servicemembers have lost their lives supporting Operation Inherent Resolve. As we speak, there are more than 300 special forces now in Syria fighting a very complex battlefield where Turkish, Syrian, Russian, Iranian, Lebanese Hezbollah, and Kurdish forces are operating in close proximity, as evidenced by recent developments and the growing humanitarian catastrophe in Aleppo.

I continue to believe—and I will say this in a very personal way as a military dad—that the troops we have deployed overseas deserve to know Congress is behind this mission. As this war has expanded into 2-plus years—I don't know whether that would have been the original expectation—with more and more of our troops risking and losing their lives far from home, I am concerned—and again raise something I have raised often on this floor—that there is a tacit agreement to avoid debating this war in the one place where it ought to be debated—in the Halls of Congress.

The President maintains that he can conduct this war without a new authorization from Congress, relying upon an authorization that was passed on September 14, 2001. When the new Congress is sworn in, in early January—I think 80 percent of those Members of Congress were not here when the September 14, 2001, authorization was passed, so the 80 percent of us who were not here in 2001 have never had a meaningful debate or vote regarding this war against ISIL.

I have been very critical of this President. I am a supporter of the President. I am a friend of the President. I respect the Office of the President. But I have been very critical of this President for not vigorously attempting to get an authorization done. When the President spoke about the need to go on offense against ISIL in September of 2014, it took him 6 months from the start of hostilities to even deliver to Congress a proposed authorization. I actually think that is the way the system is supposed to work, that the President delivers the proposed authorization. But I have also been harshly critical of the article I branch because regardless of whether the President promptly delivers an authorization, under article I of the Constitution, it is Congress that has the obligation to initiate war.

As the current Presiding Officer knows because he is not only a Senator but a historian, the founding documents of this country are so unusual still today in making the initiation of war a legislative rather than Executive function. Madison and the other drafters of the Constitution knew that the history of war was a history of making it about the Executive—the King, the Monarch, the Sultan, the Emperor—but we decided that we would be different and that war would only be initiated by a vote of the people's elected legislative body and at that point would be conducted by only 1 commander-in-chief, not by 435. We have not had the debate. We have not had the vote.

This has been ironic because for 4 years I have been in a Congress that has been very quick to criticize the President for using Executive action. This is an Executive action that most clearly is in the legislative wheelhouse; yet it has been an Executive action that the body—and I am making this as a bipartisan and bicameral comment—has been very willing to allow the President to make.

I introduced a resolution for the first time to get Congress to debate and do this job in September of 2014, 2 days after the President spoke to the Nation about the need to take military action against ISIL. That authorization led to a Senate Foreign Relations Committee hearing and a vote in December of 2014 to authorize military action against ISIL, but that committee resolution never received any debate or vote on the Senate floor.

In 2015, working together with a Senate colleague from Arizona, Senator FLAKE, we decided we really needed to show our opposition to ISIL. Our belief that appropriate military force from the United States should be used against them was bipartisan, and so we introduced a bipartisan authorization of military force on June 8, 2015, in an attempt to move forward with some congressional debate on this most important issue. Aside from a few informal discussions in the Senate Foreign Relations Committee, there has never been a markup, never been a discussion, never been a committee vote or a floor vote.

So 2½ years of war against the Islamic State and 15 years now after the passage of the authorization in September of 2014, we see that authorization has been stretched way beyond what it was intended to do. The authorization of September 14, 2001, was a 60-word authorization giving the President the tools to go after the perpetrators of the attacks of 9/11. ISIL didn't exist on September 11, 2001; it was formed in 2003. President Obama recently announced that the authorization is now going to be expanded to allow use of military action against Al-Shabaab, the African terrorist group—a dangerous terrorist group, to be sure—but Al-Shabaab did not begin until 2007.

So an original authorization that was very specific by this body to allow action against the perpetrators of the 9/11 attacks is now being used all over the globe against organizations that didn't even exist when the 9/11 attacks occurred. Just to give an example, the 2001 authorization has been cited by Presidents Bush and Obama in at least 37 instances to justify sending Armed Forces to 14 nations. Pursuant to the authorization to go after the perpetrators of the 9/11 attacks, we have authorized military action in the Bush and Obama administrations in Libya, Turkey, Georgia, Syria, Iraq, Afghanistan, Yemen, Eritrea, Ethiopia, Djibouti, Somalia, Kenya, and the Philippines, as well as authorizing military activity in Cuba at Guantanamo to maintain detainees.

Just in the last week, the New York Times reported that President Obama is expanding the legal scope of the war against Al Qaeda by easing targeting and restrictions against Al-Shabaab, but again this was a group that didn't exist until 2007, 6 years after the 9/11 attacks.

Mr. President, I will conclude and say that having been very vocal about this issue for a number of years, it has been disappointing. Although we are all used to not getting our way in all kinds of ways, it has been disappointing to me that we have not been willing to take up this matter.

I do think a transition to a new administration and a transition to a new Congress that will be sworn in, in early January always gives you the opportunity to review the status of affairs and make a decision about what to do. I believe it is time for us to review the progress of the war against nonstate terrorist groups—Al Qaeda, ISIS, Al-Shabaab, Boko Haram, Al-Nusra. It is time for us to review U.S. military action against nonstate terrorist organizations. It is time for us to redraft the 2001 authorization that has been stretched far beyond its original intent. It is time for us to recognize that this is a continuing threat that is not going away anytime soon. But I guess what I will say is most important is that it is time for Congress to reassert its rightful place in this most important set of decisions. Of all the powers we would have as Congress, I can't think of any that are more important than the power to declare war. I view that as the most important, the most difficult, the most challenging, the power we should approach with the most sense of gravity. That is the most important thing we should do. It should never be an easy vote. It should always be a hard vote, but it should be a necessary vote. I think the inability or unwillingness of Congress to grapple with this sends a message that is unfortunate. It sends a message of lack of resolve to allies. It might even send a message of lack of resolve to our adversary.

But what I am most concerned about are people like CPO Scott Dayton, people who are serving in a theater of war, who are risking their lives in a theater of war, who have been giving their lives in a theater of war and doing it without the knowledge that Congress supports the mission they are on.

As I conclude, Article I and Article II allocation of responsibilities are not just about what is constitutional. I think it reflects a value, and the value is this: We shouldn't order people into harm's way to risk their lives unless there is a political consensus that the mission is worth it. Anyone who volunteers for military service knows it is going to be difficult, and we will not be able to change that. But if we are going to order people into combat and order them to risk their lives—and even if they are not harmed, they may see things happen to colleagues of theirs that could affect them the rest of their lives. If we are going to order them to do that, then there should at least be a national political consensus that the mission is worth it. The way the Constitution sets that up is the President makes a proposal, but then Congress—the people's elected body—votes and says: Yes, the mission is worth it.

Now that we have had that vote, now that we have had that debate and we have educated the public about what is at stake, and now that we have said the mission is worth it, it is fair then to ask our 2 million Active-Duty Guard and Reserves—folks like Chief Petty Officer Scott Dayton, folks like my oldest son—to go and risk their lives on a mission like this. But if we are unwilling to have the debate and have the vote, it seems to me to be almost the height of public immorality to force people to risk and give their lives in support of a mission that we are unwilling to discuss.

Again, I offer these words in honor of a brave Virginian who lost his life on Thanksgiving Day, November 24. I hope that the growing number of people who are losing their lives in Operation Inherent Resolve may spur this body to take this responsibility with more gravity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President I thank my colleague from Virginia, who is always speaking up for our men and women in uniform and for our Nation's veterans.

MINE WORKERS' HEALTH CARE AND PENSIONS AND THE 21ST CENTURY CURES BILL

Mr. BROWN. Mr. President, right now our Nation's retired coal miners—and I know Senator KAINE and Senator WARREN care about this, too—are on the brink of losing the health care and retirement benefits that they have earned over a lifetime of hard work.

It is within the power of this Congress to stop this, to help the mine workers, and to do right by these hard-working Americans. Many of them are

veterans. Most of them wore their bodies out to give their families a better life. There is no more fitting action that we can take during this holiday season than to honor this promise that the American Government has made to our Nation's mine workers since Harry Truman made that promise. The workers held up their end of the bargain. It is despicable that we are not holding up ours and that we are preparing to leave town without lifting a finger to help these workers.

United Mine Workers of America's health care and pension plan covers some 100,000 mine workers; 6,800 live in Ohio. If Congress fails to act, thousands of retired miners could lose their health care this year. I emphasize that it is retirement security they worked for, security they fought for, and security they sacrificed raises and their own health for.

Understand this: Too many people that dress in suits, work here, draw good salaries, and draw good benefits don't understand what happens at the bargaining table for workers in our country. They often give up raises today to defer that money so that they have retirements and pensions in the future.

Say that again: People at the bargaining table give up dollars today. Rather than take a little higher pay today, they are willing to defer that so they will have better pensions and health care. This Congress, this Senate leadership is blocking us from doing that.

These are workers who worked for decades in the mines—hard, backbreaking work but work that had dignity. I live in a place that some national media people, including President-Elect Trump, have referred to as the ''rust belt.'' When they say ''rust belt,'' that is a direct attack on the dignity of work. It demeans their work. It diminishes who they are. It is saying that those people, such as miners, steelworkers, and others who make things, are in the past.

For these mine workers, every year in their work in the mines, they have earned and contributed to a health plan and pension plan. I have met with some of these workers—Ohioans like Norm Skinner, Dave Dilly, and Babe Erdos. I have heard their stories. They knew they were signing up for tough, dangerous work. They worked in the mines, after all. They knew that. But they also know their work had dignity. That work was part of a covenant we used to have in this country—a covenant that said: If you work hard, if you put in the hours, if you contribute to retirement, if you provide for your own health care in the future, you will be able to support yourself and your family. It is what built our country. It is what created the middle class.

Today, the value of that work is eroding. Too often, too many major corporations in this country are choosing profits over people. We haven't lifted a finger, frankly. The political agenda here—some people who run this Senate simply don't have respect for the mine workers, for the union. They seem to have some anti-union sensibilities about this. Whatever it is, they are not lifting a finger to help these workers who put in the effort and who are in trouble through no fault of their own.

There is no reason to leave town. We shouldn't be going home for the holidays without taking care of the 6,800 mine workers in Ohio, a number of mine workers in West Virginia, thousands of mine workers in Virginia, Eastern Kentucky, and Southwest Pennsylvania.

This is a bipartisan solution. It will not cost taxpayers a dime. If this bipartisan mine workers legislation were brought to the floor today, it would pass with majorities in each party. We shouldn't be taking up other legislation. Until we do this, it should be part of the Cures Act that we will be voting on later.

The Cures Act has important components to it, good steps on mental health, on hospital reimbursement. It has my National Pediatric Research Network Act in it. But it is a 900-page bill negotiated entirely in the House. It has major flaws.

It does include funding for NIH, funds to fight the opioid epidemic. We know how important that is. But the funding isn't mandatory. It will be subject to the whims of future Congresses. This is pretty good happy talk, and we are saying the right things. We are putting language in this bill, but it doesn't guarantee the money will be there. It is so important to my State.

A new report released this week showed Ohio had the most drug overdoses that resulted in death in the country in 2014, not the most per capita. We had more drug overdose deaths than California, three times our population; Texas, twice our population; more than Illinois, Pennsylvania, New York, Florida—all States with more people than we have. More Ohioans died from drug overdoses from OxyContin or oxycodone or heroin or the new synthetic drugs we are seeing more and more. We have to do more.

The billion dollars in grants in this bill are critically important, but it needs to be mandatory funding. It can't be that down the road some powerful Member of the House or Senate stands in the way of actually getting these communities the money. We can't fight year after year to get these dollars appropriated.

The Cures Act gives significant concessions to Big Pharma, which is the big drug industry, the drug giants in this country, but it does absolutely nothing to combat drug prices. We give concessions to the big drug companies, but we do nothing to fight the high cost of drugs in this bill.

We shouldn't be spending time on this flawed bill until we keep our promises to the 12,000 mine workers I mentioned. These miners worked in some of the most dangerous conditions of any jobs in this country. They deserve the full pension and health benefits they were promised. They have worked a lifetime to earn these benefits. They kept faith with us. We must keep faith with them. It is simply irresponsible and immoral for us to leave town and not take care of the mine workers.

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

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

USE OF MILITARY FORCE AUTHORIZATION

Mr. SASSE. Mr. President, I had not intended to speak today. I was presiding in the chair, but I simply want to take one minute to associate myself with the comments of the Senator from Virginia, Mr. KAINE, who just spoke about our war against ISIS.

I think two points he said are worth underscoring for us in this body:

No. 1, we are obviously at war with ISIS. We should acknowledge that we are at war with ISIS.

No. 2, why is it important that we do this? It is important for the troops who are at war for us to acknowledge the reality of the fact that we are at war. It is important for their families. It is important for debate and deliberation in this body and in the country more broadly. And, frankly, it is important for the future of this body to honor a constitutional intent that distinguishes between Article I, the legislature, and Article II, the Executive.

In the American system, in Madison and the other Founders' genius, they recognized that many foreign wars have not made sense in human history because Executives get wrapped up in war without broader deliberation about the consequences of their actions.

To be clear, we should absolutely be at war with ISIS, and we are at war with ISIS. But in the American constitutional system, it is the obligation of the 535 of us who serve in the Congress—and particularly the 100 who serve in the Senate—to represent our people and to have this debate before the people about the fact that we are at war with ISIS.

Then, the Commander in Chief, as Chief Executive, should prosecute that war in a way that the American people know has the sanction and the validation of both branches and of all the people across 50 States.

This is not the action of one President acting unilaterally. It is a bad precedent to set for us to continue to drift and to remain at war now 15 years post the authorization that was against the perpetrators of the 9/11 attack, now using that old authorization to conduct

a war, now on a second continent—now in Africa as well—but without any current discussion or authorization.

The use of military force is something that should be deliberated about in this body. I again want to associate myself with the comments of the Senator from Virginia that, given that we are at war with ISIS, we should formally be declaring war against ISIS.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, Democrats in Washington continue to try to understand the results of the election. I have heard them blame Republicans, I have heard them blame Russian hackers, I have heard them blame the FBI, and I have even heard them blame the press. What I have not heard is a single Washington Democrat admit that one reason Democrats lost on November 8 could be their disastrous health care law. Well, the health care law has definitely been on the minds of the voters.

On October 31, just 1 week before election day, the Milwaukee Journal Sentinel had an article with the headline, ''Rates for Obamacare Plans Jump in Wisconsin.'' This article said that tens of thousands of middle-class people in Wisconsin who don't qualify for Washington subsidies ''will pay the full cost of double-digit premium increases.''

The article quoted one insurance broker, saying:

> I've talked with people who are exasperated. They are just at wit's end.

That is what the insurance broker said.

It is not just the price increases. In at least five States, there is only one company selling plans on the ObamaCare exchange. My State of Wyoming is one of those. People are being told their plan will no longer include their doctor or maybe even a hospital near where they live. The average deductible for a silver plan next year is going to be almost $3,600. There is damage that ObamaCare is doing to American families right now. People are seeing it.

That article was in a Wisconsin newspaper, a State in which, apparently—according to the polls—Donald Trump was running behind, RON JOHNSON was running behind, but both of them carried the State handedly. Here we have an election where people expressed their opinion, and the Democrats seem to want to deny the main reason for it.

The American people have placed their faith now in Republicans, and we, in turn, earned that trust. We will do it through both Executive action and legislative action with regard to the health care law. First, President Trump will have a great opportunity to start making things better for the American people by changing some of the regulations that are a huge part of the health care law.

Remember, this health care law is 2,700 pages long, and within those 2,700 pages there are more than 1,800 places where the law gives the Secretary of Health and Human Services the power to write different rules and different regulations and different requirements to try to spell out what the 2,700-page law says. The Obama administration absolutely abused that power. The administration added more than 40,000 pages—40,000 pages of regulations and of redtape that were never actually in the law itself.

In the Trump administration, there is going to be a new Secretary of Health and Human Services. He is a physician—an orthopedic surgeon. Once confirmed, I believe he will be able to interpret, reinterpret, and then reapply the law in ways that actually help American families instead of so many ways that hurt American families because the interpretation in the past favored Big Government over people.

This includes applying the law to make it easier for businesses to provide insurance to people who work for them. It means giving power back to the States to come up with ideas that work for all of the citizens. The nominated Secretary of Health and Human Services is not just a doctor, but he also served in the State legislature, and he knows that at the State level you can make much better decisions for the people of that State than when Washington comes up with a one-size-fits-all decision.

Republicans want to make sure the power goes back to where it belongs—with the people, the families, and the States. That is where it belongs. The Executive action can start pretty quickly, and it can be abridged to the important work that the Congress is going to have to do. We are going to work hard in the Senate and in the House to undo some of the damage—significant amounts of the damage—that ObamaCare has caused. It is undoing the damage because people all around this country have suffered under this health care law. It means repealing the health care law and wiping the slate clean.

ObamaCare can't be fixed by tinkering with it here and there—not with another attempted bailout of the insurance companies, which the President has continued to promote. This solution isn't to add more government on top of what we already have.

The health care law began collapsing a long time ago, and Republicans are now ready to clear away the rubble. Then, we will write a new law with a multiple step-by-step process—a law that reforms America's broken health care insurance system so patients can get the care they need from a doctor they choose at lower costs—one that puts American families in control of their health care and a law that is simpler, fairer, more effective, and more accountable.

We have seen the mistakes that the Democrats have made with the health care law. We have seen that every State is different. So we are going to be looking to push as much authority out of Washington and back to the States. We have seen that too many mandates and regulations drive up costs, and they drive up the costs without improving the quality of care. We have seen that when Washington writes bad laws, the unintended consequences are severe.

These are all things that Republicans have said since the very beginning. The failure of ObamaCare has proven that the Republicans were right. The election has proven that the American people want a new approach. American families don't want us to tinker with ObamaCare. They just want affordable health care.

I want to make a couple of things clear. First of all, nobody is talking about taking people off of insurance without a replacement plan in place. We all understand that there needs to be a transition over time. People have already been hurt too much when they lost their insurance, when their rates went up because of ObamaCare, and with the mandates and the government saying they know better than families across the country.

We will be working to make the transition as smooth as possible for everyone. That is why we are including a transition period in a repeal bill that Congress passed last year and sent to the President's desk. The President, of course, vetoed it. Our goal is to do no harm.

As we write a new health care law, we will be looking to make it real reform that is actually centered on patients. We can increase the use of health savings accounts. That will give more people the chance to control how they spend their own money on their health care. We can support innovative insurance plans that pay for prescription drugs that work best for patients and not just the ones preferred by insurance companies. We will be talking about ways to protect people with preexisting conditions and letting young people stay on their parents' insurance. These are important parts of the health care law.

Republicans are going to consider any ideas—any ideas that can help us to give people what they wanted all along—access to the care they need from a doctor they choose at lower cost.

Democrats promised that they would listen to other people's ideas, and then they went behind a closed door in an office back there and they wrote the law, ignoring all of the suggestions by Republicans and without any Republican support at all.

We are not going to make that mistake. We will be looking for Democrats' help. We will be looking for Democrats to work with. We will be listening to Democrats' ideas, and we will be working very hard to win Democratic votes for any new law.

Reforming health care in this country is not going to be easy. It is not

something we are going to do for the purpose of scoring political points or to discredit President Obama. I will tell you, as a doctor, that it is something we must do to protect American families and their health, as well as their health care.

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

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

DAKOTA ACCESS PIPELINE

Mr. HOEVEN. Mr. President, I rise to speak and also to respond to the comments of some of my colleagues on the Dakota Access Pipeline and the ongoing protests in my State of North Dakota.

Here we have a chart showing the Dakota Access Pipeline. It is a 1,172-mile pipeline from the Bakken oilfields near Stanley, ND, to refineries and terminals that actually connect to Patoka, IL, and then that light crude can go into eastern refineries. It will move 470,000 barrels of oil daily from the Bakken in North Dakota and Montana to eastern markets and to refineries that depend on that light sweet crude. This is high quality. This is the lightest, sweetest crude we produce. It is very high quality oil.

It is also important to understand this oil is already moving. It is already moving to these markets right now by rail and by truck. This oil is already being moved.

This pipeline actually increases the efficiency and the safety with which we move this oil that is already being transported to eastern markets.

Furthermore, the project has undergone years of State regulatory reviews and an extensive Federal environmental assessment which found no significant environmental impact. Again, the environmental assessment found no significant environmental impact. It has been twice challenged and twice upheld, including by the Obama administration's own appointees in Federal court. The Federal courts found that the Army Corps had followed the appropriate process that the Standing Rock Tribe was properly consulted and that the project can lawfully proceed.

Everyone has a right to be heard, but it must be done lawfully and peacefully, whether this is during the permitting process with its opportunities for comment or disputing the outcome through the court system. Of course, that is why we have the court system. It hears grievances and provides dispute resolution.

The ongoing protest activities which are occurring in North Dakota—which at times have been violent—are being prolonged and intensified by the Obama administration's refusal to approve the final remaining easement at Lake Oahe. This inaction has inflamed tensions, strained State and local resources and, most importantly, is needlessly putting people at risk, including Tribal members, protesters, law enforcement officers, construction workers, and area residents—our farmers and ranchers who live and work in the area of the pipeline.

It is past time that the final easement is approved and construction is completed. We need to get this issue resolved. It is past time to get this issue resolved. As the record demonstrates, it should be done on its merits through the previously established regulatory and legal process. In other words, follow the law. We are a country of laws. Follow the law.

Further, the Federal law enforcement agencies should help our State and local law enforcement officers to ensure the law is followed to prevent violent and unlawful protests and see that the peace is maintained. Our law enforcement officers have worked professionally, diligently, and tirelessly to protect the public.

To further describe the situation, let me provide some background. The company developed the route for the Dakota Access Pipeline beginning in 2014. The current path will run parallel to an existing Northern Border Gas pipeline which was placed into service in 1982, as well as an existing high-voltage electric transmission line. In North Dakota, this is an already established right-of-way for energy infrastructure. You have an existing gas line that goes through this same route and you have a high-voltage transmission line as well.

Approximately 99 percent of the route for the Dakota Access Pipeline crosses private land. Only 3 percent of the work needed to build the pipeline requires Federal approval of any kind, and only 1 percent of the pipeline affects U.S. waterways. To date, the pipeline is already 98 percent complete in North Dakota, and it is 86 percent complete overall, from North Dakota to Illinois. That includes the route around and up to the final two-tenths-of-a-mile portion of the Missouri River, which is where most of this protest is occurring. This area of the river, known as Lake Oahe, is controlled by the Army Corps for flood control purposes and requires one remaining Federal easement.

The segment at the center of this debate is a small section planned to traverse under Lake Oahe which would occur at a depth of 92 to 117 feet below the riverbed. In other words, the pipeline doesn't enter the river at all. It is about 100 feet below the river. That is very important to understand. In fact, where it crosses underneath the river, it is 100 percent adjacent to an existing natural gas pipeline. In other words, it follows a pipeline that is already built and is there now, an existing natural gas pipeline. This was done so any ground disturbances would not harm any cultural or Tribal features. That is why they followed this right-of-way.

Let's put this into perspective a little bit. We have another chart that helps do that. Remember, we are talking about crossing the river in one place, right? We are talking about a pipeline that is going to cross this river in one spot.

Let's put that into a broader context, into a broader perspective. The Congressional Research Service estimates there are 38,410 crude oil pipeline river and water body crossings in the United States. So in our network of oil pipelines around the country, we cross water more than 38,000 times. We are talking about doing it one more time here. But we already do it more than 38,000 times all over the country. This chart shows you that.

In North Dakota alone, we cross bodies of water more than 1,000 times—more than 1,000 times. So this is hardly something new and different. The Congressional Research Service estimates that there are 3,410 crude oil pipeline river and water body crossings in the United States already existing, including 1,079 in North Dakota alone. So I guess we go from 1,079 to 1,080 just in our State. These crossings range from rivers, streams, and lakes to ponds, canals and ditches.

