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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

O God, we would rest in You, for You alone can bring order to our world.

Reveal Yourself to our Senators, guiding them on the path of peace. May they place behind them disappointed hopes, fruitless labor, and trivial aims as they lean on You for comfort and strength. Rebuke their doubts. Strengthen the good in them so that nothing may hinder the outflow of Your power in their lives.

Give might to the weak and renew the strength of the strong.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

GUANTANAMO DETAINEES

Mr. MCCONNELL. Mr. President, President Obama has left the American people to wait for many years for a serious plan—one that poses no additional risk to our Nation or our Armed Forces, for instance—in pursuit of his desire to close a secure detention facility at Guantanamo Bay. Americans have been waiting for 7 long years to find out what the serious plan might look like. They are still waiting today.

What the President sent to Congress yesterday isn't a plan. It is more of a research project than anything. It does call on Congress, however, to act. It turns out we already have. Congress has repeatedly, over and over again, voted to enact clear, bipartisan prohibitions on the very thing the President is again calling for, and that is the transfer of Guantanamo Bay terrorists into our local communities. We have enacted bipartisan prohibitions in Congresses with split party control. We have enacted bipartisan prohibitions in Congresses with massive, overwhelming Democratic majorities. Just a couple of months ago, Members of Congress in both parties expressed themselves clearly one more time—not once, but twice, and on an overwhelming bipartisan basis. President Obama signed these bipartisan prohibitions into law as well. So let's not pretend there is even the faintest of pretenses for some pen-and-phone gambit here.

Congress has acted clearly, repeatedly, and on a bipartisan basis. The President now has the duty to follow the laws he himself signed. It shouldn't be that hard when you consider his admonition yesterday about ''upholding the highest standards of rule of law.'' He said: ''As Americans, we pride ourselves on being a beacon to other nations, a model of the rule of law.'' That is interesting in light of a recent GAO ruling that the administration's detainee swap of Taliban prisoners for Bowe Bergdahl violated the law. It is especially interesting in light of the President's continuing refusal to rule out breaking the law if he doesn't get his way on Guantanamo. President Obama's own Attorney General says he cannot unilaterally do that. It is clear. President Obama's own Defense Secretary says he cannot unilaterally do that. President Obama's own top military officer says he cannot unilaterally do that. In the words of one of our Democratic colleagues, ''He's going to have to comply with the legal restrictions.'' It is as simple as that—''going to have to comply with the legal restrictions.''

Breaking the law as a way to supposedly uphold the rule of law is just as absurd as it sounds. It is time that the President finally ruled that option out categorically, and then he should finally move on from a years-old campaign promise and focus on the real problem that needs solving today.

My own hope is that the Commander in Chief will not put his own chain of command in the position of having to carry out an unlawful direct order.

But, look, closing Guantanamo and transferring terrorists to the United States didn't make sense in 2008, and it makes even less sense today. We are a nation at war. The administration's efforts to contain ISIL thus far have not succeeded. The next President may very well want to pursue operations that target, capture, detain, and interrogate terrorists because that is how terrorist networks are defeated. Why would we take that option away from the next Commander in Chief now?

Let's be clear: The two options on the table are not keeping Guantanamo open or closing it, but keeping Guantanamo terrorists at Guantanamo or moving them to some Guantanamo North based in a U.S. community. Changing the detention center's ZIP Code is not a solution. It is not even serious.

The fact that the President missed a deadline for submitting a plan to defeat ISIL last week—presumably because he was just too busy working on his ancient campaign promise—is completely unacceptable.

Some of the most senior national security officials within President Obama's own administration are already working to better position the next President for the national security challenges we will face in 2017. It is time President Obama finally joined them and us in the serious work of keeping Americans safe in a dangerous world.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, we are going to move the confirmation vote back closer to noon in order to accommodate some important hearings that are going on this morning in several of our committees.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The Democratic leader is recognized.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, yesterday the senior Senator from Iowa, along with other Republicans on the Senate Judiciary Committee, announced that they won't be holding a hearing on President Obama's eventual nominee to the Supreme Court. They won't give the eventual nominee the common courtesy of even a meeting—no hearings, no meeting—and this was all done even before the President sent a name to us. This is historically unbelievable and historically unprecedented.

Republicans don't know who the nominee will be, and they have already mentioned that. Already they have decided they won't even start the confirmation process. Why? Because the person was nominated by President Obama. Remember, the Republican leader said many years ago that the No. 1 goal he had was to make sure President Obama was not reelected. That failed miserably. The President won by more than 5 million votes. Everything has been done by the Republicans in the Senate to embarrass, obstruct, filibuster—anything that could be done to focus attention on President Obama, none of which has helped the country.