So let's talk about tribal consultation. In total, the Army Corps held 389 meetings, conferred with more than 55 tribes, and conducted a 1,261-page environmental assessment before finding that this infrastructure project has no significant environmental impact. So they did all of that study, all of that consultation. Conclusion: This project has no significant environmental impact.

So the Federal court then reviewed this decision once the protests started. The Federal court reviewed the Corps' work. In the September 9 Federal court opinion, U.S. District Judge James Boasberg noted that the company surveyed nearly twice as many miles in North Dakota as the 357-mile route that would eventually be used for the pipeline. So they surveyed a lot more than they actually used.

Why did they do that? The Federal judge noted that where the surveys revealed evidence of historically important or cultural resources, such as stone features, the company modified the route on its own—140 times in North Dakota alone. So 140 times the company modified its route to make sure they avoided any cultural or sensitive features. Remember, they are using an existing corridor that already has a gas pipeline and already has a high-voltage transmission line. They still modified it 140 times to make sure they avoid any culturally sensitive resources.

Additionally, in another instance, the Corps ordered the company to actually change the route where it crossed the James River, which is another river further east that has not been protested—it crosses that river too—to

avoid burial sites there. They actually changed the route to make sure they avoided any sensitive sites.

The pipeline company and the Army Corps have documented dozens of attempts to engage with the Standing Rock Sioux Tribe to help identify historical resources and provide feedback in the planning process. Judge Boasberg, I might mention again, was appointed by the Obama administration. Judge Boasberg, a U.S. Federal court judge here in the District of Colombia, wrote: ''The tribe largely refused to engage in consultations, and chose to hold out for more, namely the chance to conduct its own cultural surveys over the entire length of the pipeline.''

Remember, the entire length of the pipeline goes all the way from North Dakota to Illinois. All right, let's go to the third chart. Further, I am going to put this up because the tribe appealed to the court to stop construction on the pipeline. The court said no. They have followed the law. They have done this appropriately.

I think here is a good quote from the judge's decision. Judge Boasberg wrote:

As it was previously mentioned, this Court does not lightly countenance any depredation of lands that hold significance to the Standing Rock Sioux. Aware of the indignities visited upon the Tribe over the last centuries, the Court scrutinizes the permitting process here with particular care. Having done so, the Court must nonetheless conclude that the Tribe has not demonstrated that an injunction is warranted here.

So the Judge says that he came into reviewing the Corps process trying to find if they had not covered all the bases properly. He came with a mindset to make sure they had exercised due diligence. He said they had.

In the spring of 2016, I helped arrange meetings between Colonel Henderson—COL John Henderson is the district director from Omaha, NE, for our district—and the Standing Rock Sioux Tribe, at the request of the Standing Rock Sioux Tribe. It was during these meetings that Army Corps Colonel Henderson imposed additional conditions on the pipeline, including a double-walled piping in response to tribal concerns about environmental safety. So he is now adding additional features after that consultation.

A tribal monitoring plan has also been required, which requires Dakota Access to allow tribal monitors at certain sites when construction is occurring. So he added even more conditions after further consultation. In July 2016, the Army Corps issued its final environmental assessment, which concluded with a ''Finding of No Significant Impact'' and ''No Historic Properties Affected'' determinations.

The environmental assessment establishes that the Corps made a good-faith effort to consult with the tribes and that it considered all tribal comments. In addition, Dakota Access has developed response and action plans. They will include state-of-the-art monitoring systems, shutoff valves and other safety features to minimize the risk of spills and reduce or remediate any potential damage.

So, let's take a look at just some of these—just some of these. There are many of them. Again, it is at least 92 feet under the river. So if you had a break in the pipeline, it would have to come up somehow through almost 100 feet of bedrock—come up through 100 feet of bedrock somehow to get into the river.

But if you did have a rupture, you have automatic shutoff valves that are monitored 24 hours a day, 7 days a week. Remember that additional condition that the Corps added after consultation? It is a double-walled pipe. So it is a double-walled pipe.

These are just some of the safety features. In addition, the Army Corps required the company to implement numerous mitigation plans, including: One, an environmental construction plan; two, a stormwater pollution prevention plan; three, a spill prevention, control, and countermeasure plan; four, a horizontal directional drilling construction plan; five, a horizontal directional drilling contingency plan; six, an unanticipated cultural resources discovery plan; seven, a geographical response plan; eight, a facility response plan; and, nine, a tribal monitoring plan, among other measures. Those are just some of them.

So let's talk about the protests. The Obama administration's inaction on the final Federal easement crossing the Missouri River has created undue hardship and uncertainty for area residents, for private landowners, for our farmers and ranchers that live and work in the area, for tribal members, for construction workers who have been chased off the construction site by protesters, and certainly for our law enforcement personnel who have had to be out there day and night for months.

Now we have winter weather conditions. Recently, with a very severe snowstorm, you have really life-threatening conditions out there for somebody who is trying to camp out in the middle of winter. Since the protests started earlier this year, State and local agencies have been put to the test in maintaining public safety, which have been threatened by ongoing and often violent protest activity.

There have been instances of trespassing, vandalism, and theft. Construction equipment has been set on fire. Workers have been chased off the work site. Workers who were just trying to lawfully do their job were chased off the work site. Fires were started on privately owned ranchland. This is not on the reservation. It is on private land. Residents have endured the challenges caused by roads being blocked or closed, either by protest activity. They have shut down highways. Protest activities have shut down highways. Roads are being blocked or closed by protest activity that has shut down roads or by law enforcement's response to ensure safety, at a time when farmers and ranchers are busy harvesting, hauling hay, shipping calves, and moving their herds from summer pastures.

In addition, law enforcement is investigating cases of butchered, mutilated, injured, and missing cattle, horses, and bison in areas adjacent to the site occupied by the protesters. Law enforcement has worked to protect everyone. Again, I will emphasize that. Law enforcement has worked to protect everyone. They have been patient, professional, and diligent. They have not used concussion grenades.

More than 500 protesters have been arrested for breaking the law, and over 90 percent of them are from out of State. Over 90 percent of the more than 500 protesters that have been arrested are from out of State, and many, if not most, are not Native American. They are environmental activists from other parts of the country. If you want more information on law enforcement, go to YouTube, ''Know the Truth Morton County,'' which is a Web site that the Morton County Sheriff's Department uses to provide updates on their efforts to maintain law and order at the protest site.

The motto of law enforcement is to ''serve and protect.'' That is exactly what they are doing. So in conclusion, in accordance with the findings of the Army Corps of Engineer's environmental assessment and the court decisions, the Army Corps needs to follow established legal and regulatory criteria and approve the final easement so that construction can be completed.

In addition, Federal resources should be deployed expeditiously to protect people and property in the area of violent protests to help support State and local law enforcement efforts.

As I said, this issue needs to be resolved. It is past time to get this issue resolved.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from New Hampshire.

CONTINUING RESOLUTION

Mrs. SHAHEEN. Madam President, I came to the floor this afternoon to talk about our failure, once again, to go through a regular appropriations process. I share what I know is a disappointment on the part of many of our colleagues that this Congress is choosing, once again, to disregard the regular appropriations process and resort to a short-term continuing resolution.

This will have serious negative impacts on our country's national security and on the economy. As ranking member on the Appropriations Subcommittee on Homeland Security, I applaud the chair of that subcommittee, Senator HOEVEN, who was just on the floor, for the bipartisan work that has gone on. But as I look at the potential impact on homeland security, our failure to get an appropriations bill will have serious negative consequences for

our Nation's emergency preparedness, for our transportation security, and for cyber security, just to name a few.

Closer to home in our local communities, it will hurt law enforcement as well as efforts to combat the opioid epidemic. At the beginning of this 114th Congress, the majority leader pledged to return the Senate to regular order. Now, translated into simple English for people who may be watching, regular order means doing our job and doing it the right way when it comes to the budget process.

It means meeting our Constitutional responsibility to produce an annual appropriations bill for the American people—legislation that will allow government at all levels and people from all walks of life to plan, to invest, to build, and to move our Nation forward. But instead, we are again being presented with an inadequate short-term stopgap bill, a continuing resolution that does not get the job done for the American people.

I applaud the Appropriations Committee chair, Senator COCHRAN, and our vice chair, Senator MIKULSKI, and the great work that has been done by all of the members of the Appropriations Committee. Senators COCHRAN and MIKULSKI have led the committee in a diligent good-faith effort to craft appropriations bills that meet our Nation's current needs and challenges, but unfortunately all those efforts will now be cast aside.

As Vice Chair MIKULSKI said yesterday, Republican leaders have decided to ''procrastinate rather than legislate.'' This has brought us to the final days of the 114th Congress with no regular order and no annual appropriations bills. This has very serious consequences nationally as well as in our States and local communities. For example, just on homeland security, over the last year the Appropriations Subcommittee on Homeland Security has crafted a bipartisan bill to ramp up emergency preparedness at the local level to meet the rising threat of cyber attacks and to address challenges in transportation security, including at our airports. All of these improvements and gains will be lost for the time of the continuing resolution.

Over the last year, we have seen terrorist attacks in San Bernardino, Orlando, and sadly, just this last week, in Columbus, OH. Yet, because of the continuing resolution, the Federal Emergency Management Agency will be unable to award more than $2 billion in homeland security preparedness grants to State and local governments. These are grants that allow States and local communities to plan and to practice their emergency response before disasters happen. That is how we cut response time, and that is how we save lives, but because of Congress's failure to do our jobs and pass annual appropriations bills, these preparedness grants will not be able to go forward.

Another area that is a critical national priority is cyber security. Last year Federal agencies reported more than 77,000 cyber security incidents. Local businesses that own and operate much of the infrastructure, from banks to sewage systems, are under greater threat of cyber attack. Late last month hackers attacked the New Hampshire-based company of Dyn, which is part of the backbone of the Internet. This attack on Dyn took down large swathes of Internet all across the globe. Dyn responded admirably to the attack, but there will be more and more sophisticated attacks in the future. To address these challenges, our appropriations bill in Homeland Security tripled the number of Federal cyber security advisers, and it increased cyber security funds to harden systems in Federal agencies. But, again, because of the continuing resolution, all of these advances will be put on hold for the duration of the CR.

Of course, our Nation faces ongoing challenges in transportation security. To address increasing airline passenger volume and long security wait times, we have added nearly 1,400 transportation security officers, converted about 3,000 part-time officers to full-time status, funded 50 new bomb-sniffing K–9 teams, and added new screening equipment. To sustain these efforts through fiscal year 2017, the Transportation Security Administration needs a funding increase, but under the continuing resolution, these funds will not be available. This increases the prospect of staffing shortfalls, and it means that more and more Americans will be standing in long lines, angry and frustrated at airports across this country.

The damage done by the continuing resolution will be felt in each of our States and in communities all across America. This week I heard from the executive director of New Hampshire's Coalition Against Domestic and Sexual Violence, Lyn Schollett. She and her colleagues across New Hampshire are very troubled by the prospect of the continuing resolution. She told me that crisis centers, which are critical to help victims of domestic violence, will be stretched. They will have unpredictability that will make it even harder for programs to train and retain competent staff. It will affect their ability to serve victims of domestic violence across New Hampshire.

As a member of the Armed Services Committee, I am also very aware—as so many of us on that committee are—of the harmful effect of continuing resolutions on our military. Just yesterday I joined with other members of the Senate Navy Caucus to hear from the Chief of Naval Operations, ADM John Richardson. He pointed out that the Navy and all the other services have lived with 9 years of continuing resolutions. I want to say that again. Nine years of continuing resolutions. Nine years of not being able to count on a budget process that would allow them to plan. He talked about how this chronic budget chaos has been very costly. He said that military planners now operate from the assumption that there will be a CR and that any planning for the first quarter of the fiscal year is rendered unreliable. Year after year, this has resulted in project delays, multiple contracting actions for the same work, and it winds up costing more. It winds up costing the taxpayers more, it winds up costing our military more, and it winds up having an impact on all of the missions we have asked our men and women in uniform to take on.

During the current continuing resolution period running through December 9, the Navy had planned to award $24 billion in research and development contracts, but now, because of the CR, it will award only $16 billion in contracts. In my home State of New Hampshire, the CR limits the ability of the Portsmouth Naval Shipyard—one of the four premier public shipyards in the country—to award contracts for critical infrastructure projects. This can interfere with submarine maintenance schedules, which then impacts the readiness of the submarine fleet. Again, I think it is important to point out that this costs us more. It doesn't save money to have a continuing resolution. That is a whole misunderstanding on the part of some people. It costs more.

Every Senator understands that our failure to pass a full-year appropriations bill for fiscal year 2017 will do serious harm to people in communities all across America. As I just said, as we have seen in past years, it is going to cost us more money.

The Constitution vests in Congress the profound responsibility to appropriate funds to meet the Nation's needs. We have a duty to do so in a timely and responsible manner.

I appreciate—I understand, based on news reports, that the reason we are going to a short-term continuing resolution is because the incoming administration says they want to put a stamp on government spending. Well, that is not the way the process is supposed to work. In future fiscal years, there will be the opportunity for the new administration to put their imprint on government spending. They will have a lot to do in the coming months of the new administration with the nominees and the process of vetting and approval of nominees and with new legislation. Why set up a budget battle 3 months into the new administration when we don't need to, when we have appropriations bills that have been through committee, in most cases have been agreed to by House and Senate negotiators, and we could move forward with that process, just as leadership of this body has committed to do?

At the beginning of this Congress, the Senate's Republican leaders pledged to restore regular order to the appropriations process. Instead, once again we are presented with a short-term stop-gap funding bill that short-changes critical national needs and priorities. I believe the American people deserve better.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I see the distinguished Senator from Arkansas on the floor. I suggest we go to him next, but I ask unanimous consent that I be recognized when he finishes his comments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arkansas.

TRIBUTE TO JAMES A. ROSS

Mr. COTTON. Madam President, today I wish to recognize James A. Ross of Cotter as the Arkansan of the Week for exemplifying what it means to be a great Arkansan.

After serving in the U.S. Navy, Jim and his wife Mary Lou moved to Cotter in 1959 to raise their three boys because they saw Arkansas as a State that puts people first.

Jim worked as a carpenter and played a role in the construction of many buildings in Cotter, Mountain Home, and other areas in North Central Arkansas. Until his retirement, he worked tirelessly to ensure the success and stability of his family, his church, and his community.

Jim is a popular guy in Cotter. He has always been an active member of the community. He served as the Cotter school board secretary and worked to help build the current Cotter City Hall. Additionally, Jim has served as a deacon for First Baptist Church in Cotter for over 40 years.

Jim and Mary Lou have been married for over 64 years. Jim now spends his time enjoying his three children and a number of grandchildren and great-grandchildren. In fact, it was one of those grandkids, Cameron, who nominated Jim for Arkansan of the Week. In his nomination, Cameron wrote:

Jim's faith drives his every move, and at 86-years-old, he still gives as much back to the community as he possibly can. On any given day you can find him driving around town waving at passersby, or working in his garden in front of his green-and-brown house with sunflowers painted on it.

Cameron continued:

Jim Ross is a great Arkansan, not because he has done one major thing, but because he has done countless little things to further his city, his state, and his nation.

I couldn't agree more. Jim truly embodies what it means to be the Arkansan of the Week. We could all take a few lessons from him about commitment to faith, family, and community. Jim and Mary Lou came to Arkansas because they saw it as a State that puts people first, and it is people like Jim who make that recognition a reality.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

APPROPRIATIONS

Mr. LEAHY. Madam President, first, I should note how much I agree with the senior Senator from New Hampshire and her comments about the appropriations process. I mentioned on the floor yesterday that in the Appropriations Committee, we reported 12 bills, including the State and foreign operations bill. It passed, 30 to 0. It and the other bills have now been put on a shelf to collect dust by the House Republican leadership. We will probably never get a chance to vote on them. By doing so, by deciding to put the government on autopilot and drafting another continuing resolution instead, they will reduce by almost $500 million the amount that the Senate provided for fiscal year 2017 for the security of our diplomats and embassies abroad. It is very similar to what the House did when they refused to support the Senate's higher amount for embassy security prior to the Benghazi attack. They didn't want to admit it, as they spent tens of millions of dollars of taxpayers' money investigating the lack of security in Benghazi, blaming everyone but themselves. It will be interesting to see if they acknowledge that they are again cutting funds for embassy security.

PRESIDENT-ELECT'S BUSINESS DEALINGS

Mr. LEAHY. Madam President, on another matter, I have noted for months, actually for years, in the lead-up to the November 8 election, that congressional Republicans spent millions of taxpayers' dollars to air their unsubstantiated concerns about corruption at the highest levels of our government. If they were trying to get on television doing it, we might want to take a look at what they said. They said the Clinton Foundation should be dissolved, notwithstanding the amount of good work it is doing around the world. Every action, every meeting, every activity of the Clinton Foundation should be revealed, they said. We cannot allow such a foundation to run so close to the Oval Office, they said.

So it is ironic, sadly ironic, actually it is madly ironic, that since November 8, I have heard neither a shout nor a whisper from congressional Republicans echoing the same concerns about our President-elect's personal and profitable business dealings. No outrage that the President-elect's family may charge the American taxpayers millions of dollars to rent space for the Secret Service at Trump Tower. No demand that the President-elect—the chairman and president of The Trump Corporation—dissolve the interests he owns. Today we hear how the President-elect plans to address these conflicts of interest which he calls a ''visual'' problem rather than an ethical one. But unless he does what I and others have called for—divest his interest in and sever his relationship to the Trump Organization and put the proceeds in a true blind trust—it is nothing more than lipservice. Until we know more about what role his family will have, both in his business interests and the government's operation under a Trump administration, no one should consider this serious concern as addressed.

And here is the duplicity of congressional Republicans' double standard. After years of partisan witch hunts and millions of wasted taxpayer dollars investigating bogus allegations against Hillary Clinton, and by extension the Clinton Foundation, if they fail to demand the same of Donald Trump that they demanded of her, they will, as E.J. Dionne said so eloquently in his column in the Washington Post, ''be fully implicated in any Trump scandal that results from a shameful and partisan double standard.''

Madam President, I am hearing from Vermonters. They are worried. They are uncertain. Some of them are scared. Congress could do a great service to all our constituents if it led by example, not just by convenient spoken platitudes that might give you a few seconds on the evening news. If my colleagues want to actually be the leaders that they claim they are, do not start by validating an offensive and dangerous double standard. Have the same standard for Republicans as you do for Democrats. You can't condemn Democrats on something but say it is perfectly okay if Republicans do it. It doesn't work that way.

Madam President, I ask unanimous consent that the column from the Washington Post of November 27, 2016, by E.J. Dionne entitled ''An ethical double standard for Trump—and the GOP?'' be printed in the RECORD.

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

[From the Washington Post, Nov. 27, 2016]

AN ETHICAL DOUBLE STANDARD FOR TRUMP—AND THE GOP?

(By E.J. Dionne Jr.)

Republicans are deeply concerned about ethics in government and the vast potential for corruption stemming from conflicts of interest. We know this because of the acute worries they expressed over how these issues could have cast a shadow over a Hillary Clinton presidency.

''If Hillary Clinton wins this election and they don't shut down the Clinton Foundation and come clean with all of its past activities, then there's no telling the kind of corruption that you might see out of the Clinton White House,'' Sen. Tom Cotton (R-Ark.) told conservative talk show host Hugh Hewitt.

Presumably Cotton will take the lead in advising Donald Trump to ''shut down'' his business activities and ''come clean'' on what came before. Surely Cotton wants to be consistent.

The same must be true of Reince Priebus, the Republican National Committee chair whom Trump tapped as his chief of staff. ''When that 3 a.m. phone call comes, Americans deserve to have a president on the line who is not compromised by foreign donations,'' Priebus said earnestly in a statement on Aug. 18.

Priebus, you would think, believes this even more strongly about a president whose enterprises might reap direct profits for himself or members of his family from foreign businesses or governments. Priebus must

thus be hard at work right now on a plan for Trump to sell off his assets.

''The deals that she and her husband were pocketing—hundreds of thousands of foreign money,'' Rep. Darrell Issa (R-Calif.) told the Breitbart website, the right-wing outlet once led by the soon-to-be White House chief strategist, Stephen K. Bannon. Issa added that Clinton wanted her activities ''to be behind closed doors'' and ''did that because she doesn't know where the line is.''

We can assume that Issa will press the president-elect about the dangers of doing business deals ''behind closed doors'' and instruct him about where the ethical ''line'' should be.

And it would be truly heartening to know that Rep. Jason Chaffetz (R-Utah), a vociferous critic of the Clinton Foundation (''There's a connection between what the foundation is doing and what the secretary of state's office is doing''), plans to apply the same benchmarks to Trump.

After all, when the chairman of the House Oversight and Government Reform Committee was asked last August on CNN if Trump should release his tax returns, his answer was both colorful and unequivocal. ''If you're going to run and try to become the president of the United States,'' Chaffetz replied, ''you're going to have to open up your kimono and show everything, your tax returns, your medical records. You are . . . just going to have to do that.''

I eagerly await Chaffetz's news conference reiterating his kimono policy, since he made very clear that he sees his role as nonpartisan. ''My job is not to be a cheerleader for the president,'' he said. ''My job is to hold them accountable and to provide that oversight. That's what we do.'' Early, comprehensive hearings on the problems Trump's business dealings would pose to his independence and trustworthiness as our commander in chief would be a fine way to prove Chaffetz meant this.

Republicans did an extraordinary job raising doubts about Clinton—helped, we learned courtesy of The Post, by a Russian disinformation campaign. Does the GOP want to cast itself as a band of hypocrites who cared not at all about ethics and were simply trying to win an election?

APPROPRIATIONS

Mr. LEAHY. I do not see anybody else seeking recognition, but let me just say just a little bit more on these issues. Yesterday I commended my Republican colleague, Senator MCCAIN. He complained about the decision of his own party to do away with regular order in our appropriations process. He's absolutely right. We should have debated and passed those bills the way we used to do. Ten months ago that's what the Republican leadership said they wanted to do, and they are in control here. And we worked hard in the Appropriations Committee, Republicans and Democrats together, and we reported out all our appropriations bills. Hundreds and hundreds of hours of work by members, even more by their staffs.

Almost every one of these bills was bipartisan, and they passed usually by a unanimous vote or close to it. All that goes for naught. I commented about just one of these, and of course that is the State and foreign operations bill. Both before Benghazi and since Benghazi, the Republican chairman of the subcommittee and I have put in money, a considerable amount of money, for the security of our embassies and our personnel abroad. Rather than acknowledge their own responsibility for having cut funding for security prior to Benghazi, the House Republicans wasted tens of millions of dollars on hearings to blame the administration. Madam President, maybe double standards make for a sound bite on the evening news, especially if it sounds good and the people putting it on haven't done the research to find out what's really going on.

But it's no consolation to the men and women serving at our embassies and throughout the world to represent the American people. Oftentimes in danger, as we just saw within the last couple of days in the Philippines. It does them no good to see Congress spend tens of millions of dollars to decry the lack of security, tens of millions of taxpayers' dollars on hearings that proved nothing, to get on television for political purposes, and then scrapping the appropriations bills and supporting instead a continuing resolution that will cut funds for embassy security by half a billion dollars.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 5963

Mr. GRASSLEY. Madam President, soon I will offer a unanimous consent request with regard to a bill that would reform and reauthorize Federal juvenile justice programs. This bill is known as the Supporting Youth Opportunity and Preventing Delinquency Act of 2016. It passed the other Chamber last month by a vote of 382–29.

The bipartisan House bill is modeled closely to one that I introduced over a year ago with the Senator from Rhode Island, Mr. WHITEHOUSE. That legislation was titled the ''Juvenile Justice and Delinquency Prevention Reauthorization Act.'' It has 19 Senate cosponsors and cleared the Senate Judiciary Committee, which I chair, without a single dissenting vote last year. The House companion before us today also won the unanimous approval of a committee in the other Chamber before passing the House with overwhelming support a few weeks ago.

The two bills are remarkably similar in most respects, indicating their objectives. One such objective is to extend the Juvenile Justice and Delinquency Prevention Act for 5 more years. That Federal statute was last reauthorized in 2002, and it is long overdue for an update. Congress is still funding juvenile justice programs that expired in 2007, nearly a decade ago.

I think my colleagues know of the hard work of Senator ENZI, chairman of the Budget Committee, and a program that he has of the hundreds of billions of dollars of taxpayer money we are spending that has not been authorized by the authorizing committees. So getting a lot of bills that have expired reauthorized is in the spirit of what Senator ENZI is trying to promote among the 15, 16, or however many committees we have in the Senate that don't do their work on a regular basis.

The centerpiece of the 1974 act is its core protections for youth. Over 40 years ago, Congress committed to making Federal grants available to States that observed these core protections, of which there are now four.

The first core protection discourages the detention of children and youth for extremely minor infractions, such as truancy, underage tobacco use, disobeying parents, and running away. No State would ever jail an adult; that is an important emphasis. No State would ever jail an adult for this same conduct. And research shows that nothing much positive comes out of locking up children for conduct that isn't even criminal.

The second core protection calls for juveniles to be kept out of adult facilities except in certain very rare instances. The third calls for juveniles to be separated from adults when they are held in adult facilities. And the fourth calls for States to try to reduce disproportionate minority contact in their juvenile justice system.

That is from 1974, and those goals are still legitimate goals. Under our proposed legislation, as under this current law, if a State commits to meeting these core protections for youth, it can expect to continue receiving Federal grant money to support its juvenile justice activities.

Our second objective for this legislation is to make reforms to current law so that taxpayer-supported juvenile justice programs will yield best possible outcomes. To that end, our bill reflects the latest research that works best with at-risk children and youth.

We added provisions to promote the rehabilitation of runaways who are at high risk of being trafficked. We included language to discourage shackling of pregnant juveniles during childbirth. After learning that a handful of States receiving Federal grant funds are locking up children as young as 8 or 9 for minor infractions, such as truancy, we called for a phaseout of valid court orders permitting that practice. Last but not least, we responded to concerns voiced by whistleblowers by adding accountability measures to protect the taxpayers and promote more oversight of justice reforms.

These accountability measures are something I have been working on both as ranking member of the Judiciary Committee and chairman of that committee for a long period of time, not

just on the juvenile justice program but on a lot of other programs where taxpayer money is being wasted by having different standards in some programs versus the others, particularly when the bureaucracy at the Justice Department is not policing what States do and they let the States get out. We have all kinds of GAO reports or reports from inspectors general that come back to us saying that this money to the States is not following the intent that was intended by Congress. I think all Senators assume a responsibility to make sure that taxpayer money will go as far as it can. So we worked some of those accountability issues into every bill I can get out of the Justice Department that affects these programs.

Groups such as the Campaign for Youth Justice, the Coalition for Juvenile Justice, Boys Town, Fight Crime: Invest in Kids, among many others, endorsed the legislation and contributed input. We also consulted the National Criminal Justice Association, the National District Attorneys Association, and a coalition of roughly two dozen anti-human trafficking groups that endorsed the legislation as well.

The House bill before us today includes many or most of the same provisions that Senator WHITEHOUSE and I championed, and it enjoys the support of virtually all of the same 100-plus organizations that endorsed the versions we sponsored in this Chamber. The House made a few key changes to preserve more flexibility for States.

Speaking of those 100-plus organizations, I feel a responsibility to them to work as hard as I can to get this legislation passed because they have worked so hard at the grass roots level.

Let me go back to the flexibility we give to the States that the House put in. States that object to phasing out the detention of status offenders over a period of 3 years can invoke a 1-year hardship exception. That hardship exception is renewable every year for an indefinite period, and that is at the State's option.

The House-passed measure also includes a modified version of legislation by Senators Inhofe, Casey, and Vitter in this Chamber. That language would encourage the rehabilitation of youth who are at risk because of involvement in gangs or the criminal justice system.

The House bill shouldn't be controversial, which is why we are requesting unanimous consent to have the Senate pass it today. Again, I remind my colleagues that the other Chamber passed it by an overwhelming vote in September, after the Education Committee, under Chairman JOHN KLINE's leadership, reported the measure without a single dissenting vote.

I also thank our cosponsors, which include the ranking member of the Judiciary Committee, Senator LEAHY, as well as ranking member Senator FEINSTEIN, for their support of this legislation.

Unfortunately, when we sought to bring up the Senate version by unanimous consent back in February, a single Senator objected, preventing its passage. He has objected to the language that would require States to embrace one of the 42-year core principles.

Before this Congress comes to a close, we have a great opportunity to pass an important piece of legislation to help some of the most vulnerable children and youth in the United States. But it is not only these at-risk children who would benefit due to the reforms we have included in this bill; the legislation would benefit taxpayers as well.

I see Senator WHITEHOUSE on the floor. Before I ask unanimous consent, I wish to yield to him for the purpose of his speaking on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I thank Chairman GRASSLEY.

The chairman and I have been working on this bill since 2014. What we heard from juvenile justice practitioners around the country is that a lot of the policies which had been in place for dealing with juvenile offenders were stale and ineffective and that there were better ways to do business than were currently being supported by this grant. So we have worked for years to get this program, the Juvenile Justice and Delinquency Prevention Act, reauthorized.

I see Senator COTTON on the floor, and he can speak for himself, but I think the crux of today's concerns are that the JJDPA would phase out over time—over 3 years, in fact—the ability for States to take its money. You don't have to take the money, but if you take the money, you have to phase out locking up young people—kids—for status offenses, for offenses for which an adult could not be locked up. It is simply not good practice. That is one of the reasons the National Council of Juvenile and Family Court Judges has supported this bill—they know it is bad practice. Indeed, the members of the National Council of Juvenile and Family Court Judges from the State of Arkansas support this measure.

The bill the chairman referred to that passed the House by such an astonishingly strong vote was voted for by every Member of the Arkansas delegation in the House of Representatives, and the senior Senator from the State of Arkansas supports this bill. We hope the junior Senator from Arkansas would be willing to take the legendary advice of Ben Franklin that perhaps we should doubt, each of us, a little bit of our own infallibility and give us a chance to let this bill go forward.

If Arkansas doesn't like this, there is a provision that the House put in that allows any State to declare itself outside of the provision under a self-declared hardship provision. That is an indefinite. That is not a 3-year phase-in; that is indefinite. So if the Arkansas courts really want to lock up juveniles for status offenses that no adult could be locked up for, all they have to do is declare under that provision. They may or may not want to do that. The fact that every other member of Arkansas' delegation in Congress appears to support this and that the family court members from the council appear to support it suggests that may not be the case.

In any event, we would like the ability to go forward. We are prepared to move this bill right now. I would be delighted to join the chairman of the Judiciary Committee in his motion for unanimous consent that the bill be adopted.

I would add for the record that these law enforcement leaders in Arkansas have expressed their support for the bill: Chief Alcon of the Mayflower Police Department; Chief Benton of the Ward Police Department; Chief Coffman of the Judsonia Police Department; Chief Harvey of the Lowell Police Department; Chief Kizer of the Bryant Police Department; Chief Lane of the Benton Police Department; Chief Reid of the Glenwood Police Department; Chief Sims of the Dardanelle Police Department; and Sheriff Sims of the Lafayette County Sheriff's Office.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I see my colleague from Arkansas on the floor. He is right so many times; I am sorry that we disagree on this issue. I don't believe the Senator will make me wrong on that point, but I do want to respect his right. He is such a good legislator.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 649, H.R. 5963. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Madam President, reserving the right to object, I share mutual esteem with the Senator from Iowa. I hate to find myself on the opposite side of an issue with him. We had this conversation in February as well, almost 9 months ago.

There are many fine provisions in this legislation, as the chairman of the Judiciary Committee outlined, including his legendary work on holding agencies and recipients of Federal funds accountable and working with the GAO to ferret out fraud and abuses.

My objection to this legislation is very specific. It is not, as the Senator from Rhode Island said, about the jailing of juveniles for so-called status offenses; that is, for something a juvenile would do—such as smoking cigarettes, running away from home, skipping school—that wouldn't be a crime

if you were 18 years old. So for all these young pages down here who are not supposed to be smoking cigarettes, the law currently says you cannot put them in jail for smoking cigarettes—and you shouldn't smoke cigarettes regardless. However, if a juvenile goes before a juvenile judge and the juvenile judge issues a valid court order and tells him ''Don't smoke any more cigarettes, don't skip school, and don't run away from home'' and that juvenile flaunts the authority of the judge, that judge needs some mechanism to enforce his orders. That is no longer a status offense; that is contempt of court. In my many conversations with Arkansans—be it judges, prosecutors, parents, or public defenders—they have said repeatedly that the judge needs that authority to get the attention of that juvenile delinquent.

I want this legislation to pass, as I said 9 months ago in a colloquy with the Senator from Rhode Island. I thought we had an agreement worked out about a provision on the inherent authority of judges. It didn't work out, but we worked together in good faith on it. On multiple occasions, I worked with the chairman of the Judiciary Committee to resolve some of these issues.

Some activists say that we shouldn't do this to kids who are so young, so I proposed an age floor in the teenage years. Some say they might be corrupted or hardened by even more hardcore juvenile delinquents in a detention facility. I said let's impose a separation requirement. Some activists have said that they could be detained indefinitely. I said that is fine too; let's put a time limit on how long they can be detained. But repeatedly we have been told this legislation cannot be changed.

I would submit to the Senate that these are all small, reasonable changes that would allow this legislation to move forward quickly in the Senate here in these final couple weeks and again on the suspension calendar in the House of Representatives. But when Arkansans have specifically passed justice reform legislation in recent years in our legislature and they retained this authority of juvenile judges not to detain delinquents for their status offenses but because they disobeyed a valid court order, I don't think we in Washington should dictate a single one-size-fits-all solution for every State in the Union.

This legislation or legislation like it has come before the Senate multiple times in recent years, and every time it is hung up on this specific issue. I want to protect Arkansas' interests. I want to ensure that judges can enforce their own orders. I want to do what is best for the people of my State and our criminal justice system. I also want to pass this legislation. So I would offer to both proponents of this legislation that we continue to try to address some of these proposals I have made, but until then, I am going to have to, regrettably, object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Madam President, I am disappointed that the Senator from Arkansas continues to impose the only remaining roadblock to passage of this critical piece of legislation.

Back in February, Senator COTTON indicated a willingness to work with Senator WHITEHOUSE and me to resolve our sole point of disagreement. Senator CORNYN tried to resolve our differences as well. As you can see, we are still at an impasse.

Our disagreement stems from a 42-year-old provision of the federal juvenile justice law that encourages States to phase out the detention of children who commit infractions, such as running away from home, skipping school, disobeying parents, or underage tobacco use. This statutory provision—which has been on the books since 1974—extends a ''carrot'' in the form of Federal grant funds, to any State that commits to deinstitutionalizing juveniles who commit extremely minor infractions, also known as ''status offenses.''

The reason for this core protection is simple: Locking up children for conduct, like running away or underage tobacco use, which could never, ever result in an adult's being jailed, defies logic and common sense.

For example, when you lock up a child for truancy, you ensure that the child will miss even more school and fall even further behind in schoolwork. At the same time you have done little, if anything, to resolve the underlying issue that led to the truancy. Similarly, very little is accomplished by locking up a repeat runaway who is being abused at home.

I urge my colleague to consider what happens when a judge sends an especially young child, who has committed the most minor infraction, known as a ''status offense,'' in juvenile detention with hardened or violent offenders. That young child, who has committed no crime whatsoever, is particularly vulnerable to abuse by older juveniles in detention.

Consider, too, that some of these children come from broken homes or have mental health issues. They are among the most vulnerable members of our communities and need our help. They don't need to be dumped in a detention facility where they will be exposed to violent criminals who have committed much more serious crimes than skipping school.

In the decades since 1974, Congress made good on its pledge to appropriate resources for every State that committed to fulfill the core requirements under the federal juvenile justice statute. About half of the States, recognizing that the detention of status offenders is mostly ineffective and tremendously costly, have made good on their commitment under this grant program. These States have phased out the practice of locking up status offenders entirely.

In another couple dozen States, judges invoke the ''valid court order'' exception sparingly. The exception is just that, an exception to be invoked only rarely. Status offenders end up in detention only occasionally in these states.

But in a tiny handful of States, some judges send status offenders to detention much more regularly. It has been reported that some of the children in detention for status offenses in one state are as young as 8 or 9. Juvenile advocates have charged that some judges are sending status offenders to detention as a general practice, which has led to calls for reform.

The Arkansas legislature has chosen to retain the option of jailing children for status offenses as a last resort option. This bill does not change that. This bill is not a mandate that would override the State's law. It merely lays out conditions for receiving Federal grant money. Arkansas is still free to not comply with the conditions set forth in this legislation.

I want to remind my colleague that over 100 nonprofit groups, numerous judges, and about 1000 law enforcement officers support this legislation. They agree that detaining child status offenders is not good public policy, based on significant research that points to the same conclusion.

I would also remind my colleagues that judges have multiple other options to hold these juveniles accountable. The other options include, for example, suspending the juvenile's driver's license, imposing fines, or ordering the juvenile into counseling, with or without parents. Counseling and other community-based alternatives not only cost much less, but are more effective than locking up children alongside violent criminals, research suggests.

This one issue is holding up a bill that is vital to help the children in our country.

Once again, I would like to point out that this legislation does not affect State law in Arkansas. We are merely imposing conditions to receiving Federal grant money. If this bill passes, which I hope will happen today, Arkansas is free to continue to invoke ''the valid court exception.'' So I ask that the Senator lift his hold on this critical piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

STOP DANGEROUS SANCTUARY CITIES ACT

Mr. TOOMEY. Madam President, I have spoken before on the floor about the tremendous dangers that arise from cities across America that choose to be sanctuary cities. Recent events compel me to come back to the floor today.

Just this week, Federal law enforcement officers finally found Winston Enrique Perez Pilarte. Pilarte was an illegal immigrant from the Dominican

Republic. In July of 2015, a little over a year ago, Philadelphia police arrested Pilarte, a 40-year-old man, for the rape of a child. He had previously been convicted of drug trafficking, resisting arrest, and theft—convicted, sentenced, and went to jail—but he was released and rearrested. In 2015, when he was rearrested, he managed to raise the money necessary for bail. When the background check was done, Federal law enforcement asked the city of Philadelphia to hold him temporarily, after he had raised the money for bail, rather than simply releasing him—to hold him temporarily so they could pick him up and begin deportation proceedings. The city refused to cooperate, and they instead released this dangerous, previously convicted man who was here illegally, released him back onto the streets of Philadelphia. Pilarte roamed the streets of Philadelphia for a full year, doing who knows what, until just this week when Federal officials managed to find him and took him into custody.

Consider the case of Jose Palermo Ramirez. In 2013 this 43-year-old illegal immigrant was convicted of indecent assault on a 7-year-old girl. Federal immigration officials asked the city in this case to notify them when Palermo Ramirez completed his sentence and prior to his release so they could pick him up and begin the deportation proceedings of this person who was here illegally and obviously a dangerous and convicted criminal, but the city refused. Instead, they released this convicted child molester back out onto the city streets. Luckily for Pennsylvania families, Federal law enforcement officers were able to find and deport him, despite the lack of help from the city.

Maybe the most heartbreaking story is that of Ramon Ochoa. Ramon Ochoa is a Honduran immigrant who came here illegally in 2009. He was caught and he was deported. He found his way back into the United States and managed to get to Philadelphia. Last year Philadelphia police arrested him, and they had him in custody on charges of aggravated assault, making terrorist threats, resisting arrest, and harassment.

Again, when the background check was done, Federal law enforcement officials realized they knew who this was. He was here illegally, he had been deported previously, and he was violent and dangerous. They asked the city to cooperate with them so they could pick him up and begin deportation proceedings. Once again, Philadelphia refused. Instead, they released him back onto the city streets, where he continued to prey on others, and just 4 months ago, Ochoa was arrested, this time for raping a child under the age of 13.

How can this possibly happen? How can this possibly happen, that a city would knowingly, willfully, and repeatedly choose to release dangerous criminals, including child molesters who don't even have a right to be in the United States in the first place because they came here illegally? It is just unbelievable, but this is what is happening, and it happens because Philadelphia is a sanctuary city. Let's be clear about what that means. That means it is the legal policy of the city of Philadelphia to forbid local law enforcement from even cooperating, even sharing information with Federal immigration officials when the person in question came here illegally. In many cases, we confer this special legal privilege on dangerous, violent criminals because they came here illegally. It is unbelievable.

This isn't the police's fault. Police would much rather be cooperating with Federal immigration officials. They are not allowed to because local politicians in cities across America have decided they will not allow it to take place. This is absurd. This is very dangerous, and small children in my State are paying the price for this.

This is why earlier this year I introduced legislation, which is called the Stop Dangerous Sanctuary Cities Act, and it would solve this problem. It does it with two components. The first is to eliminate the perceived, and understandably perceived, legal liability that communities have, municipalities have, and here is the nature of their concern. There is a court order that says if the Department of Homeland Security issues a detainer request—the request that you detain a person who is here illegally that they believe is violent—and you comply with that request, you detain the person, and it turns out the Department of Homeland Security had the wrong guy, the concern on the part of our municipalities is they can be sued for that.

My legislation solves that problem. It says: In a case like that, where a municipality complies with a bona fide detainer request, if the person is wrongly held and they have a cause of action they can take, they can do so, but that has to be against the Federal Government. It has to be against the entity that asked for the detainer.

That makes perfect sense, and it completely eliminates any legal liability on the part of the municipality that would then cooperate with these detainer requests and information requests. That is the first part, eliminate any danger of a legal liability.

The second part is, if a city, nevertheless, chooses that it wants to be a sanctuary city, then we should withhold some of the Federal funding we currently send to these cities. Specifically, my legislation would withhold community development block grants—very cherished by the city governments all across America—if they choose to endanger all of us by continuing to be sanctuary cities.

We had a vote on this. Last summer we had a vote. A majority of this body voted in favor of my legislation to bring an end to sanctuary cities this way, but unfortunately we didn't have the 60 votes we needed to overcome Senator REID's filibuster on this.

I am suggesting we revisit this because these appalling crimes are continuing to be committed, as of course they will, if cities keep releasing violent criminals back out onto our streets. In the meantime, I will suggest there is something that President-Elect Trump can do when he becomes President, and that would be he could issue an Executive order which would, I think, significantly limit dangerous sanctuary cities.

Let me be clear. The Executive action he could legally pursue would not be permanent. I don't think it would be as effective as the legislation I have introduced. It wouldn't have the legal force of a new law, but it would be a good start, and it would be fully consistent with his constitutional powers. That would be progress. I think it is very clear that we have to act.

How important is the rule of law to all of us? How important is the safety and security of the American people? How important are the childhoods of the victims we are hearing about repeatedly as recently as just this week? To me, the answer is clear. These are very important priorities, and we need to act. While we await the opportunity to enact this legislation, I hope our new President will take the Executive order steps he can to at least diminish this problem.

I yield the floor.

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

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to use the time that I may require and that following my remarks, Senator CASSIDY and Senator MURPHY be recognized.

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

SEVIER COUNTY, TENNESSEE, WILDFIRES

Mr. ALEXANDER. Mr. President, I come to the floor to speak on two matters. The first is the matter of wildfires in Tennessee.

Anybody who has been watching television the last few days has seen the devastation caused by the runaway wildfires just outside the Great Smoky Mountains National Park in Gatlinburg, TN. We are not used to that in Tennessee. I know we have debates on the floor, and we have colleagues who see the fires in the West where it doesn't rain much, a few inches of rain a year, but in the Great Smoky Mountains where I live—I live just outside of the park—we have 80, 83 inches of rain a year. We have dense forests, and this time of year the leaves are all over the ground, and usually there is a lot of rain to tamp that down.

For the last few months, we have not had rain, and so the forest floor is like a tinderbox. On Monday, in the chimney tops area of the Great Smoky Mountains National Park, a fire started—maybe it was a campfire—and then winds as high as 80 to 90 miles an hour came and swept the fire through the park and into the resort town of Gatlinburg.

There were stories of firefighters getting back in their trucks to avoid the bears who were fleeing the fire. There were stories of cars catching fire as motorists drove to escape the fire. A couple from Alabama said they watched their windshield wipers melt on the car as they drove down the mountain. At least four people have been killed and others are missing. Fortunately, by now the fires have been pretty much been put out. There were no fire outbreaks that were new in Pigeon Forge, which is nearby. Gatlinburg had some more fire outbreaks, but the rain that fell last night helped to put most of those out. The small town of Gatlinburg, a picturesque community on the edge of the Smokies where people have vacationed and have gone for their honeymoons, had to evacuate 14,000 citizens.

The Red Cross in addition to other independent groups operated six shelters. The mayor of Gatlinburg told people that his home burned up in 15 minutes. The city manager's home burned down. We have had a tremendous response from the Governor of our State, Governor Haslam, who was on the spot the next day with many of his State officials. There were 400 firefighters and more than 100 firetrucks that came from all parts of Tennessee. There were National Guardsmen and highway patrolmen. The Governor said they haven't seen a fire like that in Tennessee in 100 years. As I said, 14,000 citizens have been evacuated.

This is a heartbreaking story for all of us who know and love the Great Smoky Mountains and the people who live near there. I want the residents in Sevier County, Gatlinburg, and that area to know that Senator CORKER and I—and all of us in the Federal delegation—will do whatever we can appropriately do to help. That starts with helping pay for 75 percent of the cost of fighting fires, and, after that, cooperating with Governor Haslam as the State looks for ways to help individuals who might be hurt by this.

I know the mayor of Gatlinburg, the city manager, and Larry Waters, the county mayor, would want me to say that this is a resilient town and resilient people, and they are going to be fine, but it is going to be tough and hard. Fire always is. But Dollywood will be open at 2 p.m. on Friday, and people will be coming back. They have about 10 million people visit the Great Smoky Mountains National Park every year. We don't want people to stay away, but I do want the people of Gatlinburg and Sevier County to know how much we care for them and how determined we are to help them help themselves so they can get back on their feet.

21ST CENTURY CURES BILL

Mr. ALEXANDER. Mr. President, the second subject I came here to talk about is the 21st Century Cures Act and the mental health legislation, both of which are being debated in the U.S. House of Representatives. There will be a vote on that legislation this afternoon at about 5:30.

This is legislation that has the strong support of the President of the United States, the active support of the Vice President of the United States. House Speaker RYAN has said that it is an important part of his agenda for health care for the future, and the majority leader, Senator MCCONNELL, has said he believes it is the most important piece of legislation Congress could enact this year. One reason it has been successful is that it has been so bipartisan in its making, both in the House and in the Senate.

Let me begin by thanking President Obama and Vice President BIDEN for their strong support and their interest. The President supports precision medicine—the idea of personalized medicine. For example, if the Senator from Pennsylvania and I each have the same disease, we might not take exactly the same medicine because our genetics might be different. We now know enough about it that if we can help doctors have that information, they can prescribe medicines that will help us live longer.

The President and the executive office of the President have issued a Statement of Administration Policy that is one of the strongest I have seen. I hope it persuades both Republicans and Democrats to be supportive of this legislation.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Statement of Administration Policy be printed in the RECORD.

Mr. President, I mentioned the bipartisan nature of the legislation, and I will give two examples of that. My two colleagues, who are on the floor, will give the second example, which is the mental health bill.

This has been complex, no doubt about it. Yesterday I spoke at length on the floor about that. I ask that my colleagues recognize the core of this legislation, which is the following: There were 19 different bills that went through the Senate's Health, Education, Labor, and Pensions Committee—22 Members of the Senate. After many hearings, the largest number of recorded votes against any of those 19 bills was 2. We have a very diverse committee. We have some of the most liberal Members and some of the most conservative Members, and we were able to work out 19 bills that are the core of this legislation on a complex issue like this, and the largest number of votes recorded against any of the 19 bills was 2.

Secondly, every single one of those 19 bills but one had a Democratic sponsor and a Republican sponsor—usually more than one.

In addition to that, there is money attached to the bill. That is very unusual because this is an authorization bill, but the House did it, and we did it as well. We recognized the importance of this to the American people, and we did it in a fiscally responsible way. It is $6.3 billion. It doesn't add a penny to the overall budget because for every increase in the discretionary budget, we reduced the same amount in the mandatory budget.

What is the funding for? The National Institutes of Health will get $4.8 billion for research on urgent matters; $1.8 billion for the Cancer Moonshot that the Vice President is leading; $1.4 billion for precision medicine; $1.6 billion for the BRAIN Initiative, including Alzheimer's; and then $1 billion for State grants to help States fight the opioid abuse epidemic. That money has been accelerated so that all of this money is spent in the first 2 years and all of the Cancer Moonshot money is spent in the first 5 years. Speaker RYAN arranged for this money in the following way: While it has to be approved each year by the Appropriations Committee, it cannot be spent on anything other than what it has been designated for. So that $1 billion can be spent only on opioid abuse.

I cannot imagine that the House of Representatives, if it overwhelmingly passes the 21st Century Cures bill in a vote, will not complete its promise to spend $1 billion on opioid abuse this year and next year. I cannot imagine the U.S. Senate, which I also expect will approve this by a large vote, doing the same. I also can't imagine Democrats and Republicans going home and having to explain why they would vote no on $1 billion worth of State grants for opioid money when all year we have been talking about what an urgent epidemic it is or having to explain why they voted no for $1.4 billion for Cancer Moonshot when so many advances are being made or voting against $1.4 billion for precision medicine when the President so eloquently made the case of why it is important or $1.6 billion for the BRAIN Initiative at a time when Dr. Francis Collins, the head of the National Institutes of Health, tells us that we are close to identifying Alzheimer's before there are symptoms and we could have the medicine that will permit us to retard its progression. Think of the grief that will save millions of families. Think of the billions of dollars that will save for our country.

This bill has had the participation of dozens of Members of the U.S. Senate but none more effective and important than the Senator from Louisiana, Mr. CASSIDY, and the Senator from Connecticut, CHRIS MURPHY. Even though they are both relatively new to the Senate, they have taken the mental health bill and navigated landmines as

if they have been here 25 years. They have worked across the aisle with each other, and they have worked with Democrats and Republicans in the House of Representatives to produce a bill that passed overwhelmingly in the House and will be added to the bill today by amendment. It has also been approved by our Health, Education, Labor, and Pensions Committee here, and I thought it would be helpful today—and an example of the bipartisan support for the bill—to ask Senator CASSIDY and Senator MURPHY to describe the mental health bill.

Senator MCCONNELL says the 21st Century Cures bill is the most important piece of legislation that Congress will enact and pass this year. I believe that the mental health bill, which has three parts that we will enact this year—a part from our committee and part from judiciary—is the most significant piece of mental health legislation in terms of reforms of programs that the Congress will have passed in more than a decade.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, November 29, 2016.

STATEMENT OF ADMINISTRATION POLICY

HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 34—21ST CENTURY CURES ACT

The Administration strongly supports passage of the bipartisan House Amendment to the Senate Amendment to H.R. 34, the 21st Century Cures Act, which dedicates more than $6 billion to implement key priorities such as the President's proposal to combat the heroin and prescription opioid epidemic; the Vice President's Cancer Moonshot; and the President's signature biomedical research initiatives, the Precision Medicine and Brain Research through Advancing Innovative Neurotechnologies (BRAIN) Initiatives. It also takes important steps to improve mental health, including provisions that build on the work of the President's Mental Health and Substance Use Disorder Parity Task Force, and includes policies to further modernize the drug approval process.

The legislation includes $1 billion over two years, including $500 million in Fiscal Year 2017, to combat the prescription opioid and heroin epidemic, consistent with the President's budget request. More Americans now die every year from drug overdoses than they do in motor vehicle crashes, and the majority involve opioids. The opioid epidemic is devastating families and communities and straining the capacity of law enforcement and the healthcare system. The resources included in the bill will allow states to expand access to treatment to help individuals seeking help to find it and to start the road to recovery, with preference given to states with an incidence or prevalence of opioid use disorders that is substantially higher relative to other states.

The Administration is committed to taking immediate action to lay the groundwork to ensure that the funds in the bill would be disbursed quickly and effectively so we can begin to address these important public health challenges.

The bill also includes $1.8 billion, including $1 billion over the next three years, to support the Vice President's Cancer Moonshot. The Moonshot aims to accelerate research efforts and make new therapies available to more patients, while also improving our ability to prevent cancer and detect it at an early stage. The resources in this legislation will support investment in promising new therapies like cancer immunotherapy, new prevention tools, cancer vaccine development, novel early detection tools, and pediatric cancer interventions. As the Vice President and scientific experts have said, we are at an inflection point in cancer research and this investment could help seize this opportunity.

The legislation also dedicates support for other key research initiatives. In 2013, the President launched the BRAIN Initiative with the goal of helping researchers find new ways to treat, cure, and prevent brain disorders, such as Alzheimer's disease, epilepsy, and traumatic brain injury. In 2015, he launched the Precision Medicine Initiative to pioneer a new model of patient-powered research that promises to accelerate biomedical discoveries and provide clinicians with new tools, knowledge, and therapies to select which treatments will work best for which patients. The bill creates dedicated funding of $1.5 billion for the BRAIN Initiative and $1.4 billion for the Precision Medicine Initiative to continue these signature Presidential Initiatives, which have broad bipartisan support, over the next decade.

The legislation also includes bipartisan mental health reforms. These include a renewed emphasis on evidence-based strategies for treating serious mental illness, improved coordination between primary care and behavioral health services, reauthorization of important programs focused on suicide prevention and other prevention services, and mental health and substance use disorder parity provisions that build on the work of the President's Mental Health and Substance Use Disorder Parity Task Force.

In addition, the bill takes multiple steps to further the progress made in this Administration in improving the drug development process. It enhances the ongoing efforts to better incorporate patients' voices into the Food and Drug Administration's (FDA) decision-making processes; supports FDA's efforts to modernize clinical trial design; and improves FDA's ability to hire and retain scientific experts. The legislation includes strong protections for individuals' health data, as well as provisions preventing unnecessary restrictions on the sharing of health information technology data with patients and providers.

There are also provisions in the bill that raise concerns, but that have been modified from previous versions to help address concerns, such as provisions that allow for the marketing of drugs to payors for off-label uses. In addition, a number of effective dates will be challenging to meet, especially without additional administrative funding. The requirement to sell additional inventory from the Strategic Petroleum Reserve, when added to the sale requirements of the Bipartisan Budget Act and the FAST Act, continues a bad precedent of selling off longer term energy security assets to satisfy near term budget scoring needs.

That said, this legislation offers advances in health that far outweigh these concerns. As such, the Administration strongly supports passage of the House Amendment to the Senate Amendment to H.R. 34, the 21st Century Cures Act.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I thank Senator ALEXANDER for yielding and for his leadership, and I thank Senator MURRAY for her leadership. I thank Senator MURPHY for his cooperation and collaboration in passing this legislation.

I will speak to mental health as Senator, a doctor, a family member, and as a friend of those with mental illness. Because of these different hats, passing comprehensive mental health reform has been a priority since day one. Senator CHRIS MURPHY and I introduced the Mental Health Reform Act in 2015, shortly after arriving in the Senate. Since then, Senators ALEXANDER and ranking member MURRAY have made mental health reform a priority, and I thank them once more for their vital work to include the provisions the four of us introduced in the Mental Health Reform Act of 2016 in the 21st Century Cures Act.

In some way, everyone is affected by serious mental illness. This is not a partisan issue. It crosses any division of age, gender, demographics, and certainly political party. If I go to a townhall meeting in Louisiana in an area that is not so wealthy and speak of the need to address mental health, heads nod yes. If I go to another townhall meeting in another area that is very wealthy and mention the need to address mental health, all heads nod yes. Everyone nods their head yes because mental health is an issue in the back of everyone's mind.

Earlier I mentioned that everyone has a family member or friend who has a serious mental illness—maybe not, but it might be that person whom you went to high school with and her life turned out far differently. Perhaps her marriage broke up, perhaps her children are in foster care, or perhaps she is homeless. If you think—not even hard—that person will come to your mind. The largest problem affecting Americans with serious mental illness is lack of access to care.

Just a few weeks ago, I spoke to a neuropsychologist in Baton Rouge, Dr. Paul Dammers. He said he sees 15 to 20 patients a day and is booked up to 6 months in advance. If your loved one is having a mental health crisis, they should not have to wait 6 months to receive treatment. He stressed the significance of the barrier to treatment posed by the shortage of mental health professionals. Thank God for Dr. Dammers and for all the work he and the other mental health specialists do to help those with mental illness return to wholeness, but they need help. Access delayed is access denied, and access is hampered by a shortage of mental health providers and too few beds for those with serious mental illness who need to be hospitalized. Too often patients cannot get the care they need, and too often they have a long delay between diagnosis and treatment. Without appropriate treatment options, prisons, jails, and emergency rooms become the de facto mental facility.

Sheriff Greg Champagne from St. Charles Parish, LA, and past President of the National Sheriffs' Association quotes a statistic that sheriffs are the No. 1 providers of mental health services in any parish or county in the

country. Incarceration has become our top mental health treatment strategy. More than three times as many mentally ill are housed at any one time in prisons and jails than being treated in hospitals.

Now, it is clear it is time to fix our broken mental health care system. The 21st Century Cures Act provides incentives to build an adequate and skilled mental health workforce to expand access to mental health care, providing quick and effective diagnosis and treatment. Our goal is that the person who has her first psychotic episode when she is 18 will be restored to wholeness so that when she is 50, she looks back upon that as a distant memory but not as a life-defining event.

This bill also addresses privacy issues that keep some patients from receiving the best treatment possible. As an effect of the government regulation HIPAA—an important law protecting patient privacy—nonetheless, when it comes to a patient with mental illness as an adult, the doctor feels as if she or he is not allowed to share vital information for their care with a third party, even if that third party is their caregiver. A woman I went to high school with has an adult son with serious mental illness, and she relates that she is the one who brings him to the hospital and she is the one who gives him his medicines. Yet, when he is discharged, she is not told what medicines he takes. She is not told when he takes them, and she is not told when to bring him for follow up.

Privacy is important, but when government regulation gets in the way of a doctor and a patient and a family trying to make sure their loved one is cared for, something needs to change.

This legislation also provides incentives to build an adequate and skilled mental health workforce but also to train that workforce to better understand these rules of disclosing patient information. This allows doctors to better serve their patients and ensure they are getting the proper care they need. It also—again, as a physician, this next provision just matters so much to me—promotes access to services through the integration of primary and behavioral health. Right now, if someone with a serious mental illness goes to see their psychiatrist and the psychiatrist notes that their hypertension is out of control and she wants to send the patient down the hallway to see her colleague, the family practitioner, the Federal program won't pay for that. She refers the patient to the emergency room instead. Conversely, the family practitioner treating the hypertension knows that the patient is psychotic. They are not allowed to send the patient down to the psychiatrist on the same day.

Now, in private insurance programs, this is not an issue. It has only been an issue in Medicaid. This law begins to change that. I will note that patients with psychiatric illness die 20 years younger than do patients who have a physical illness but do not have a psychiatric illness. We must do better by those with serious mental illness.

Another thing this bill does is to establish a grant program focused on intensive early intervention for children who demonstrate the first signs that may evolve into serious mental illness later in life. Drs. Howard Osofsky and Joy Osofsky of the Health Science Center in New Orleans did research after Hurricane Katrina and found that you can detect from ages 0 to 3 evidence of a child who may have a problem with mental illness later in life. This bill provides grants for early intervention for the infants and children, which will address the effects of trauma and the adverse experiences that up to 10 to 15 percent of children under the age of 5 have. A second grant program supports pediatricians consulting with mental health teams. This is modeled after successful programs in Massachusetts and Connecticut.

This legislation does many important things to change how we treat mental illness. By expanding access to mental health resources, clarifying the rules on disclosure of patient information with family caretakers, and integrating primary and behavioral health, the 21st Century Cures Act will begin to fix our broken mental health system and prevent more people affected by mental illness from being denied the care they need.

Thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I wish to thank Senator CASSIDY and Senator ALEXANDER for being such amazing partners in bringing this legislation from its introduction last summer to the floor of the House and soon to the floor of the Senate. I will say a little bit more about them and their teams, but it really has been a pleasure. I have learned a lot, especially from Senator ALEXANDER, about how to overcome some tough obstacles and pitfalls while bringing something this big and this meaningful through the process.

I accept the premise that there is something fundamentally broken about the way things work here in Washington, DC. Cable news fame and getting ready for the next election all matter way too much here, and it means that there are a lot of big issues, like immigration reform and entitlement reform and infrastructure, that don't get done because politics get in the way. But there are, frankly, a lot more breakthroughs that happen here than most Americans know about, and a lot of them happen on the HELP Committee. There are, more often than one would think, moments where politics get put to the side or temporarily squeezed out of the way and something really important happens here. This is one of those moments.

Senator CASSIDY really explained the contours of this bill very well. So I want to provide just a little bit of the context for it. I have been working on this issue of mental health since I was 25 years old, in the Connecticut State legislature, and I ran for Congress in part because I knew that I couldn't fix what was broken in Connecticut's mental health system without addressing the myriad of Federal funding sources, laws, and regulations that create today what is kind of currently a dystopian web of uncoordinated, misaligned behavioral health care in this country.

The consequences of this failed health care system are all around us, and they are just increasingly impossible to ignore. Senator CASSIDY spoke about some of them. But it is personal because every single one of us knows someone in our family or our next door neighbor who suffered from a serious mental illness and failed to get the care they need. All of us recognize that this suicide crisis is spiraling out of control. We have seen a 25-percent increase in suicides in just the last 15 years. When we visit our hospitals, no matter what State we are in, we all notice that one of the major building campaigns that is happening is additions to the emergency departments to take care of this tsunami of mentally ill patients who are walking into these ERs because they have absolutely nowhere else to go.

Lastly, for as much back-patting as we have done for ourselves in the last 50 years because of our decision to close mental institutions all across the country, we have essentially just recreated these institutions all over again. They are now called prisons. A recent article in the Boston Globe by the now famous Spotlight investigative team found that prisoners in that State essentially had to self-mutilate themselves in prison in order to get any mental health care. The Spotlight team concluded that ''there may be no worse place for mentally ill people to receive care than prisons.'' Yet we have essentially decided in this country to exchange the old insane asylums for new ones.

Mainly, though, I stay awake thinking about a meeting that I had earlier this year with moms—with a bunch of mothers in West Hartford, CT. These were moms that were at their wit's end. They were fairly affluent. They were well educated. They had learned the ins and outs of this broken system. Yet they still had no answers about what to do with their deeply mentally ill children. Many of them were adults. So, technically, they were not under the supervision of their parents any longer. They were petrified—petrified that their kids would end up in those prisons or, worse, that they would end up dead because there was no way for them to find proper care for their children's mental illness. These moms told the story dozens of times, courageously so. They wept and they trembled with me as they were telling these horror stories.

Yet, of course, for all of the disaster that exists in our under-resourced, uncoordinated behavioral health system,

there is lots of hope. Why? Because recovery is possible. Check that, actually. It is not possible, it is actually probable, if you can find the right therapy, the right set of supports, and perhaps the right set of medications needed.

Over the last 20 years of public service, I have met plenty of people who have beaten this disease, who have trained their minds to work differently, and who are leading full and happy lives. The simple problem is that the resources here are just too far out of reach and sometimes nonexistent for millions of constituents living with mental illness.

So that brings us to this moment and how this place actually does work for good sometimes. Two years ago, I approached Senator CASSIDY right here on this very floor, just days after his swearing in, and I told him that I had heard that when he was a House Member, he would come to hearings on mental illness in the House with a dog-eared, wornout copy of a book called ''Crazy'' by Pete Early. I don't agree with everything in that book, but it is a story of a father who had the same story to tell as all of those moms in West Hartford. I asked Bill if his enthusiasm for this book meant that he was interested in working on mental health policy, and he said: Absolutely. For the next 6 months, he and I worked together to meet with everybody we could find, both nationally and in our States, who could tell us what was wrong with our mental health system, and we decided to do something big.

A lot of us work with Members of the other party on small bills. They are meaningful pieces of legislation, but they are kind of one-offs. They fix one problem here or there. We decided to write a big, sweeping bill—one that would tackle as many problems in the behavioral health system as we could all at once. We had a head start because of our friend in the House of Representatives, Representative TIM MURPHY, had already introduced a comprehensive reform bill. So in August of that year, after hundreds of these meetings and forums, we introduced our own version of TIM MURPHY's bill—the Mental Health Reform Act. Today, about 16 months after introduction, the House is going to pass this bill as a major component of the Cures package, as Senator ALEXANDER said. My hope is that we will have a bipartisan vote here some time very soon.

Senator CASSIDY and I will be the first to admit that it doesn't come close to solving all the problems that people with mental illness confront. Most importantly, it doesn't include new Medicaid or Medicare money to address some of these huge shortages that patients and families face. But it does require insurance companies to stop discriminating against people with mental illness by rejecting claims for mental health at a rate that is much higher than they do for physical health. This strengthening of our Nation's mental health parity law is probably the bill's most important provision in my mind. I am convinced it is going to result in hundreds of millions of dollars in new care for people with mental illness. I wish to thank Senator ALEXANDER and Senator MURRAY for supporting this provision, even though it was at times controversial.

The bill also elevates the place of mental illness within the Department of Health and Human Services by creating a new assistant secretary who is going to oversee all of this funding that often is done in a really uncoordinated way. It creates new programming to assist young children who show the first signs of mental illness. We get at it early. It reauthorizes important suicide prevention programs that have been shown to work, and it clarifies that parents don't need to be totally cut out of their adult child's care—that doctors can share information with parents if it is in the best interests of the patient to do so.

Frankly, that is just the tip of the iceberg. Senator CASSIDY went much deeper. There are a lot of other provisions in this bill that will make it less likely that people with mental illness face continued barriers to care.

Over the past 2 years, this bill has faced a lot of uncertain moments, and that is where Senators ALEXANDER and MURRAY come in. They have really helped us navigate through some tough waters. I give a lot of credit as well to Senator CORNYN. Senator FRANKEN contributed a big section of this bill that reforms the way the mentally ill are treated in the criminal justice system. Senator CORNYN, in particular, helped us overcome a major hurdle in this bill this fall.

Finally, I just want to thank all of the staff people who have worked on this. I want to thank Brenda Destro in Senator CASSIDY's office. I want to thank Mary Sumpter Lapinski and Laura Pence in Senator ALEXANDER's office; Evan Schatz, Nick Bath, and Colin Goldfinch in Senator MURRAY's office. First and foremost, I want to thank Joe Dunn in my office, who in many ways is the parent of this bill from beginning to end, and all the people in our office who worked underneath him.

When and if the Senate approves this bill and the President signs it into law, maybe the most important thing that will happen here is that we will show that this place can work together to address a big problem that really has no partisanship to it. Mental illness doesn't care if you are a Republican or if you are a Democrat. Mental illness doesn't care if you voted for Hillary Clinton or Donald Trump, and it doesn't care if you think you are not the kind of person who could suffer from mental illness. It doesn't discriminate. Yet we do. We continue to push those with mental illness into the shadows. Our unwillingness to fund the better coordinated care system that we know we need is a clear message to these patients that they are something less inside our health care system.

That begins to change with the passage of this legislation. I think, accurately described by Senator ALEXANDER, it is probably the most significant piece of mental health legislation we have passed in over a decade. I can say that maybe there is nothing I have worked on in my 20 years of elected office of which I am more proud. I commend this bill to all of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, once again, I want to thank Senator MURPHY and Senator CASSIDY for their exceptional passion, leadership, and professionalism on a big issue. We all will have a chance to support their work when the bill comes over from the House on Monday as a part of the 21st Century Cures legislation.

I want to reiterate what Senator MURPHY said about Mr. CORNYN, the Senator from Texas. He played a key role in developing parts of the legislation that came through the Judiciary Committee and he, like Senator MURPHY and Senator CASSIDY, had to negotiate a few landmines in order for the bill to be considered and included as it has been. I want to pay my respects to Senator CORNYN and thank him for his leadership on the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

EMERGENCY CARE FAIRNESS BILL

Mr. ROUNDS. Mr. President, let me begin by thanking my colleagues who are here today, the Senator from Tennessee, the Senator from Louisiana, and the Senator from Connecticut, for the hard work they are doing to create new legislation that will improve the health care of Americans in the future, but I come today as well to speak about legislation which has already passed that was designed to improve the health care of veterans across the entire United States.

I come to speak in favor and in support of the Emergency Care Fairness Act of 2009, which recently has come under attack by the VA and legislation introduced on this floor. In 2009, the 111th Congress passed the Emergency Care Fairness Act to fix a very big loophole in the law which hurt our Nation's veterans. Prior to 2009, the VA was not authorized to cover any costs of emergency room care at non-VA facilities for veterans who were covered by any type of third-party insurance. That meant that if a veteran had a limited insurance policy that covered even $1 of an emergency room bill, the VA would not pay a dime to cover costs that were not paid for by their insurance. Meanwhile, if a veteran had no insurance and was rushed to the emergency room, the VA was authorized to cover all of his or her costs. Clearly, this made no sense. Under the system,

the VA penalized veterans for owning third-party insurance, particularly Medicare.

Leaders in both the House and the Senate got to work to fix this issue and introduced bills in both Chambers of Congress to allow the VA to pay the remaining balance of emergency care after a veteran's third-party insurance was applied. This made good common sense. At the time, the chairman of the Senate Veterans' Affairs Committee, Senator Daniel Akaka of Hawaii, stated the following on this very floor: ''The bill I am introducing would amend current law so that a veteran who had outside insurance would be eligible for reimbursement in the event that any outside insurance does not cover the full amount of the emergency care.''

Mr. President, congressional intent does not get any clearer than that.

While the Emergency Care Fairness Act was being considered in committee, the VA is on the record as having supported the intent of the bill. Everything was going according to plan and the President signed the bill into law in February of 2010. The problem arose when after the law was passed, the VA implemented a new regulation which continued to deny veterans' legitimate emergency room claims. Despite having previously supported the Emergency Care Fairness Act, the VA reversed course and elected not to comply. This went on for 6 years, and hundreds of thousands of veterans had their emergency room claims denied by the VA.

It was not until a veteran from Minnesota named Richard Staab had a heart attack in 2015 that the VA's illegal regulation was challenged in court. Mr. Staab was rushed to the emergency room following his heart attack and accrued $48,000 in medical expenses. Because he carried limited Medicare insurance, the VA denied his claim for reimbursement, as it had done for so many veterans, even though his Medicare didn't come close to covering the cost of his treatment.

Mr. Staab sued the VA, and in April of this year, his case was heard by the U.S. Court of Appeals for Veterans Claims. After hearing the case, the court unanimously ruled in Mr. Staab's favor and ruled that the VA was in violation of the law by denying his claim and specifically ruled that the VA's regulation was in violation of congressional intent of the Emergency Care Fairness Act.

Part of the Court's ruling stated: ''Therefore, it is clear from the plain language of the statute that Congress intended the VA to reimburse a veteran for that portion of expenses not covered by a health plan contract.''

This was a huge win for veterans.

Unfortunately, today the VA has appealed the decision of the U.S. Circuit Court of Appeals. This is an egregious dereliction of duty and a clear effort to avoid complying with the original intent of Congress back in 2009. Just since the VA's appeal of the ruling, over 100,000 veterans' claims have been put in a pending status. That equates to thousands upon thousands of veterans who are waiting for the VA to help them pay their bills.

It is a fact that those most affected by the VA's noncompliance with the Emergency Care Fairness Act are elderly veterans, many of whom are living on fixed incomes and have limited resources to pay medical bills. Often these veterans find themselves dealing with collection agencies as a result of emergency care received in their communities. In an era where we know that more than 20 veterans commit suicide every day, with 65 percent of those veterans aged 50 years or older, this is unacceptable.

I want to tell a short story about a constituent of mine who was a veteran that was supposed to be covered by the Emergency Care Fairness Act. His name is Mr. Alfred Dymock. Mr. Dymock is 90 years old, and he served in the Army Air Corps during the Korean war. He flew over 100 combat missions during the war and earned a Bronze Star and Distinguished Flying Cross for his heroic service. Mr. Dymock receives all his medical care at the VA as a disabled veteran but also carries his Medicare Part A, as does nearly every American over the age of 65.

During a 1-month span earlier this year, Mr. Dymock collapsed twice in the middle of the night while he was in the bathroom. One time he hit his head and was bleeding. Because his 85-year-old wife was unable to pick him up, she appropriately called 911 each time. In both instances, the ambulance took him to Rapid City Regional Hospital, even though he requested to go to the Fort Meade VA hospital, the VA facility where he normally receives all of his care. The paramedics did not want to take him on the 25-mile drive to Fort Meade because they feared he was having a heart attack and may not survive even in that short of a drive. As a result of these two incidents, Mr. Dymock's emergency room bills totaled over $44,000.

After Medicare Part A paid its share, Mr. Dymock still owes Rapid City Regional nearly $10,000. The VA has denied Mr. Dymock's claims to cover this amount because he, like nearly every other American, is eligible for Medicare Part A.

The Dymocks do not own a home. They live in an apartment. They live solely on their Social Security and on Mr. Dymock's VA disability payments. If the VA continues to deny his claims, the Dymocks have no ability to pay these medical bills.

Today, Mr. Dymock is in hospice care with Stage 4 kidney disease and liver disease. His daughter writes to me that even as frail and ill as Mr. Dymock is, he wants to know before he dies that his bills are covered so he can have peace.

It was veterans like Mr. Dymock in Rapid City, SD, that Congress intended to help when it passed the Emergency Care Fairness Act in 2009. Today I call on the VA to drop their appeal of the court's ruling and begin writing new regulations that comply with the law as Congress intended to properly reimburse our veterans for their emergency room care.

I fully understand there is a cost associated with this course of action. Taking care of our veterans and complying with the law in this case is not a cost issue. I believe it is a moral issue, and in this case, it is also a legal issue. Complying with the intent of the Emergency Care Fairness Act is also simply the right thing to do.

Should the VA agree, I stand ready to support them in their efforts to take care of our veterans and to give them medical care which they need, both from the VA and in the private sector.

While we certainly have a long way to go to fix VA health care, I fully believe that implementing the Emergency Care Fairness Act as it was intended is a step in the right direction. I look forward to working with the Secretary of the VA and my colleagues on the Senate Veterans' Affairs Committee on a broad range of initiatives that continue to improve health care for our veterans.

It is my goal to keep our veterans at the center of all we do. I urge my colleagues to join me in standing up for our veterans in supporting the Emergency Care Fairness Act of 2009.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

21ST CENTURY CURES BILL

Mr. ISAKSON. Mr. President, first of all, I commend the Senator from North Dakota who is a Member of the Veterans' Affairs Committee for his diligent efforts, his thoughtful words, and all he does for veterans on the Health, Education, Labor, and Pensions Committee, and I appreciate what he said and support his efforts.

As a 71-year-old citizen of this country, one who has been in business, has been fortunate to be married 49 years to a wonderful woman and raised a family, one who has been in public life for 40 years, you learn that there are three kinds of people in the world: those who make things happen, those who watch things happen, and those who wonder what the hell is happening.

We have the chairman of the Health, Education, Labor, and Pensions Committee, Senator LAMAR ALEXANDER, who is one of those people who makes things happen. What we are going to do on the Cures bill in this body next week is nothing short of remarkable, but it is an example of somebody who cares and is ready to do the hard work that legislating can bring about.

It is a bill that incorporates many of the provisions of this administration and Members of this Senate, things that have been worked on for years and

things that will save and improve lives in America.

For me, it is personal for two or three reasons. One reason is the pediatric rare disease provision. In 2005 I met a young lady named Alexa Rohrbach. Alexa was 5 years old when I met her. She came to lobby me about finding cures for incurable diseases and incurable cancers. She had a cancer called neuroblastoma. She won my heart over. I have her picture in my office. I had dinner with her parents 2 weeks ago in Atlanta at the Rally Foundation annual dinner.

Alexa got her angel wings 2 years ago and is in Heaven looking down today, but I am testifying on Alexa's behalf that the more we can do to accelerate research and development for cures of rare diseases, the more we can make the lives of people happy and long, rather than short and sad. Alexa Rohrbach was an inspiration to me, and I speak today for the 21st Century Cures bill, in part, because of Alexa Rohrbach because if this bill had been in place before I met her in person, she would have been saved from the rare disease she had. We would not have to talk about her in the past tense but only in the present.

The second reason is, there are things I worked on for a long time that are coming to full fruition. One of the measures is home infusion. I have a wonderful son named Kevin, who was almost killed in an automobile accident when he was 18 years old in 1989.

Kevin got a bad leg infection. He had the bottom part of his leg blown off and lost a lot of the bone, and they had to put a lot of replacements in, a lot of metal rods. He had to lie in a hospital bed with antibiotics running through his system to keep his bone marrow from getting infected.

When he came home, for the next 6 months he had to be administered antibiotics daily. My wife and I administered those through home infusion. He was able to recover from this disease at home, in his own bed, with his own parents attending to him. Under the law today, for home infusion to be reimbursable, it is only reimbursable if you are in the doctor's office or if you are in the hospital. If you are doing it at home with visiting nurses or any other way, you can't do it.

What costs more, a hospital or home visit? Obviously, a hospital. This bill provides a way for us to find a way forward to reimburse home infusions at home. It is the safest, best, most efficient, and least expensive way to deliver home infusions, incentivized by the 21st Century Cures bill.

We also know that neurological diseases such as Parkinson's, MS, and Alzheimer's are more prevalent than ever before. They are the No. 1 disease for people my age and the generations to follow. This bill creates a neurological disease registry of all these diseases which have common characteristics to help the CDC in early diagnosis and early treatment. I, as one who suffers from one of those diseases, can tell you the more you learn from one you can tell about another.

I commend Senator ALEXANDER in his efforts to bring that forward so we have a neurological disease registry that works, that we have an expedited review process for drugs of rare cancers in children, and so we do the things we need to do to cure the bad diseases of the 20th century so the lives of the people in the 21st century are better.

Chairman ALEXANDER is a unique individual. He is a former college president, a U.S. Senator, candidate for president of a university, and a great chairman of the Health, Education, Labor, and Pensions Committee. If we pass this bill as a trademark to him next week, it will be, in large measure, because of his belief that if you give everybody a chance to be a part of the same thing, whether Republican or Democrat, rich or poor, northerner or southerner, they will work together to do the right thing for the American people. Senator LAMAR ALEXANDER deserves our credit, deserves our appreciation, and I thank him for allowing me as a member of the committee to have the chance to work on the 21st Century Cures legislation.

REMEMBERING CARL W. KNOBLOCH, JR.

Mr. ISAKSON. Mr. President, I wish to pay tribute to a great American and a great Georgian who passed away last week in Atlanta, GA. The cities of Wilson, WY, and Atlanta, GA, lost a great citizen last week, America lost a great patriot, and philanthropy lost one of its greatest contributors.

Carl Knobloch passed away last Friday. Carl was a personal friend of mine and a unique individual and a unique inspiration to me and many others. He was a gentleman who went to the Hill School, then went to Harvard, and then went to Yale. He was a leading intercollegiate fencer and won an international medal for his intercollegiate fencing ability.

He went into business using everything he learned as a Baker Scholar at Yale University. He went into business. His first business was a drive-in theater in Zimbabwe. His second business was an oil and gas business in Africa. He then went on to build businesses all over the United States of America dealing with natural resources, dealing with gas and oil. He was a specialist in taking companies that were failing and turning them around and making them profitable. Do you know how he did it? He believed that everybody who had helped him succeed ought to have equity in the projects he succeeded in, so he made people who owned failing companies that he took over equity partners so that when he turned the company around, they profited from the work they put in to save the company. That is a great leader of business.

He also was a great subscriber to Theodore Roosevelt's great statement, which he made as President of the United States, which I want to read verbatim:

> The nation behaves well if it treats the natural resources as assets, which it must turn over to the next generation.

Therefore, a great American businessman, Carl Knobloch, formed the Knobloch Family Foundation to take much of his wealth and much of the wealth he gained and direct it toward saving the natural resources of the United States of America. Whether it was our wildlife, whether it was our land, whether it was our oceans, whether it was our plains, or whether it was our beach fronts, whatever it was, where he could save and conserve our assets, he did. He put most of his lifelong earnings into that.

He and his beautiful wife Emily were great friends of my family. Emily will miss him dearly, as I will miss him.

I know America is a better country today because of Carl Knobloch. The environment is safer in America because of Carl Knobloch. The United States of America has lost a great patriot and a great friend.

I pay tribute to my friend Carl Knobloch of Wilson, WY, and Atlanta, GA.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GARDNER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDING THE JUSTICE AGAINST SPONSORS OF TERRORISM BILL

Mr. GRAHAM. Mr. President, I would like to address the body for just a moment. Senator MCCAIN is on his way. We are talking about a problem we are trying to solve that is an important problem for our Nation as a whole and I think eventually for all of those who serve our Nation abroad.

Recently, we passed a bill 99 to 1—I cannot remember the number—that would allow victims of the 9/11 attack to bring a lawsuit under a claims act basically against a foreign entity, a government, for any complicity they may have had in the 9/11 attack.

I just want people to understand that basically here is the deal: Sovereign immunity exists for us. It exists for sovereign governments, but it is waived. If you get hurt by a Federal Government employee, even though sovereign immunity is available to the U.S. Government, we have a Federal Tort Claims Act, and you can bring a claim if somebody—if a postal truck hits you, you can bring a claim under the Federal Tort Claims Act. We waive sovereign immunity in limited circumstances. The same is true if you are in New York or Washington and someone driving a car, working for a

foreign government, hits you. You can actually bring a lawsuit. If there is a tort committed against you or your family by a foreign entity, just as long as the people are within the scope of their employment, you can sue.

What about terrorism? We are not talking about car wrecks. We are not talking about slip-and-falls. We are talking about something that nobody really thought of when they created the exception to foreign immunity; that is, an act of terror.

So here is where Senator MCCAIN and I come out. We want 9/11 families and other people who may be victims of state-sponsored terrorism to have the ability to take the perpetrator to court. What we don't want is our government or any other government sued for a discretionary planning function, an exercise of sovereignty in the normal course of business.

Let me tell you why this is important. We are using drones all over the world to go after terrorists. We went inside Pakistan to kill bin Laden. Sometimes these drone attacks are designed to kill terrorists and unfortunately civilians are injured and sometimes killed. The United States is not intentionally trying to kill these civilians. We are not joining with a terrorist organization to kill innocent people. We are actually exercising national security discretion. You don't want countries that are involved in making political decisions to defend themselves to be exposed in court.

So what we have done to amend the law that was passed overwhelmingly is to create a caveat to the law. You can sue a foreign state for tortious acts, but when it comes to terrorism, when a terrorist entity takes innocent lives, the only time you can sue that country is if the foreign state knowingly engaged in the financing or sponsorship of terrorism, whether directly or indirectly. Why is that important? That protects us as we go throughout the world trying to kill terrorists who are trying to kill us all, and sometimes we hit innocent people. It protects the United States in its efforts to defend itself in a very dangerous world. We don't want to be sued under those circumstances. We try to do right by innocent people, but we don't want to expose the Federal Government or its employees to being hauled into foreign courts or international tribunals to be accused of war crimes.

So we are trying to work with Senator SCHUMER and Senator CORNYN, who deserve a lot of credit for trying to help the 9/11 families. Here is what we are asking: We are asking that we put a caveat to the law that just passed, saying that you can bring a lawsuit, but if you are suing based on a discretionary function of a government to form an alliance with somebody or to make a military decision or a political decision, the only time that government is liable is if they knowingly engage with a terrorist organization directly or indirectly, including financing. I am OK with that because our country is not going to fall in league with terrorists and finance them to hurt other people.

If we don't make this change, here is what I fear: that other countries will pass laws like this. They will say that the United States is liable for engaging in drone attacks or other activity in the War on Terror and haul us into court as a nation and haul the people to whom we give the responsibility to defend the Nation into foreign court.

The fix is not the following: The statutes say that military members and CIA officers and other people cannot ever be sued or held liable. That won't work. I don't want any nation state, including ours, to be sued for a discretionary act unless that discretionary act encompasses knowingly engaging in the financing or sponsorship of terrorism, whether directly or indirectly.

You can not fix this problem without making this change. Here is the problem: Every time a drone is launched, every time Americans go in harm's way, every time a diplomatic engages in activity abroad, we are subjecting them and our Nation to lawsuits, potential imprisonment. We need to fix this because if we don't fix this, it will come back to haunt us.

So the right to sue exists, but when it comes to a discretionary act, such as launching a drone, the only way a country can be sued when terrorism is involved is if you can prove the country knowingly engaged in supporting that terrorist network directly or indirectly. That fixes the problem we face as a nation. That would send a signal to the world that we are not opening a Pandora's box. It would allow the 9/11 families to move forward, but their burden would have to be that any government they sued knowingly engaged in activity with a terrorist who launched 9/11. I think this is the right compromise. If we don't change the law along the lines I have just indicated, we are going to create a new class of victims—those who serve on foreign shores under the banner of the United States—and that is not helping the 9/11 families.

I hope that these negotiations will bear fruit and that we can get this fixed this year. If not, next year Senator MCCAIN and I will introduce legislation along the lines I have described. We are not going to stop until we have this problem fixed because it is a real problem for people serving the United States in real time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from South Carolina.

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

Mr. MCCAIN. My friend is correct. He and I were both Members of this body the day the 9/11 attacks took place as we fled the Capitol and watched the Pentagon. Of course, none of us will ever forget the horror and terror of that day, nor will we ever stint in our commitment to making sure the families of those who sacrificed their lives and were wantonly murdered on that terrible day are adequately compensated in every possible way for the tragedy—and we can never fully repay them. But it is a reality. None of us will ever forget it. But that does not mean, that cannot mean that we would endorse legislation that would hold the government of a nation responsible for an act that was committed from that country.

We know that today as we speak, in Iraq, in Mosul, there are weapons factories. There are chemical weapons factories designed to attack different places in the world.

I would ask my friend, if there is an attack from Mosul and lives are lost, and of course the government of Iraq doesn't know anything about it, is the government of Iraq now liable, held responsible for the actions of terrorists within their country without them knowing that those activities are taking place?

Unfortunately, there are terrorist organizations in many nations throughout the world, as Al Qaeda has metastasized and terrorism has spread throughout the regions. Acts of terror are committed and innocent people are killed every single day. Does that mean the governments of those countries are to be held responsible? Obviously, I think the answer is no.

What we are doing with this well intentioned legislation, which all of us are supportive of—but what we do not intend and should not intend is to hold a foreign government responsible for actions that were taken by a terrorist or terrorist organizations. We know that some of those who committed the attacks of 9/11 were Saudi citizens, but that does not then necessarily mean the Saudi Government is responsible for the actions of terrorists. Unfortunately, this legislation does not define that. That is why it is so important.

There are several aspects of this legislation that need to be fixed, but the most important aspect is the phrase that says that this nation has to ''knowingly'' assist a terrorist group. If you can prove that any government was behind a terrorist attack of the United States of America, that government, that nation, should be held responsible. Those who are injured or harmed should be compensated in every possible way, but to hold a nation's government responsible for acts of terror that were taken by individuals or organizations within that country, without them even knowing about it, then that opens a Pandora's box of incredible proportions.

For example, is the Government of Saudi Arabia responsible for the acts that took place on 9/11? Is the government of other Middle Eastern citizens from other Middle Eastern nations? For example, are organizations that exist within—again, I use Iraq and

other countries where terrorist organizations exist, and there are many. Libya is another example.

The Government of Libya is not responsible for acts of terror committed by terrorist organizations that exist and are functioning today within Libya.

All the Senator from South Carolina and I are saying is, we do not in any way want to prevent the families, loved ones, and those who have suffered so much agony and pain over this horrendous and horrific attack that took place on 9/11—in fact, I am proud of our record of support of everything we could possibly do for those families, but we are going to invoke the law of unintended consequences.

For example, if we are going to sue—if a nation that has significant investments in the United States of America, whether it be in the stock market or other investments, and that country knows it is going to be sued and possibly have its assets frozen, any thinking government is going to withdraw those assets so they cannot be frozen as the court proceedings go on. That is just a small example.

The other example is our Middle Eastern friends doubt us. They doubt us because when the redline was crossed and we said we would act, we didn't. They doubt us when we see the rise of terrorist organizations, Al Qaeda, ISIS, and their spread. They doubt our commitment. If they believe that because of the actions of an organization or citizens from within their country they are going to be brought to court, prosecuted, sued for damages and held liable, obviously, I think their course of action would be to withdraw.

We don't want our friends to withdraw from the United States of America nor do we want to see long, drawn-out legal cases which, frankly, don't benefit them nearly as much as the trial lawyers.

The changes that Senator GRAHAM and I are proposing are modest. Logically, I think you should not pursue or prosecute a government that did not knowingly—the word isn't ''abetted'' or ''orchestrated''—but knowingly stand by and assist a terrorist group. They shouldn't be dragged into our courts. If we don't fix it, our ability to defend ourselves would be undermined.

I just wish to emphasize one point the Senator from South Carolina made. We have had drone strikes in many countries in the world. Pakistan is another example. All of us have supported the efforts, many of them successful, in destroying those leaders who were responsible for the deaths of American servicemen and servicewomen. It is a weapon in the war against terror, but sometimes, as in war, mistakes were made and innocent civilians were killed along with those terrorists. Does that mean the United States of America, the government, is now liable? I am afraid that some in the tort profession would view this as an opening to bring suits against the United States of America. In fact, we are already hearing that is being contemplated in some places.

I hope Senator SCHUMER and Senator CORNYN will look at these concerns that we and our friends have, especially in the Middle East, and make these very modest modifications, which are modest in nature but of the most significant impact.

Mr. GRAHAM. If I could add to what Senator MCCAIN said, the language we are talking about putting back into the statute was originally there. Somebody took the discretionary function language out of the original bill. I guess a lot of them missed it. The more you think about what we are trying to do, we are trying to make sure foreign governments that intentionally engage in acts of terrorism are held liable at every level in the courts, the courts of public opinion, and could suffer reprisals from the United States.

Let's go back to Libya, the Lockerbie bombing. It is clear to me, the Libyan Government orchestrated the downing of that aircraft. Over time, evidence was developed and lawsuits were brought. I think Qadhafi's people did that.

Right now Libya is just a mess. Whatever government they have cannot be held responsible for what ISIL is doing in Libya, unless they knowingly engage in the financing and sponsorship of terrorism.

Here is the point. We are supporting the YPG Kurds in Syria to help destroy ISIL. They are a Kurdish group who are sort of the ideological cousins to the PKK inside Turkey who are defined by Turkey and most everybody else as a terrorist organization. With some reservations, I support trying to get the YPG Kurds to help us destroy ISIL, but I don't want that help to expose us if, for some reason, unbeknownst to us, they fall in league with the PKK and attack somebody in Turkey.

We didn't knowingly do that. We are trying to sign them up, a discretionary function, to get allies to go after ISIL. I don't want to be responsible for anything they may do in the future unless we were knowingly part of it.

This is what I will tell Senators SCHUMER and CORNYN. I appreciate what you have done on behalf of 9/11 families. This was the original language that I think needs to be put in because here is where we stand right now. As a nation, we are opening ourselves to lawsuits all over the world. It will be not enough in this statute to exempt soldiers and CIA operatives because down the road another country may not do that. Once you expose yourself to liability, who can be sued is in the hands of another country.

What I want to do is let the United States be clear in two areas. To any country that engages in acts of terror against us, we are coming after you—not just through the courts but hopefully militarily. To our allies and people around the world who are having to make hard decisions, such as Saudi Arabia and Yemen, trying to form alliances to deal with Houthis sponsored by Iran, we don't want to open Pandora's box, that when a country has to make alliances with people—such as we are doing with the Kurds—that we own everything they do. It has to be for a liability, to attach ''knowing.''

In the case of 9/11, if the Saudi Arabian Government knowingly engaged in the financing or sponsorship of terrorism, whether directly or indirectly, they could be held liable under the law we just passed—if you adopt our language. Without our language, there is no ''knowing'' requirement. That is not fair to them, it is not smart for us, and we need to get this fixed while we still have time because as I speak, people are engaged in combat, diplomacy, and the dark art of espionage all over the world.

If we don't fix this, we are going to create a new class of victims. We are going to put people at risk of being captured, killed, tortured, and imprisoned abroad. That doesn't help the 9/11 families.

The war started there. It is still very much going on. As we try to make sure that we look backward to address the wrongs of the past and help the 9/11 families, which we should, we also owe it to those who are in the fight today not to unnecessarily expose them.

If you want allies—which we desperately need—we need to think long and hard about the exposure they have here at home because we could be in the same boat over there.

All we are saying to any ally of the United States is, you can't be sued in the United States for an act of terrorism unless you knowingly were involved, and the same applies to us in your country.

Because it could be interpreted that someone from that country or someone in that country committed an act of terror, therefore, the government of that country is held responsible. That is not right. That is not what this should be all about. Certainly, there are a number of government sponsors of terrorism, but the people who are affected by—the governments that are affected by this legislation are also not worthy, or not necessarily, and certainly they will react in a rather negative fashion. We will be opening a Pandora's box, which we will have to close with great difficulty and certainly with great regret.

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.

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

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

TRIBUTE TO ADMIRAL CECIL D. HANEY

Mrs. FISCHER. Mr. President, I rise today to recognize ADM Cecil D. Haney

at the conclusion of his tenure as commander of U.S. Strategic Command and on his upcoming retirement from the U.S. Navy.

Admiral Haney has been an exemplary officer, and he has been an outstanding leader. Over the course of his 38-year career in the Navy, he has made countless sacrifices for our country. I commend his service and the sacrifices of his family, including his wife Bonny, his daughter Elizabeth, and his two sons, Thomas and Joey. I express our great appreciation for his leadership and devotion to our Nation's security.

I first met Admiral Haney in 2013, when he was nominated to succeed General Kehler as the commander of STRATCOM. Over the past 3 years, it has been my great pleasure to work with him, and I am grateful for his wise counsel and his firm resolve to always do what is best for our Nation and for the men and women he leads.

Secretary Carter has pointed out on many occasions that our nuclear forces remain the bedrock of our Nation's security, and as the commander of U.S. Strategic Command, Admiral Haney spent the last 3 years ensuring that this bedrock remained strong. Every day our Nation relies on its nuclear forces to deter strategic attack on the United States and our allies. Admiral Haney has ably led the forces that comprise our nuclear deterrent as they perform this highest priority mission.

He has also been a strong advocate for the modernization of our aging nuclear infrastructure—no small task in a time of capped budgets. His ability to work closely with Members of Congress and his clear-eyed assessments—such as the statement he delivered to the Committee on Armed Services last year that ''there is no margin to absorb risk'' in our plans to modernize our nuclear enterprise—have helped maintain congressional consensus on the importance of following through with those modernization commitments.

Admiral Haney has also shown strong leadership and provided valuable advocacy with respect to the other capabilities for which the command is responsible. For example, he led the effort to establish the Joint Interagency Combined Space Operations Center, which will become a crucial command and control node, ensuring our Nation has the ability to protect and defend critical national space infrastructure.

Admiral Haney's selection as commander of the U.S. Strategic Command was a fitting capstone to a career of service that never strayed far from the nuclear mission. He began his career in 1978 as a distinguished graduate from the U.S. Naval Academy. Rising quickly through the Navy, he went on to command the USS *Honolulu*, Submarine Squadron 1, Submarine Group 2, and to become the director of the Submarine Warfare Division and the Naval Warfare Integration Group. In 2010, he became the deputy commander of U.S. Strategic Command, after which he served as commander of the U.S. Pacific Fleet.

In each role, Admiral Haney has set a strong example for those under his command by faithfully discharging his duties with professionalism and dedication.

With nearly four decades of dedicated service to our Nation, Admiral Haney deserves our most heartfelt gratitude and praise. So I thank the admiral and wish him the best and also the best to his family.

I yield the floor.

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

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

CASTRO REGIME

Mr. CRUZ. Mr. President, it was Armando Valladares, a Cuban dissident and poet who was imprisoned for 22 years under the Castro regime, who so powerfully observed in his memoir:

> My response to those who still try to justify Castro's tyranny with the excuse that he has built schools and hospitals is this: Stalin, Hitler and Pinochet also built schools and hospitals, and like Castro, they also tortured and assassinated opponents. They built concentration and extermination camps and eradicated all liberties, committing the worst crimes against humanity.

This week we witnessed a powerful moment for people all across the country and especially for Cuban-Americans like myself. Cuba's longtime oppressive dictator Fidel Castro is dead. Let me be absolutely clear. We are not mourning the death of some revolutionary romantic or a distinguished statesman. We are not grieving for the protector of peace or a judicious steward of his people. Today we are thankful. We are thankful that a man who has imprisoned and tortured and degraded the lives of so many is no longer with us. He has departed for warmer climes.

This brutal dictator is dead, and I would like to pay tribute to the millions who have suffered at the hands of the Castro regime. We remember them, and we honor the brave souls who fought the lonely fight against the totalitarian Communist dictatorship imposed on Cuba. Yet, at the same time, it seems the race is on to see which world leader can most fulsomely praise Fidel Castro's legacy while delicately averting their eyes from his less than savory characteristics. Two duly-elected leaders of democracies who should know better, Canadian Prime Minister Justin Trudeau and American President Barack Obama, have been leading the way.

Mr. Trudeau praised Castro as a ''larger than life leader who served his people for almost half a century'' and ''a legendary revolutionary and orator, [who] made significant improvements to the education and healthcare of his island nation.'' Tell that to the people in the prisons. Tell that to the people who have been tortured and murdered by Fidel Castro.

Mr. Obama likewise offered his ''condolences'' to the Cuban people and blandly suggested that ''history will record and judge the enormous impact of this singular figure.'' Now, he added, we can ''look to the future.''

What is it about young leftists, what is it about young Socialists that they idolize Communist dictators who torture and murder people? Fidel Castro and Che Guevara and all of their goons were not these sexy, unshaven revolutionaries on posters in college dorm rooms that make leftists go all tingly inside; they were brutal monsters, and we should always remember their victims.

Earlier this week, I publicly called that no U.S. Government official should attend Castro's funeral unless and until his brother Raul releases the political prisoners—first and foremost, those who have been detained just since Fidel's death. Unfortunately, in this administration, my call went unheeded. Two high-level U.S. Government officials attended Fidel's memorial service yesterday. This unofficial delegation included Ben Rhodes, assistant to the President, National Security Advisor for Strategic Communications, and Jeffrey DeLaurentis, the top U.S. diplomat in Cuba.

Yesterday, when asked about a U.S. presence for the memorial service, White House Press Secretary Josh Earnest said, ''We believe that this was an appropriate way for the United States to show our commitment to an ongoing future-oriented relationship with the Cuban people'' and that ''this is an appropriate way to show respect, to participate in the events that are planned for this evening, while also acknowledging some of the differences that remain between our two countries.'' I am afraid I must ask Mr. Earnest whether any of these ''differences'' were publicly acknowledged while Rhodes and DeLaurentis were commemorating the legacy of Fidel Castro. How exactly do you commemorate it—cheers to the tyrant? I suspect that those ''differences'' were not mentioned in the funeral pamphlet. Mr. Earnest also claimed last night: ''Certainly no one from the White House and no other delegations will be sent to Cuba to participate in any of the other events.''

Well, that is comforting. Let's hold him to those words. My hope and prayers are that these officials do not attend the funeral. Although I must say, it is quite convenient that Rhodes had a preplanned trip to Cuba this week. Earnest remarked that ''Mr. Rhodes has played a leading role in crafting the normalization policy that President Obama announced about two years ago'' and ''he has been the principal interlocutor with the Cuban government from the White House in

crafting this policy and implementing it successfully.''

I suppose it is appropriate that the Federal Government official who played an integral role in allowing billions of dollars to flow to Cuba—to flow directly to Raul and Fidel Castro—be there to commemorate Fidel's death. It is billions of dollars that have gone to strengthen the repressive machinery, to strengthen the regime. If a U.S. company or a European company wants to hire a Cuban worker, they can't do it. It is against the law.

It is unlike many other countries. It is unlike China or other places where you can hire a local worker. Instead, you must hire the government. There is one and only one person you can hire. The foreign companies pay the Cuban Government, and the Cuban Government, in its benevolence, keeps 93 cents of every dollar and pays the Cuban workers 7 cents out of every dollar.

Ninety-three cents of every dollar of the billions that Barack Obama has funneled to Castro has gone to the government of Raul Castro and Fidel Castro to fund the secret police, to fund the prisons, and to fund the torture, while our diplomatic brigade pat themselves on the back as to what enlightened diplomats they are.

The life and legacy of Fidel Castro is no cause for celebration or commemoration. His contributions consist of a ruined country and a broken people. Cuba is almost like the land that time forgot. You can go and see cars from the 1950s—meticulously maintained, held together almost with rubber bands and chewing gum. It is not that the citizens there have a fondness for antiquities. It is that the repressive communist economy has trapped them, has mired them in poverty where 1950s cars are all they have, and where the last 60 years didn't happen, other than the jackboot of the oppressive police state.

I will point out that on this issue I am not a disinterested observer. My own family's experience has been acute. My father, born and raised in Cuba, fought in the Revolution. He initially believed in the principles of freedom that he thought the Revolution was about. He fought against Batista, a cruel dictator, and was tortured and imprisoned by Batista's police state.

Then my aunt, Tia Sonia, who is younger than my father, stayed and was there after the Revolution occurred and suddenly discovered the Revolution was based on a lie. The kids who thought they were fighting for freedom discovered instead an even worse tyrant than that who preceded him—a communist dictator who would line up dissidents and shoot them.

My Tia Sonia participated in the counterrevolution. She fought against the Castro tyranny. I will tell you, when she was a high school girl, she and her two best friends were arrested, were thrown into prison by the Castro regime, and, like her brother, she faced terrible treatment in a Cuban prison. What they did in Cuban jails to teenage girls should not happen to anyone.

This is the legendary figure that Trudeau and Obama celebrate. The night that the news broke that Castro had died, I received a text from my cousin Bibi—my Tia Sonia's daughter and someone whom I grow up with like a sister. Bibi texted me. She said: Fidel Castro is dead. I am glad that I was able to make that call to let my mother know.

I image when Bibi called my Tia Sonia it was an extraordinary moment. My aunt was asleep at the time. Bibi sent me a second text. I couldn't help to think about all the conversations at the dinner table with my grandparents about the day that Castro dies. Texts just like that millions of people sent all over the world, especially in the Cuban-American community. People had dreamed for years, for decades about the day this tyrant would die and face eternal judgment.

The betrayal, brutality, and the violence experienced by my father and by my aunt were all too typical of the millions of Cubans who have suffered under the Castro regime over the last six decades. This is not the stuff of Cold War history that would be swept under the rug simply because Fidel is dead.

Consider, for example, the dissidents Guillermo Farinas and Elizardo Sanchez, who came to the United States. I had the opportunity to sit down and visit with them and interview them both. They warned me in the summer of 2013 that the Castros, then on the ropes of the reduction of Venezuelan patronage, were plotting to cement their hold on power by pretending to liberalize in order to get the American economic embargo lifted. Their motto was Vladimir Putin's motto—his consolidation of power in Russia, which Sanchez called ''Putinismo.''

Their plan was to get the United States to pay for it. Sadly, it worked. The year, after I met with Farinas and Sanchez, Mr. Obama announced his famous ''thaw'' with the Castros, and the American dollars started flowing. As we know now, there was no corresponding political liberalization—simply, American dollars funding a brutal dictatorship. Last September, Mr. Farinas concluded his 25th hunger strike against the Castros' oppression.

Then there is the case of prominent dissident Oswaldo Paya, who died in 2012 in a car crash that is widely believed to have been orchestrated by the Castro regime. His daughter, Rosa Maria, has pressed relentlessly for answers on her father's apparent murder, and, thus, she has become a target herself. Just 3 years after her father's death, the Obama administration honored the Castros with a new embassy in Washington, DC, and at the launch of that embassy, Rosa Maria tried to attend the State Department press conference as an accredited journalist. She was spotted by the Cuban delegation, who demanded that she be removed if she dared to ask any questions. The Americans complied, in an act of thuggery more typical with Havana than Washington.

What does it say of John Kerry and the State Department? What does it say of the Obama administration when a communist tyrant or their police force says: There is a dissident, a journalist who might ask inconvenient questions; will you silence her and muzzle her? And the response from the Obama administration is only too happy to comply—no inconvenient questions about the apparent murder of your father. We have different priorities.

Last summer I had the honor to meet with Dr. Oscar Biscet, an early truth teller about the disgusting practice of postbirth abortions. I want you to think about that concept for a second—postbirth abortions, otherwise known as the murder of infants, which are far too widespread in Cuba. Dr. Biscet has been repeatedly jailed and tortured for his fearless opposition to the Castros.

I asked him, as I had Mr. Farinas and Mr. Sanchez, whether his ability to travel signaled a growing freedom on the island? He answered—just as they had 3 years earlier: No. In fact, he said, the repression had grown worse since the so-called thaw.

Didn't we realize, he asked me, that all those American dollars were flowing to the Castros' pockets and funding the next generation of their police state? That is the true legacy of Fidel Castro—that he was able to institutionalize his dictatorship so that it would survive him.

Fidel Castro's death cannot bring back the thousands of victims, nor can it bring lasting comfort to their families. For 60 years, Fidel Castro systematically exploited and oppressed the people of Cuba, and now that tyrannical reign has fallen to his brother Raul, every bit as vicious as Fidel was.

I was with my father shortly after he found out the news that Fidel Castro was dead. I asked my dad: What do you think happens now? My father shrugged and said sadly: Not much of anything. Raul has been in charge for years now. The system has gotten stronger.

What Obama has done in funneling billions of dollars to the Castros has strengthened tyranny just 90 miles from our shores. Those billions—those American dollars—are being used to oppress dissidents. In 2016 roughly 10,000 political arrests occurred in Cuba. That is five times as many as occurred in 2010. What does it say about President Obama's foreign policy that under him political arrests have increased to 500 percent where they were just 5 years ago? This tyrannical regime has gotten stronger because of a weak President and a weak foreign policy.

There is a real danger that we will now fall into a trap of thinking that Fidel's death represents material change in Cuba. It does not. The moment to exert maximum pressure

would have been 8 years ago, when Fidel's failing health forced him to pass control to his brother Raul. Rather than leverage the transition in our favor, the Obama administration decided to start negotiations with Raul in the mistaken belief that he would prove more reasonable than his brother. It is an unfortunate pattern that this administration has repeated with Kim Jong Un, Hasan Ruhani, and Nicolas Maduro. They don't seem to learn the lesson about the brutality of tyrants. The administration lifted the embargo that had been exerting economic pressure and having real meaningful effect.

Efforts to be diplomatically polite about Fidel's death suggest the administration still hopes that Raul can be brought around. All historical evidence points to the opposite conclusion. Raul is not a different Castro. He is his brother's chosen successor, who has spent the last 8 years implementing his dynastic plan. Unlike Cuba, however, the United States has an actual democracy, and our recent election suggests there is significant resistance among the American people to the Obama administration's pattern of appeasement and weakness toward hostile dictators. We can, we should, and we are sending clear signals that the policy of weakness and appeasement is at an end.

Among other things, we should halt the dangerous ''security cooperation'' we have begun with the Castro regime, which extends to military exercises, counternarcotics efforts, communications, and navigation—all of which places our sensitive information in the hands of a hostile government that would not hesitate to share it with other enemies, from Iran to North Korea.

I hope all my colleagues will join me in calling for these alterations. The Communist dictator Raul Castro is not our friend, and we should not be sharing military secrets in military cooperation with his military only to have those used against us. A dictator is dead, but his dark, repressive legacy will not automatically follow him to the grave. Change can come to Cuba, but only if America learns from history and prevents Fidel's successor from playing the same old tricks.

It is very much my hope and belief that with a new President coming into office in January, President Trump and a new administration, that U.S. foreign policy—not just with Cuba but with our enemies, whether they be Iran, ISIS, or North Korea—will no longer be a policy of weakness and appeasement but instead will use U.S. strength to defend this Nation and press for change. This ought to be a moment where Cubans are dancing in the street because they are being liberated, but, instead, if anyone dances in the street right now, they will be thrown in jail.

Obama is sending his condolences to the Cuban people on the passing of a dictator who has imprisoned, tortured, and oppressed them for 60 years. Those are condolences they can do without. Cuba is not a free society. You aren't allowed to speak or worship freely. They tear down churches. They repress the most basic liberty to worship God.

We need leadership to prompt real and meaningful change in Cuba. Valladares wrote in his memoir:

> The mass execution was ordered by Raul Castro and attended by him personally. Nor was it an isolated instance; other officers in Castro's guerrilla forces shot ex-soldiers en masse without a trial, without any charges of any kind lodged against them, simply as an act of reprisal against the defeated army.

I have never been to my father's homeland. I have never been to Cuba. My father has not returned to Cuba in over 60 years. I look forward to one day visiting Cuba, hopefully with my dad, my Tia Sonia, my cousin Bibi, and seeing a free Cuba where people can live according to their beliefs without fear of imprisonment, violence, or oppression, but under the dictator Raul Castro, today is not that day.

The people of Cuba need to know that there are still those in America who understand that and stand with them, not the corrupt and vicious crime family that has oppressed them for so long, that has enriched themselves, accumulating millions and millions of dollars in personal wealth, living like emperors and kings while they have oppressed the people of Cuba.

Those in Hollywood, those in the academy, and those in the Obama administration think that communism is about equality. There is nothing equal about Cuban communism other than a quality of suffering, other than a quality of misery, other than a quality of hopelessness. In the Cuban Communist regime, the army acts as the enforcers for the dictators who live opulent lifestyles while oppressing the masses. There is a word for that. It is called evil. It is not simply an interesting way to govern a society. It is the face of oppression, the face of dictatorship, the face of evil. Let there be no mistake, Fidel Castro was evil. Anyone who systematically murders, tortures, and oppresses people for over six decades embodies it, and I have no doubt that right now, today, Fidel Castro is facing the ultimate judgment. That is cause for celebration, and I look forward to celebrating the end of his dictatorship and repressive regime and the return of freedom to Cuba.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DACA

Mr. BLUMENTHAL. Mr. President, our Nation's immigration system is broken. There would be scant, if any, disagreement with that proposition in this Chamber. There would be no disagreement among anyone who is familiar with this broken immigration system. Far too often, that system is not only broken but violates the essential fundamental values and core convictions of the American people, values that are embodied in our Constitution, in the daily ethics we preach and live about fairness and welcoming people who are different from ourselves, people who have come here to escape persecution in their native lands, much as my father did in 1935 at the age of 17.

He came alone, he spoke virtually no English, had not much more than the shirt on his back, and knew virtually no one. That is the way people still come to this great country, the greatest country in the history of the world.

The immigration system that enabled him to come here is now fraught with strictures and failings and irrational barriers that work against not only the interests of people seeking freedom and opportunity but our national interests. That interest is best served when we make possible the talent, gifts, and energy of immigrants. We are a nation of immigrants, and we should be working to reform the immigration system for our national interest.

No one exemplifies more poignantly and eloquently the flaws in our present system than young people known as the DREAMers. For a while, not that long ago, I resolved that I would come to the floor every week with a photograph of a different DREAMer from Connecticut who would demonstrate with a face, if not a voice, why some relief for our DREAMers is essential to our national interests.

DREAMers are members of our society, brought to this country as children, some before they even learned to speak, but now, for almost all of them, English is their native language. This Nation is the only home they have ever known. They pledge allegiance to the flag in school and at events with their hand over their hearts, just as we all do and just as we begin every day the proceedings of this Chamber. Many of them know and never take for granted the gifts of living in the greatest, freest, strongest nation ever to exist on the planet. They know it. They never take it for granted because they hear stories from their aunts and uncles, maybe even their parents about what life was like in the place they left when they were brought here as infants and small children.

So they go to our schools. They learn skills. They go to colleges, and many go on to higher education. They have skills and training and gifts and talents that would be extraordinarily useful and important. There is one problem: They are not citizens. They are not citizens. They are in constant danger of deportation. They are stuck in a potentially illegal and devastating situation because they have no path to

citizenship in a country that should welcome them and make it possible for them to come out of the shadows.

In recognition of those overwhelming merits, President Obama used his well-established Executive authority to institute the DACA Program. Understand that the DACA Program does not grant citizenship, it just defers and delays deportation proceedings. Countless young men and women came out of the shadows and made known their presence to the U.S. Government to become part of the DACA Program, disclosing their illegal status. They are now fearful. In fact, fearful is a clear understatement. They are terrified. I have met with many of them. I have known many of them over the years. I have come to admire and respect their patriotism, their aspirations, and their dreams.

As DREAMers, their dream is American citizenship, which all too often many of us take for granted. Their dream is American citizenship in the best sense of it—giving back to the country that they regard as their home, giving back by using those talents as nurses and doctors to help the sick, as engineers and scientists to build inventions and advance our knowledge, as entrepreneurs to build businesses and employ people and create jobs and drive the economy forward. In fact, immigration reform and these programs are thought to be job creators and sources of economic profit.

The DACA Program was a temporary effort, a respite for them in their striving to gain some permanency and some reliable status so they could be secure and feel safe in this country. Their terror now is well-founded, in fact, because the threat to them from the incoming administration is that they will be, in fact, deported en masse or perhaps their parents will be with them, and the American dream will become a fantasy—in fact, a nightmare.

We are talking about young men, one of them well known to me in Bridgeport, who was brought to Connecticut from Brazil at the age of 5. He studied in the Bridgeport public schools from kindergarten to high school, and then he went on to attend Fairfield University. He majored in chemistry, minored in mathematics. He excelled, so that during his senior year at Fairfield, he was accepted at the University of California, Berkeley's Physical Chemistry Program. But he had to live under the threat of deportation because he had no way to apply for lawful permanent status while he was continuing his studies here in America, potentially contributing greatly to the American quality of life.

There is the New Britain woman who was born in Mexico and brought to America when she was 6 years old. The journey for her was terrifying. She could not understand what was happening. She certainly had no idea that she was entering America in a way that would affect her the rest of her life at 6 years old. The idea that she was here in an illegal status was incomprehensible. Her family settled in Connecticut. She began school immediately in New Britain, and she went through the public schools there and graduated from New Britain High School in 2008. She decided to attend college out of State at Bay Path College, earning a great many leadership positions there. She became the first in her family to graduate from college and then received a master's degree in occupational therapy. She has dreamed about helping people—maybe at nonprofit—to make sure that families with low incomes have access to occupational therapy.

I think, too, of the young woman I know who was born in Venezuela. She was brought here when she was 11 years old. She remembers her mother telling her that she was going to America to learn English. Her mother also told her that she could be successful if she was bilingual and if she worked hard and studied. That is exactly what she did with her family when they settled in Norwalk, CT. She began to go to school right away. Life at the beginning was difficult. There was a lot to learn. By the time she was a junior in high school, she stopped trying to get perfect grades because she feared colleges would not accept her simply because she was undocumented, and even after she was accepted, she could not afford it, but she persevered. She attended community college, which was a huge financial burden. After Norwalk Community College, she went on to Western Connecticut State University. She persevered and she climbed those obstacles that many young American young people don't face, but she pursued a double major in accounting and finance. She hopes to become an accountant and pursue a career in business. But she has no pathway to citizenship or even lawful status. She fears that her dream will be unreachable.

That is why DACA is so important, why it should be extended, why we need to reform a broken immigration system that keeps the DREAMers and all of those 11 million people in the shadows without a path to earned citizenship, why we need to go back to the bipartisan reform proposal that passed overwhelmingly in this body with strong support on both sides of the aisle and then was denied a vote in the House of Representatives. That bipartisan effort needs to be resolved.

In the meantime, the DREAMers should be given lawful status so they can pursue their studies and their careers and give back to the greatest country in the history of the world.

I yield the floor.

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

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

DONALD TRUMP'S FINANCIAL PLANS

Ms. WARREN. Mr. President, I ask unanimous consent that the following statement by former Representative Barney Frank entitled ''Trump's financial plans promise another Great Recession'' be printed in the RECORD.

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

[From the Boston Globe, Nov. 28, 2016]

TRUMP'S FINANCIAL PLANS PROMISE ANOTHER GREAT RECESSION

(By Barney Frank)

Apparently, one aspect of American greatness that Donald Trump seeks to recreate is the Great Recession of 2008. He calls for a complete repeal of all the rules that were adopted to govern the financial industry in response to that crisis, restoring to it the freedom to create unlimited debt throughout the economy, with no requirement that serious attention be given to the ability of the indebted to meet their obligations.

By the '90s, the business of lending had been transformed by securitization. Lenders sold the right to repayment of loans, eliminating their incentive to worry about the borrowers' solvency. The financial institutions that bought the loans then packaged them into securities and sold pieces of these throughout the economy. Other large institutions then sold insurance against the failure of these securities to pay. The use of derivative forms greatly magnified the amounts of money at stake.

When imprudently granted mortgage loans began to default, so did securities, leading to investor losses, and demands that the insurers make good on their pledges. Faced with a shutdown of the economy caused by the spreading inability of the indebted to repay, and the consequent refusal of anyone to advance funds to anyone else, the Bush administration bailed out multinational insurance company AIG, asked Congress for general bailout authority, and intensified the work that it had begun along with Congress to create rules to prevent a recurrence.

Modified by the Obama administration and Congress, these rules evolved into the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was designed to prohibit abusive practices, and diminish the negative impact from the misjudgments that are inevitable in a system in which risk-taking is necessary.

Here are some of the most significant changes that will result if Trump succeeds in wiping the law off the books, with real-world reminders of the ''great'' financial system he would restore.

The abolition of the law's restrictions on granting mortgages to borrowers who are highly unlikely to repay means we will see successors to Countrywide, the mortgage-granting machine that gave us countrywide defaults.

The removal of the regulations governing trading in derivatives means Goldman Sachs, J.P. Morgan Chase, and others can return to the unrestricted dissemination throughout the economy of securities composed of bad mortgages, even when, in Goldman's case, the packager knew enough about the weakness of what it was selling to bet its own money that it would fail to pay off.

An end to the rule that participants in derivative trades either do so through exchanges or otherwise demonstrate that they have the funds to meet their obligations to their trading partners brings back the situation that prevailed when three of the five leading investment companies—Bear

Stearns, Merrill Lynch, and Lehman Brothers—were unable either to pay their own debts or collect what they were owed by others, and AIG told Federal officials it was 170 billion dollars short of meeting its obligations to pay off what it owed those who had bought their credit default swaps (insurance against the failure of mortgage-backed securities).

This leads to the next result of a return to the good old days: It will put Federal officials back to having to choose between letting a company go bankrupt—Lehman—with its disruptive effect, or bailing it out—AIG. We repealed the provision that allowed the Fed to advance 170 billion dollars to pay AIG's debts while letting it stay in business. It replacement—which Trump would repeal, reinstating the unrestricted bailout authority—empowers officials to pay only as much off the debt of the bankrupt entity as is needed to maintain economic stability, but only after putting it out of business, and with a requirement that no money paid out from taxpayers be recouped by assessment on the surviving large financial companies.

Trump's plan to wipe out the provision that purchasers of loans who then package them for resale to bear responsibility for the first 5 percent of the losses that occur means the investing public will once again be wholly dependent on the rating agencies—whose blend of incompetence and dishonesty was chronicled in The Big Short.'' (My one objection to the way in which the law has been administrated is the failure to apply this provision to home mortgages, but the power to do so remains in the law if experience calls for it.)

The disappearance of the Consumer Financial Protection Bureau will return to the status quo in which consumers harmed by the abusive behavior of a massive financial institutions could only turn to the federal agencies whose primary mission was to worry about the health of these entities. Had there not been a consumer bureau, Wells Fargo might still be creating false credit card accounts.

I do favor some adjustments to lessen the scrutiny given to small and medium-size banks, although not in the area of consumer protection.

But the major beneficiaries of total repeal are the largest financial entities. I understand why those who believe absolutely in an unregulated market advocate a return to the process that risks repeating 2008. I do not understand how this stance complies with Trump's promise to vindicate the interests of average working people against those who stand at the top of the economic structure.

NAVAL SUPPORT ACTIVITY CRANE'S 75TH ANNIVERSARY

Mr. DONNELLY. Mr. President, today, I wish to recognize the incredible Hoosier workforce at Naval Support Activity Crane as it celebrates its 75th anniversary on Thursday, December 1.

Crane was established on December 1, 1941, as a naval ammunition depot to produce, test, and store ordnance away from American coastlines. Today this Indiana facility is the third largest naval installation in the world and one of our Nation's most important military laboratories.

With more than 5,000 employees, Crane supports not only our national security, but our local, regional, and State economies as well. The Hoosier men and women at Crane Army Ammunition Activity and Naval Surface Warfare Center Crane work on some of our most critical and sensitive military missions. Its dedication and hard work helps keep our Nation safe and ensures that our servicemembers are able to successfully complete their missions and return home safely.

The 750 Hoosiers of the Crane Army Ammunition Activity produce, store, and supply conventional munitions for ground, sea, and air forces. Its expertise is essential to the ability of our warfighters to succeed on the battlefield.

At Naval Surface Warfare Center Crane, Hoosiers support America's national defense through work on our nuclear deterrent, electronic warfare capabilities, missile defense technology, and special operations. Its efforts give our Nation a strategic edge. The technological developments generated at NSWC Crane directly support the most critical components of U.S. national security in an efficient, cost-effective way.

As our Nation faces new challenges from advanced adversaries, the need for cutting-edge technology is more important than ever. The Department of Defense has lauded Crane for its work to ensure we have the most technologically advanced military in the world in new areas like hypersonic systems. NSA Crane has also demonstrated leadership in creating effective partnerships between the military, academic institutions, and the industrial base. These partnerships allow Crane to leverage independent expertise and expand the knowledge and capacity of those serving at the facility.

In June, it was an honor to host Secretary of Defense Ash Carter at Crane, marking the first time a Secretary of Defense has visited the base in its 75 year history. Secretary Carter got to see Crane's innovative work firsthand and called the base a ''national treasure'' that will continue to be an integral part of our national security efforts for years to come. I am proud to echo that statement and truly believe that Crane represents the best of Indiana's tradition of service to our country.

Because of the hard-working employees and military personnel at NSA Crane, our Armed Forces are well equipped to defend our Nation and support our allies across the globe. Its continued devotion to our servicemembers and our country should serve as an example for all.

I am very proud of NSA Crane's 75-year record of accomplishments and continued dedication to creating state-of-the-art solutions for our Armed Forces. I believe that NSA Crane and its elite personnel serve a unique and essential function for the Department of Defense. On behalf of Hoosiers, I congratulate Crane on this special anniversary and for making Indiana, our country, and our world safer. I look forward to Crane's next 75 years of excellence.

ADDITIONAL STATEMENTS

REMEMBERING DAVID ''BOO'' FERRISS

● Mr. COCHRAN. Mr. President, I wish to recognize the life and service of Major League All-Star pitcher and longtime head baseball coach at Delta State University, David ''Boo'' Ferriss, who passed away on November 24, 2016.

Boo Ferriss was born in Shaw, MS, and was raised in the Mississippi Delta region. He joined the baseball team as a student at Mississippi State University in 1941 before signing a Major League contract with the Boston Red Sox organization in 1942. Ferriss's early career with the Red Sox included a 2-year hiatus to serve in World War II. Discharged in 1945, he was called up to play for the Red Sox, helping lead the team to the 1946 World Series. Despite suffering a shoulder injury in 1947, Ferriss played for the Red Sox until 1950, finishing with a 65–30 record as a pitcher.

Following his retirement from professional baseball, Ferriss went on to become the head coach of the Delta State University baseball team, a position he held with great success for nearly 26 years. He led the Statesmen to three Division II World Series and four Gulf South Conference Championships. Induction into the Mississippi Sports Hall of Fame and the Red Sox Hall of Fame are among the numerous awards made to honor Ferriss's achievements. In 2003, the Mississippi Sports Hall of Fame established the Ferriss Trophy, which has become the Heisman Trophy for Mississippi college baseball players.

Boo Ferriss's accomplishments extended beyond the ballfield. He was an active member of the Covenant Presbyterian Church in Cleveland, MS, and a founder of the Fellowship of Christian Athletes in Mississippi. He was a dedicated family man, married for 67 years to his wife, Miriam. They raised two children, Dr. David Ferriss and Margaret Ferriss White, and have two grandchildren and three great-grandchildren. Coach Ferriss will be remembered as a great Mississippian who dedicated his life to the game that he loved and to a generation of players that he educated on the field and in life.

For myself and all those who knew Boo Ferriss, I commemorate his years of service and a life well lived.●

REMEMBERING DOUG ALEXANDER

● Mr. DAINES. Mr. President, in the Capitol in Washington, DC, there is a corridor that highlights the discovery and expansion of America. Just above one of the doors, there is a quote that reminds me of the people who have helped shape Montana, and that makes me proud to be a Westerner. The quote from Horace Greenley reads, ''Go West, young men, go West and grow up with the country.''

Today I honor a man who was a fourth-generation Montanan and arguably one of Montana State University's biggest fans, Doug Alexander. Doug will be deeply missed as a member of the Bozeman and Bobcat community. Doug was born in Miles City, MT, in 1942 and attended many Montana schools before graduating from Montana State University in 1964. Even after he graduated, he remained very involved with is fraternity Sigma Nu serving as an adviser to the chapter, a friend and mentor to many members, eventually pinning his son Dan with his own Sigma Nu badge in the early 1990s. At the beginning of his career, Doug served his country proudly in the National Guard and was discharged as a first lieutenant in 1970.

Doug maintained adventure in his life, owning many small businesses across the State. However, it was when he acquired Bozeman's Story Motor Supply that he made his way back to the place he loved. It was Doug's compassion for his business and the community that made him such a strong leader and employer for Bozeman. He even joined the Montana Petroleum Marketers Association where he enlisted others to join and eventually lead the association as its national director in 1988 and 1989, where his service and dedication landed him in the Western Petroleum Marketers Association Hall of Fame.

Doug maintained his support of MSU through a position on the foundation board, the Football Quarterback Club, and the Rodeo team, among others. Suffice it to say, MSU wouldn't be where it is today without Doug Alexander and his incredible loyalty to his alma mater. I had the pleasure of being a Sunrise Rotary member with Doug for many years after he cofounded it in 1992. I am thankful for Doug's passion and am thankful that his legacy will be continued by many others in the years to come.●

TRIBUTE TO JAMES ''JIM'' FRENCH

● Mr. SCOTT. Mr. President, I would like to wish Mr. James ''Jim'' French of Charleston, SC, a happy 90th birthday.

Mr. French, a committed, passionate, and award-winning journalist, served as a U.S. Navy chief journalist for 26 years. After retiring, he founded the Charleston Chronicle in 1971. His work at the Charleston Chronicle focused on offering solutions for the problems within the Black community and successfully led to receive hundreds of awards from organizations throughout the Lowcountry and Nation.

Mr. French's legacy will forever be defined not just by his work and service, but by some many people he has touched in the Charleston community.

I would like to recognize Mr. Jim French for his service to our country and our amazing State; he truly represents the very best of South Carolina.

Happy 90th birthday, Mr. French. May God bless you.●

RECOGNIZING THE PHILLIS WHEATLEY LITERARY AND SOCIAL CLUB

● Mr. SCOTT. Mr. President, I would like to congratulate the Phillis Wheatley Literary and Social Club, one of Charleston's earliest Black women's clubs, on their 100th anniversary.

Named after a prominent African-American poet, Phillis Wheatley, the club was established by Jeanette Keeble Cox in 1916 as the Wheatley Community Club. Mrs. Cox was the wife of Benjamin F. Cox, the first African-American principal of the Avery Normal Institute.

The Phillis Wheatley Club has remained committed to bringing hope and opportunities to each of its members. This year, we recognize the club's ongoing legacy, and I believe this centennial celebration is a testament to its positive influence.

It is with honor and admiration that we recognize the Phillis Wheatley Club, and its great impact on so many women's lives, accomplishing its mission ''to promote interest in literary and community work and to lift others as they climb high heights.''●

RECOGNIZING ALVAREZ CONSTRUCTION

● Mr. VITTER. Mr. President, known for their resiliency and perseverance, Louisianians possess great strength and determination when facing adversity. This includes the folks who move to Louisiana and build a life there, such as Jairo Alvarez-Botero, a Colombian immigrant, who settled in Baton Rouge to build Alvarez Construction and has spent decades giving back to his community. For its many years of success and community service, I would like to recognize Alvarez Construction of Baton Rouge, LA, as Small Business of the Week.

In 1963 Jairo Alvarez-Botero came to the United States to learn English and put himself through college. With the mindset that there is ''no such thing as impossible,'' Jairo graduated from Albany Business College with honors and returned to his home country of Colombia to start a family. However, as the country's political and economic stability continued to waver, in the early 1980s, Jairo and his wife, Anita, decided to immigrate to the United States to provide a brighter future for their three children, Carlos, Ana, and Sebastian.

Landing in Baton Rouge, the Alvarez family tried several business ventures before finding success in construction. In 1991, Jairo and his eldest son, Carlos, launched Alvarez Construction. They built three homes that first year, then six more the following year. Starting with individual single-family residential homes, Alvarez Construction eventually expanded its operations to include real estate and residential development.

After Hurricane Katrina, Jairo recognized the immediate need for increased construction in Baton Rouge and began developing an affordable subdivision for displaced first-time home buyers. In 2007, Alvarez Construction had several hundred houses under construction and 200 full-time workers. In the years since, the family-owned and operated small business has continued to achieve success, developing the St. Jude Dream Home and entire multiuse communities across the greater Baton Rouge area.

Jairo developed cancer in 2005 and spent years battling the disease. He passed away in 2013 as the patriarch of a successful construction and development business that was very involved in the Baton Rouge community. Appreciative of the opportunities the United States had afforded him, Jairo had made it a priority for his firm to participate in various volunteer programs that give back to the community, such as the St. Jude Dream Home Campaign and Wheels to Succeed, a foundation that provides adapted three-wheeled cycles for children with physical disabilities.

Today each member of the Alvarez family continues to play a major role in the business's success. Anita and Ana are in charge of administration, including accounting, bookkeeping, and staffing. With a business administration degree from Louisiana State University, Carlos is a licensed broker and responsible for the production, building, and selling aspects of the firm. As an expert in landscape architecture, Sebastian manages the firm's land development and subdivision infrastructure.

Congratulations to the Alvarez family and the Alvarez Construction Company for being recognized as Small Business of the Week. I look forward to your continued growth and success.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4665. An act to require the Secretary of Commerce to conduct an assessment and analysis of the outdoor recreation economy of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 4:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1808. An act to require the Secretary of Homeland Security to conduct a Northern Border threat analysis, and for other purposes.

S. 1915. An act to direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3286. An act to encourage effective, voluntary private sector investments to recruit, employ, and retain men and women who have served in the United States military with annual presidential awards to private sector employers recognizing such efforts, and for other purposes.

H.R. 4757. An act to expand the eligibility for headstones, markers, and medallions furnished by the Secretary of Veterans Affairs for deceased individuals who were awarded the Medal of Honor and are buried in private cemeteries, and for other purposes.

H.R. 5160. An act to amend title 40, United States Code, to include as part of the buildings and grounds of the National Gallery of Art any buildings and other areas within the boundaries of any real estate or other property interests acquired by the National Gallery of Art.

H.R. 5166. An act amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

H.R. 5422. An act to ensure funding for the National Human Trafficking Hotline, and for other purposes.

H.R. 5458. An act to provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account, and for other purposes.

H.R. 5600. An act to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

H.R. 5843. An act to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity.

H.R. 5877. An act to amend the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to promote cooperative homeland security research and antiterrorism programs relating to cybersecurity, and for other purposes.

H.R. 6135. An act to designate the Federal building and United States courthouse located at 719 Church Street in Nashville, Tennessee, as the ''Fred D. Thompson Federal Building and United States Courthouse''.

H.R. 6323. An act to name the Department of Veterans Affairs health care system in Long Beach, California, the ''Tibor Rubin VA Medical Center''.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3471) to amend title 38, United States Code, to make certain improvements in the provision of automobiles and adaptive equipment by the Department of Veterans Affairs.

The message also announced that the House agrees to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 40. Concurrent resolution encouraging reunions of divided Korean American families.

H. Con. Res. 165. Concurrent resolution expressing the sense of Congress and reaffirming longstanding United States policy in support of a direct bilaterally negotiated settlement of the Israeli-Palestinian conflict and opposition to United Nations Security Council resolutions imposing a solution to the conflict.

The message further announced that the House passed the following bills, with amendment, in which it requests the concurrence of the Senate:

S. 546. An act to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.

S. 2577. An act to protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

The message also announced that the Clerk of the House be directed to return to the Senate the resolution (H. Con. Res. 122) supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally, together with all accompanying papers, in compliance with a request of the Senate for the return thereof, to make a technical correction in the engrossment of the aforesaid resolution.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

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

S. 3485. A bill to delay the amendments to rule 41 of the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. LANKFORD, and Mr. BOOKER):

S. 3486. A bill to amend chapter 31 of title 5, United States Code, to establish in statute the Presidential Innovation Fellows Program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 3487. A bill to amend title XVIII of the Social Security Act to provide Medicare entitlement to immunosuppressive drugs for kidney transplant recipients; to the Committee on Finance.

By Mr. CRUZ:

S. 3488. A bill to protect freedom of speech in America's electoral process and ensure transparency in campaign finance; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. ISAKSON):

S. Res. 624. A resolution supporting the goals, activities, and ideals of World Prematurity Month; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. ISAKSON):

S. Res. 625. A resolution supporting the goals, activities, and ideals of World Prematurity Day; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Mr. CRUZ):

S. Res. 626. A resolution recognizing the 75th anniversary of the establishment of the University of Texas MD Anderson Cancer Center in Houston, Texas; considered and agreed to.

By Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ROBERTS, Mr. MARKEY, Mr. FLAKE, Mr. COTTON, and Mr. GARDNER):

S. Con. Res. 57. A concurrent resolution honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable, 70-year reign of King Bhumibol Adulyadej of Thailand; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 386

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 1524

At the request of Mr. BLUNT, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1524, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 1915

At the request of Ms. AYOTTE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 1915, a bill to direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

S. 2469

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2469, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. 2612

At the request of Mr. LEAHY, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 2612, a bill to ensure United States jurisdiction over offenses committed by United States personnel stationed in Canada in furtherance of border security initiatives.

S. 2782

At the request of Mr. BLUNT, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2782, a bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes.

S. 2989

At the request of Ms. MURKOWSKI, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 2989, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 3021

At the request of Mr. INHOFE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 3021, a bill to amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.

S. 3043

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3043, a bill to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a patient self-scheduling appointment system, and for other purposes.

S. 3373

At the request of Mr. WARNER, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3373, a bill to amend the Federal Deposit Insurance Act to ensure that the reciprocal deposits of an insured depository institution are not considered to be funds obtained by or through a deposit broker, and for other purposes.

S. 3386

At the request of Mrs. MCCASKILL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3386, a bill to amend title 36, United States Code, to designate May 1 as ''Silver Star Service Banner Day''.

S. 3391

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3391, a bill to reauthorize the Museum and Library Services Act.

S. 3447

At the request of Mr. SULLIVAN, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 3447, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a memorial honoring the helicopter pilots and crew members of the Vietnam era, and for other purposes.

S. 3475

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3475, a bill to delay the amendments to rule 41 of the Federal Rules of Criminal Procedure.

S. CON. RES. 56

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Ohio (Mr. BROWN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 56, a concurrent resolution clarifying any potential misunderstanding as to whether actions taken by President-elect Donald Trump constitute a violation of the Emoluments Clause, and calling on President-elect Trump to divest his interest in, and sever his relationship to, the Trump Organization.

S. RES. 616

At the request of Mrs. SHAHEEN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. Res. 616, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 621

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. Res. 621, a resolution designating November 2016 as National Hospice and Palliative Care Month.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRUZ:

S. 3488. A bill to protect freedom of speech in America's electoral process and ensure transparency in campaign finance; to the Committee on Rules and Administration.

Mr. CRUZ. Mr. President, today I am introducing the SuperPAC Elimination Act. Another election cycle has come and gone without addressing a glaring issue that remains significant: free speech and transparency in campaign finance. Our current campaign finance system is absurd. Right now, a large percentage—sometimes a majority—of campaign expenditures are made by independent third-party SuperPACs that are prohibited from communicating with candidates. That makes no sense. Candidates should define their own messages, and citizens should be free to support whatever candidates they choose to support. Restrictions to political contributions are always presented under the guise of preventing corruption and holding politicians accountable, when in fact they accomplish exactly the opposite: protecting incumbent politicians. My legislation would put Americans on a level playing field with the media and politicians when it comes to influencing elections and exercising our First Amendment rights. Specifically, it would remove the caps on direct contributions to candidates from individuals and requires donations of more than $200 to be disclosed within 24 hours. Establishing unlimited contributions paired with immediate disclosure is the best way to promote transparency, eliminate the viability of SuperPACs going forward, and ensure that free speech is protected in the electoral process. I look forward to working with my colleagues in the Senate to shed light on the political arena and empower individual Americans by passing this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 624—SUPPORTING THE GOALS, ACTIVITIES, AND IDEALS OF WORLD PREMATURITY MONTH

Mr. BROWN (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 624

Whereas, according to the World Health Organization, complications from preterm birth are the world's leading killer of children younger than 5 years of age;

Whereas preterm birth is a global problem, exacting a harsh toll on families from all parts of society in every country;

Whereas, in 2015, complications from preterm birth accounted for 1,000,000 deaths of children younger than 5 years of age worldwide;

Whereas there are stark inequalities with respect to the survival rates of preterm babies born around the world;

Whereas up to 75 percent of deaths resulting from preterm birth worldwide could be prevented through proven low-cost interventions;

Whereas countries can improve maternal health and the survival rate of babies born prematurely by making strategic investments in health care systems to ensure access to—

(1) high quality prenatal and postnatal care;

(2) quality childbirth services;

(3) emergency obstetric care; and

(4) comprehensive care for affected newborns;

Whereas, according to the Centers for Disease Control and Prevention, premature birth is the leading contributor to infant death in the United States and poses the risk of lifelong health problems for babies who survive;

Whereas, while the preterm birth rate in the United States decreased from a peak of 12.8 percent in 2006 to 9.6 percent in 2015, the rate remains too high;

Whereas many communities in the United States experience significant racial and ethnic disparities in preterm birth rates;

Whereas, in 2005, the Institute of Medicine estimated that the annual societal economic cost associated with preterm birth in the United States was $26,200,000,000; and

Whereas preterm births can be prevented through evidence-based public health programs, including through the reduction of risk factors, such as tobacco use and early elective deliveries, and the promotion of healthy timing and spacing of pregnancy: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes November 2016 as ''World Prematurity Month'';

(2) supports efforts in the United States, and recognizes efforts abroad, to—

(A) reduce the impact of preterm births by improving maternal health; and

(B) advance the care and treatment of infants who are born preterm; and

(3) honors individuals working in the United States and internationally to reduce the number of preterm births.

SENATE RESOLUTION 625—SUPPORTING THE GOALS, ACTIVITIES, AND IDEALS OF WORLD PREMATURITY DAY

Mr. BROWN (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 625

Whereas, according to the World Health Organization, complications from preterm birth are the world's leading killer of children younger than 5 years of age;

Whereas preterm birth is a global problem, exacting a harsh toll on families from all parts of society in every country;

Whereas, in 2015, complications from preterm birth accounted for 1,000,000 deaths of children younger than 5 years of age worldwide;

Whereas there are stark inequalities with respect to the survival rates of preterm babies born around the world;

Whereas up to 75 percent of deaths resulting from preterm birth worldwide could be prevented through proven low-cost interventions;

Whereas countries can improve maternal health and the survival rate of babies born prematurely by making strategic investments in health care systems to ensure access to—

(1) high quality prenatal and postnatal care;

(2) quality childbirth services;

(3) emergency obstetric care; and

(4) comprehensive care for affected newborns;

Whereas, according to the Centers for Disease Control and Prevention, premature birth is the leading contributor to infant death in the United States and poses the risk of lifelong health problems for babies who survive;

Whereas, while the preterm birth rate in the United States decreased from a peak of 12.8 percent in 2006 to 9.6 percent in 2015, the rate remains too high;

Whereas many communities in the United States experience significant racial and ethnic disparities in preterm birth rates;

Whereas, in 2005, the Institute of Medicine estimated that the annual societal economic cost associated with preterm birth in the United States was $26,200,000,000; and

Whereas preterm births can be prevented through evidence-based public health programs, including through the reduction of risk factors, such as tobacco use and early elective deliveries: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes November 17, 2016, as ''World Prematurity Day'';

(2) supports efforts in the United States, and recognizes efforts abroad, to—

(A) reduce the impact of preterm births by improving maternal health; and

(B) advance the care and treatment of infants who are born preterm; and

(3) honors individuals working in the United States and internationally to reduce the number of preterm births.

SENATE RESOLUTION 626—RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER IN HOUSTON, TEXAS

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

S. RES. 626

Whereas the University of Texas MD Anderson Cancer Center (referred to in this preamble as ''MD Anderson Cancer Center'') has provided continuous health services for 75 years;

Whereas the Texas legislature established MD Anderson Cancer Center in 1941 as part of the University of Texas system with an appropriation of $500,000 and a matching funding grant from the MD Anderson Foundation to build a cancer hospital and research center;

Whereas MD Anderson Cancer Center is 1 of the original 3 comprehensive cancer centers in the United States that was established by the National Cancer Act of 1971 (Public Law 92–216);

Whereas as of November 2016, MD Anderson Cancer Center is 1 of the largest and most respected centers devoted exclusively to cancer patient care, research, education, and prevention in the world;

Whereas the mission of MD Anderson Cancer Center—

(1) is to eliminate cancer in Texas, the United States, and the world through exceptional programs that integrate patient care, research, and prevention; and

(2) includes education for undergraduate and graduate student trainees, professionals, employees, and the public;

Whereas MD Anderson Cancer Center is dedicated to embracing the 3 core values of caring, integrity, and discovery;

Whereas hundreds of thousands of Texans have received quality medical care from MD Anderson Cancer Center during its 75 years of service;

Whereas MD Anderson Cancer Center has invested hundreds of millions of dollars towards scientific breakthroughs in the fight against cancer, including nearly $800,000,000 in fiscal year 2015;

Whereas MD Anderson Cancer Center is home to the largest cancer clinical trial program in the world, with more than 9,400 patients participating in almost 1,200 clinical trials;

Whereas MD Anderson has educated tens of thousands of health professionals, including physicians, scientists, nurses, and allied health professionals during its 75 years of service;

Whereas MD Anderson has employed tens of thousands of hardworking individuals who have devoted their lives to the care, concern, and healing of patients;

Whereas the commitment of MD Anderson Cancer Center to individuals who have served in the United States military earned MD Anderson Cancer Center a place on the 2015 Best for Vets employer list;

Whereas MD Anderson Cancer Center—

(1) was ranked number 1 for cancer care in the survey of best hospitals published in U.S. News and World Report in 2016; and

(2) has been named 1 of the top 2 cancer centers in the United States every year since that survey began in 1990; and

Whereas the nursing program at MD Anderson Cancer Center holds the American Nurses Credentialing Center's Magnet Nursing Services Recognition status, which recognizes health care organizations for quality patient care, nursing excellence, and innovations in professional nursing practice: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the establishment of MD Anderson Cancer Center in Houston, Texas; and

(2) commends MD Anderson Cancer Center and its employees for providing quality care to hundreds of thousands of patients over the last 75 years.

SENATE CONCURRENT RESOLUTION 57—HONORING IN PRAISE AND REMEMBRANCE THE EXTRAORDINARY LIFE, STEADY LEADERSHIP, AND REMARKABLE, 70-YEAR REIGN OF KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. HATCH (for himself, Mr. WHITEHOUSE, Mr. ROBERTS, Mr. MARKEY, Mr. FLAKE, Mr. COTTON, and Mr. GARDNER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 57

Whereas His Majesty King Bhumibol Adulyadej enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts, in 1927 while his father was completing his medical studies at Harvard University;

Whereas King Bhumibol Adulyadej ascended to the throne on June 9, 1946, and celebrated his 70th year as King of Thailand in 2016;

Whereas, at the time of his death, King Bhumibol Adulyadej was the longest-serving head of state in the world and the longest-reigning monarch in the history of Thailand;

Whereas His Majesty dedicated his life to the well-being of the Thai people and the sustainable development of Thailand;

Whereas His Majesty led by example and virtue with the interest of the people at heart, earning His Majesty the deep reverence of the Thai people and the respect of people around the world;

Whereas His Majesty reached out to the poorest and most vulnerable people of Thailand, regardless of their status, ethnicity, or religion, listened to their problems, and empowered them to take their lives into their own hands;

Whereas, in 2006, His Majesty received the first United Nations Human Development Award, recognizing him as the ''Development King'' for the extraordinary contribution of His Majesty to human development;

Whereas His Majesty was recognized internationally in the areas of intellectual property, innovation, and creativity, and in 2006, the World Intellectual Property Organization presented His Majesty with the Global Leadership Award;

Whereas His Majesty was an anchor of peace and stability for Thailand during the turbulent decades of the Cold War;

Whereas His Majesty was always a trusted friend of the United States in advancing a strong and enduring alliance and partnership between the United States and Thailand;

Whereas His Majesty addressed a joint session of Congress on June 29, 1960, during which His Majesty reaffirmed the strong

friendship and good will between the United States and Thailand;

Whereas the United States and Thailand remain strong security allies, as memorialized in the Southeast Asia Collective Defense Treaty (commonly known as the ''Manila Pact of 1954'') and later expanded under the Thanat-Rusk Communique of 1962;

Whereas, for decades, Thailand has hosted the annual Cobra Gold military exercises, the largest multilateral exercises in Asia, to improve regional defense cooperation;

Whereas Thailand has allowed the Armed Forces of the United States to use the Utapao Air Base to coordinate international humanitarian relief efforts;

Whereas President George W. Bush designated Thailand as a major non-NATO ally on December 30, 2003;

Whereas close cooperation and mutual sacrifices in the face of common threats have bound the United States and Thailand together and established a firm foundation for the advancement of a mutually beneficial relationship; and

Whereas, on October 13, 2016, at the age of 88, His Majesty King Bhumibol Adulyadej passed away, leaving behind a lasting legacy for Thailand: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the extraordinary life, steady leadership, and remarkable, 70-year reign of His Majesty King Bhumibol Adulyadej of Thailand;

(2) extends our deepest sympathies to the members of the Royal Family and to the people of Thailand in their bereavement; and

(3) celebrates the alliance and friendship between Thailand and the United States that reflects common interests, a 183-year diplomatic history, and a multifaceted partnership that has contributed to peace, stability, and prosperity in the Asia-Pacific region.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ALEXANDER. Mr. President, I have five requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on November 30, 2016, at 2:30 p.m., in room SR–253 of the Russell Senate Office Building to conduct a Subcommittee hearing entitled ''The Dawn of Artificial Intelligence.''

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on November 30, 2016, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on November 30, 2016, at 10 a.m., to conduct a hearing entitled ''Initial Observations of the New Leadership at the U.S. Border Patrol.''

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on November 30, 2016, at 3 p.m., in room SH–219 of the Hart Senate Office Building.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on November 30, 2016, in room SD–562 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled ''Trust Betrayed: Financial Abuse of Older Americans by Guardians and Others in Power.''

PRIVILEGES OF THE FLOOR

Mr. MURPHY. Mr. President, I ask unanimous consent that Dr. Laura Willing, a health fellow in my office, be granted floor privileges for the remainder of the calendar year.

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

NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM ACT OF 2016

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 578, S. 2971.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2971) to authorize the National Urban Search and Rescue Response System.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italics.)

S. 2971

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Urban Search and Rescue Response System Act of 2016''.

SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

''(3) HAZARD.—The term 'hazard' has the meaning given the term in section 602.

''(4) NONEMPLOYEE SYSTEM MEMBER.—The term 'nonemployee System member' means a System member not employed by a sponsoring agency or participating agency.

''(5) PARTICIPATING AGENCY.—The term 'participating agency' means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

''(6) SPONSORING AGENCY.—The term 'sponsoring agency' means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

''(7) SYSTEM.—The term 'System' means the National Urban Search and Rescue Response System to be administered under this section.

''(8) SYSTEM MEMBER.—The term 'System member' means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a System management or other technical team.

''(9) TASK FORCE.—The term 'task force' means an urban search and rescue team designated by the Administrator to participate in the System.

''(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

''(c) FUNCTIONS.—In administering the System, the Administrator shall provide for a national network of standardized search and rescue resources to assist States and local governments in responding to hazards.

''(d) TASK FORCES.—

''(1) DESIGNATION.—The Administrator shall designate task forces to participate in the System. The Administration shall determine the criteria for such participation.

''(2) SPONSORING AGENCIES.—Each task force shall have a sponsoring agency. The Administrator shall enter into an agreement with the sponsoring agency with respect to the participation of each task force in the System.

''(3) COMPOSITION.—

''(A) PARTICIPATING AGENCIES.—A task force may include, at the discretion of the sponsoring agency, 1 or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency with respect to the participation of the participating agency on the task force.

''(B) OTHER INDIVIDUALS.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency. The sponsoring agency of a task force may enter into a separate agreement with each such individual with respect to the participation of the individual on the task force.

''(e) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management teams and other technical teams as the Administrator determines are necessary to administer the System.

''(f) APPOINTMENT OF SYSTEM MEMBERS INTO FEDERAL SERVICE.—

''(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

''(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not

affect any other authority of the Administrator under this Act.

''(4) LIMITATION.—A System member who is appointed into Federal service under paragraph (1) shall not be considered an employee of the United States for purposes other than those specifically set forth in this section.

''(g) COMPENSATION.—

''(1) PAY OF SYSTEM MEMBERS.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force—

''(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

''(B) to make payments directly to a nonemployee System member on the task force for any period during which the nonemployee System member is appointed into Federal service under subsection (f)(1).

''(2) REIMBURSEMENT FOR EMPLOYEES FILLING POSITIONS OF SYSTEM MEMBERS.—

''(A) IN GENERAL.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to be used to reimburse each employer of a System member on the task force for compensation paid by the employer to an employee filling a position normally filled by the System member for any period during which the System member is appointed into Federal service under subsection (f)(1).

''(B) LIMITATION.—Costs incurred by an employer shall be eligible for reimbursement under subparagraph (A) only to the extent that the costs are in excess of the costs that would have been incurred by the employer had the System member not been appointed into Federal service under subsection (f)(1).

''(3) METHOD OF PAYMENT.—A System member shall not be entitled to pay directly from the Agency for a period during which the System member is appointed into Federal Service under subsection (f)(1).

''(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR DEATH.—

''(1) IN GENERAL.—A System member who is appointed into Federal service under subsection (f)(1) and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment, shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty.

''(2) ELECTION OF BENEFITS.—

''(A) IN GENERAL.—A System member (or, in the case of the death of the System member, the System member's dependent) who is entitled under paragraph (1) to receive benefits under subchapter I of chapter 81 of title 5, United States Code, by reason of personal injury, illness, disability, or death, and to receive benefits from a State or local government by reason of the same personal injury, illness, disability or death shall elect to—

''(i) receive benefits under such subchapter; or

''(ii) receive benefits from the State or local government.

''(B) DEADLINE.—A System member or dependent shall make an election of benefits under subparagraph (A) not later than 1 year after the date of the personal injury, illness, disability, or death that is the reason for the benefits, or until such later date as the Secretary of Labor may allow for reasonable cause shown.

''(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

''(3) REIMBURSEMENT FOR STATE OR LOCAL BENEFITS.—Subject to such terms and conditions as the Administrator may impose by regulation, if a System member or dependent elects to receive benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of the benefits.

''(4) PUBLIC SAFETY OFFICER CLAIMS.—Nothing in this subsection shall be construed to bar any claim by, or with respect to, any System member who is a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. ⟦3769b⟧ *3796b*), for any benefits authorized under part L of title I of that Act (42 U.S.C. 3796 et seq.).

''(i) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, shall be considered to be an employee of the Federal Government under section 1346(b) of title 28, United States Code, and chapter 171 of that title, relating to tort claims procedure.

''(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—With respect to a System member who is not a regular full-time employee of a sponsoring agency or participating agency, the following terms and conditions apply:

''(1) SERVICE.—Service as a System member shall be considered to be 'service in the uniformed services' for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

''(2) PRECLUSION.—Preclusion of giving notice of service by necessity of appointment under this section shall be considered to be preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

''(k) LICENSES AND PERMITS.—If a System member holds a valid license, certificate, or other permit issued by any State or other governmental jurisdiction evidencing the member's qualifications in any professional, mechanical, or other skill or type of assistance required by the System, the System member is deemed to be performing a Federal activity when rendering aid involving such skill or assistance during a period of appointment into Federal service under subsection (f)(1).

''(l) PREPAREDNESS COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

''(1) Training and exercises, including training and exercises with other Federal, State, and local government response entities.

''(2) Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.

''(3) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

''(m) RESPONSE COOPERATIVE AGREEMENTS.—The Administrator shall enter into a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

''(n) OBLIGATIONS.—The Administrator may incur all necessary obligations consistent with this section in order to ensure the effectiveness of the System.

''(o) EQUIPMENT MAINTENANCE AND REPLACEMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the development of a plan, including implementation steps and timeframes, to finance, maintain, and replace System equipment.

''(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the System and the provisions of this section such sums as are necessary for each of fiscal years 2017, 2018, and 2019.''.

(b) CONFORMING AMENDMENTS.—

(1) APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Section 8101(1) of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) by transferring subparagraph (F) to between subparagraph (E) and the matter following subparagraph (E);

(C) in subparagraph (F)—

(i) by striking ''United States Code,''; and

(ii) by adding ''and'' at the end; and

(D) by inserting after subparagraph (F) the following:

''(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;''.

(2) INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting '', a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act'' before '', and a period''; and

(B) in paragraph (16), by inserting ''System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,'' after ''Public Health Service,''.

Mr. DAINES. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment was agreed to.

The bill (S. 2971), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2971

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Urban Search and Rescue Response System Act of 2016''.

SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

''(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

''(3) HAZARD.—The term 'hazard' has the meaning given the term in section 602.

''(4) NONEMPLOYEE SYSTEM MEMBER.—The term 'nonemployee System member' means a System member not employed by a sponsoring agency or participating agency.

''(5) PARTICIPATING AGENCY.—The term 'participating agency' means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

''(6) SPONSORING AGENCY.—The term 'sponsoring agency' means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

''(7) SYSTEM.—The term 'System' means the National Urban Search and Rescue Response System to be administered under this section.

''(8) SYSTEM MEMBER.—The term 'System member' means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a System management or other technical team.

''(9) TASK FORCE.—The term 'task force' means an urban search and rescue team designated by the Administrator to participate in the System.

''(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

''(c) FUNCTIONS.—In administering the System, the Administrator shall provide for a national network of standardized search and rescue resources to assist States and local governments in responding to hazards.

''(d) TASK FORCES.—

''(1) DESIGNATION.—The Administrator shall designate task forces to participate in the System. The Administration shall determine the criteria for such participation.

''(2) SPONSORING AGENCIES.—Each task force shall have a sponsoring agency. The Administrator shall enter into an agreement with the sponsoring agency with respect to the participation of each task force in the System.

''(3) COMPOSITION.—

''(A) PARTICIPATING AGENCIES.—A task force may include, at the discretion of the sponsoring agency, 1 or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency with respect to the participation of the participating agency on the task force.

''(B) OTHER INDIVIDUALS.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency. The sponsoring agency of a task force may enter into a separate agreement with each such individual with respect to the participation of the individual on the task force.

''(e) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management teams and other technical teams as the Administrator determines are necessary to administer the System.

''(f) APPOINTMENT OF SYSTEM MEMBERS INTO FEDERAL SERVICE.—

''(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

''(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

''(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not affect any other authority of the Administrator under this Act.

''(4) LIMITATION.—A System member who is appointed into Federal service under paragraph (1) shall not be considered an employee of the United States for purposes other than those specifically set forth in this section.

''(g) COMPENSATION.—

''(1) PAY OF SYSTEM MEMBERS.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force—

''(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

''(B) to make payments directly to a nonemployee System member on the task force for any period during which the nonemployee System member is appointed into Federal service under subsection (f)(1).

''(2) REIMBURSEMENT FOR EMPLOYEES FILLING POSITIONS OF SYSTEM MEMBERS.—

''(A) IN GENERAL.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to be used to reimburse each employer of a System member on the task force for compensation paid by the employer to an employee filling a position normally filled by the System member for any period during which the System member is appointed into Federal service under subsection (f)(1).

''(B) LIMITATION.—Costs incurred by an employer shall be eligible for reimbursement under subparagraph (A) only to the extent that the costs are in excess of the costs that would have been incurred by the employer had the System member not been appointed into Federal service under subsection (f)(1).

''(3) METHOD OF PAYMENT.—A System member shall not be entitled to pay directly from the Agency for a period during which the System member is appointed into Federal Service under subsection (f)(1).

''(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR DEATH.—

''(1) IN GENERAL.—A System member who is appointed into Federal service under subsection (f)(1) and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment, shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty.

''(2) ELECTION OF BENEFITS.—

''(A) IN GENERAL.—A System member (or, in the case of the death of the System member, the System member's dependent) who is entitled under paragraph (1) to receive benefits under subchapter I of chapter 81 of title 5, United States Code, by reason of personal injury, illness, disability, or death, and to receive benefits from a State or local government by reason of the same personal injury, illness, disability or death shall elect to—

''(i) receive benefits under such subchapter; or

''(ii) receive benefits from the State or local government.

''(B) DEADLINE.—A System member or dependent shall make an election of benefits under subparagraph (A) not later than 1 year after the date of the personal injury, illness, disability, or death that is the reason for the benefits, or until such later date as the Secretary of Labor may allow for reasonable cause shown.

''(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

''(3) REIMBURSEMENT FOR STATE OR LOCAL BENEFITS.—Subject to such terms and conditions as the Administrator may impose by regulation, if a System member or dependent elects to receive benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of the benefits.

''(4) PUBLIC SAFETY OFFICER CLAIMS.—Nothing in this subsection shall be construed to bar any claim by, or with respect to, any System member who is a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), for any benefits authorized under part L of title I of that Act (42 U.S.C. 3796 et seq.).

''(i) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, shall be considered to be an employee of the Federal Government under section 1346(b) of title 28, United States Code, and chapter 171 of that title, relating to tort claims procedure.

''(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—With respect to a System member who is not a regular full-time employee of a sponsoring agency or participating agency, the following terms and conditions apply:

''(1) SERVICE.—Service as a System member shall be considered to be 'service in the uniformed services' for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

''(2) PRECLUSION.—Preclusion of giving notice of service by necessity of appointment under this section shall be considered to be preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

''(k) LICENSES AND PERMITS.—If a System member holds a valid license, certificate, or other permit issued by any State or other governmental jurisdiction evidencing the member's qualifications in any professional, mechanical, or other skill or type of assistance required by the System, the System member is deemed to be performing a Federal activity when rendering aid involving such skill or assistance during a period of appointment into Federal service under subsection (f)(1).

''(1) PREPAREDNESS COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

''(1) Training and exercises, including training and exercises with other Federal, State, and local government response entities.

''(2) Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.

''(3) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

''(m) RESPONSE COOPERATIVE AGREEMENTS.—The Administrator shall enter into a response cooperative agreement with each sponsoring agency, as appropriate, under which the Administrator agrees to reimburse the sponsoring agency for costs incurred by the sponsoring agency in responding to a major disaster or emergency.

''(n) OBLIGATIONS.—The Administrator may incur all necessary obligations consistent with this section in order to ensure the effectiveness of the System.

''(o) EQUIPMENT MAINTENANCE AND REPLACEMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the development of a plan, including implementation steps and timeframes, to finance, maintain, and replace System equipment.

''(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the System and the provisions of this section such sums as are necessary for each of fiscal years 2017, 2018, and 2019.''.

(b) CONFORMING AMENDMENTS.—

(1) APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Section 8101(1) of title 5, United States Code, is amended—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) by transferring subparagraph (F) to between subparagraph (E) and the matter following subparagraph (E);

(C) in subparagraph (F)—

(i) by striking ''United States Code,''; and

(ii) by adding ''and'' at the end; and

(D) by inserting after subparagraph (F) the following:

''(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;''.

(2) INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting '', a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act'' before '', and a period''; and

(B) in paragraph (16), by inserting ''System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,'' after ''Public Health Service,''.

BETTER ONLINE TICKET SALES ACT OF 2016

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 648, S. 3183.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3183) to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Better Online Ticket Sales Act of 2016'' or the ''BOTS Act of 2016''.

SEC. 2. UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO CIRCUMVENTION OF TICKET ACCESS CONTROL MEASURES.

(a) CONDUCT PROHIBITED.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person—

(A) to circumvent a security measure, access control system, or other technological control or measure on an Internet website or online service that is used by the ticket issuer to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules; or

(B) to sell or offer to sell any event ticket in interstate commerce obtained in violation of subparagraph (A) if the person selling or offering to sell the ticket either—

(i) participated directly in or had the ability to control the conduct in violation of subparagraph (A); or

(ii) knew or should have known that the event ticket was acquired in violation of subparagraph (A).

(2) EXCEPTION.—It shall not be unlawful under this section for a person to create or use any computer software or system—

(A) to investigate, or further the enforcement or defense, of any alleged violation of this section or other statute or regulation; or

(B) to engage in research necessary to identify and analyze flaws and vulnerabilities of measures, systems, or controls described in paragraph (1)(A), if these research activities are conducted to advance the state of knowledge in the field of computer system security or to assist in the development of computer security product.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such subsection by such person;

(B) to compel compliance with such subsection; and

(C) to obtain damages, restitution, or other compensation on behalf of such residents.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) not later than 10 days before initiating the civil action.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) EVENT.—The term ''event'' means any concert, theatrical performance, sporting event, show, or similarly scheduled activity, taking place in a venue with a seating or attendance capacity exceeding 200 persons that—

(A) is open to the general public; and

(B) is promoted, advertised, or marketed in interstate commerce or for which event tickets are generally sold or distributed in interstate commerce.

(3) EVENT TICKET.—The term ''event ticket'' means any physical, electronic, or other form of a certificate, document, voucher, token, or other evidence indicating that the bearer, possessor, or person entitled to possession through purchase or otherwise has—

(A) a right, privilege, or license to enter an event venue or occupy a particular seat or area in an event venue with respect to one or more events; or

(B) an entitlement to purchase such a right, privilege, or license with respect to one or more future events.

(4) TICKET ISSUER.—The term ''ticket issuer'' means any person who makes event tickets available, directly or indirectly, to the general public, and may include—

(A) the operator of the venue;

(B) the sponsor or promoter of an event;

(C) a sports team participating in an event or a league whose teams are participating in an event;

(D) a theater company, musical group, or similar participant in an event; and

(E) an agent for any such person.

Mr. DAINES. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

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

The bill (S. 3183), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

PROGRAM MANAGEMENT IMPROVEMENT ACCOUNTABILITY ACT

Mr. DAINES. Mr. President, I ask the Chair to lay before the Senate the message to accompany S. 1550.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1550). entitled ''An Act to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other, purposes.'', do pass with an amendment.

Mr. DAINES. Mr. President, I move to concur in the House amendment; and I ask unanimous consent that the motion be agreed to and the motion to reconsider be considered made and laid upon the table.

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

GAO CIVILIAN TASK AND DELIVERY ORDER PROTEST AUTHORITY ACT OF 2016

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5995, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5995) to strike the sunset on certain provisions relating to the authorized protest of a task or delivery order under section 4106 of title 41, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. DAINES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 5995) was ordered to a third reading, was read the third time, and passed.

DR. OTIS BOWEN VETERAN HOUSE

Mr. DAINES. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 5509 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5509) to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the ''Dr. Otis Bowen Veteran House.''

There being no objection, the Senate proceeded to consider the bill.

Mr. DAINES. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 5509) was ordered to a third reading, was read the third time, and passed.

HONORING ARNOLD PALMER

Mr. DAINES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 605.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 605) honoring Arnold Palmer.

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

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 605) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 29, 2016, under ''Submitted Resolutions.'')

EXPRESSING SUPPORT FOR THE DESIGNATION OF THE FIRST FRIDAY IN OCTOBER 2016 AS ''MANUFACTURING DAY''

Mr. DAINES. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 610.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 610) expressing support for the designation of the first Friday in October 2016 as ''Manufacturing Day.''

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

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 610) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 29, 2016, under ''Submitted Resolutions.'')

RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER IN HOUSTON, TEXAS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 626, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 626) recognizing the 75th anniversary of the establishment of the University of Texas MD Anderson Cancer Center in Houston, Texas.

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

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to consider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 626) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

SILVER STAR SERVICE BANNER DAY

Mr. DAINES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3386 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3386) to amend title 36, United States Code, to designate May 1 as ''Silver Star Service Banner Day.''

There being no objection, the Senate proceeded to consider the bill.

Mr. DAINES. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3386) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3386

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Silver Star Service Banner Day Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress has always honored the sacrifices made by the wounded and ill members of the Armed Forces.

(2) The Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States.

(3) The Silver Star Families of America was formed to help the people of the United States remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose.

(4) The sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members of the Armed Forces and veterans on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying.

(5) The sacrifices of members of the Armed Forces and veterans on behalf of the United States should never be forgotten.

(6) May 1 is an appropriate date to designate as ''Silver Star Service Banner Day''.

SEC. 3. DESIGNATION.

(a) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

''§ 145. Silver Star Service Banner Day

''(a) DESIGNATION.—May 1 is Silver Star Service Banner Day.

''(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by inserting after the item relating to section 144 the following:

''145. Silver Star Service Banner Day.''.

ORDERS FOR THURSDAY, DECEMBER 1, 2016

Mr. DAINES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, December 1; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; finally, that the Senate proceed to the consideration of H.R. 6297 at 1:45 p.m. tomorrow, as provided for under the previous order.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DAINES. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Thursday, December 1, 2016, at 9:30 a.m.