Senator GRASSLEY has surrendered every pretense of independence and let the Republican leader annex the Judiciary Committee into a narrow, partisan mission of obstruction and gridlock—so partisan, in fact, that the senior Senator from Iowa won't respond to a personal invitation from the President inviting him to the White House to discuss the vacancy. Think about that. The President of the United States calls a very senior Senator, and he hasn't even responded to the President. This is a sad day for one of the proudest committees in the Senate. So I ask, is this the legacy he wants? Is this how he wants his committee work remembered—as a chairman who refused his duty and instead allowed the Republican leader to ride roughshod over the Judiciary Committee's storied history?

The strength of committee chairmen in the U.S. Senate has been legendary. No majority leader or minority leader could tell a chair what to do with his committee. That was off bounds, but it doesn't appear so now.

In abdicating this responsibility, which the Senate has always upheld—never in the history of the country has a Senate simply refused to do anything, even meet with the person who has been nominated. So Republicans are setting a dangerous precedent for future nominations, not only for the Supreme Court but for the Senate itself as an institution.

Yesterday the Senate Historian's office reported that the denial of committee hearings for a Supreme Court nominee is unprecedented. If that is unprecedented, how about the fact that he won't even meet with the person who has been nominated? If that is unprecedented, how about the fact that a Member of the Senate won't even go to the White House to talk to the President about filling the Supreme Court seat?

The senior Senator from Iowa will be the first Judiciary Committee chairman ever to refuse to hold a hearing on a Supreme Court nominee. That is quite an achievement, but not one of which he should be proud. That sort of wanton obstruction is not what the American people want. It is not what the people of Iowa want. Last week no fewer than six Iowa newspapers issued scathing editorials calling on Senator GRASSLEY to change course and give the President's Supreme Court nominee the respect he or she deserves.

For example, the Mason City Globe Gazette wrote:

> We were especially disappointed to see Iowa's own Chuck Grassley join the partisan crowd calling for a delay. . . . There is no constitutional or even historical precedent for such flagrant, outrageous, shameful, bald-faced partisanship.

The Gazette in Cedar Rapids, IA, wrote of Senator GRASSLEY's actions:

> It's hard to conclude this is anything but political maneuvering meant to meet partisan objectives at the expense of the Supreme Court, our constitutional process and the common good.

The headline of the Des Moines Register editorial reads, ''Grassley's Supreme Court stance is all about politics.''

Is that the legacy the chairman wants for Iowa and our Nation? I certainly hope not. Does he want to be remembered as the least productive Judiciary Committee chairman in history? At his current pace, he will be remembered as the most obstructive chairman in history.

Instead of studying what the Vice President said a quarter of a century ago, perhaps Senator GRASSLEY should take note of what Senator BIDEN did 25 years ago or generally as a member and chairman of that committee.

In 1992, under Senator BIDEN's leadership, the Judiciary Committee confirmed 64 circuit and district court nominations. All of the judicial nominations were made by a President of the opposite party—President George H.W. Bush. In 2015, Senator GRASSLEY's first year as chairman of the Judiciary Committee, the Senate confirmed 11 judicial nominations. That was the fewest judicial nominations confirmed ever. We were a much smaller country, perhaps, so ''ever'' might be a little much, but certainly in the last 50 or 75 years. That is quite a comparison: BIDEN, 64; GRASSLEY, 11.

It gets even worse than that for my friend from Iowa. In the entire 102nd Congress, when JOE BIDEN was chair, the Senate confirmed 120 nominees—120 judicial nominations under BIDEN. Compare that to 16 under Chairman GRASSLEY. The difference is stunning.

I would encourage my friend from Iowa to focus on Vice President BIDEN's actions and results, rather than cherry picking remarks of 25 years ago. The Judiciary Committee of JOE BIDEN honored its constitutional obligations by considering and confirming—even visiting with nominees—in a timely fashion, even though they were a Republican President's nominees. I can't say the same for the committee today. No one can.

As chairman, JOE BIDEN did his constitutional duty and processed four nominations from Republican Presidents to the Supreme Court, including Justice Kennedy—that vote occurred in the last year of President Reagan's Presidency—Souter and Thomas.

Let us focus on Thomas just a little bit. Thomas got 52 votes. He squeaked through the Senate. Any one Senator could have forced a cloture vote. Any one Democrat could have done that. We didn't do that. It was never done until the Republicans showed up here in the last few years.

Now, Bork was a very controversial person, but he received a long, long hearing before the committee and a long debate here in the Senate. He was voted down. That is how this place is supposed to work. Other nominees have been voted down. But we didn't say we are not going to hold a hearing on Bork. We didn't say we are not going to take the committee's actions and just leave it at that. Listen to this: Bork was turned down in the Judiciary Committee by an overwhelming margin. In spite of that, we brought it to the Senate floor and it was debated, and he won by two votes—no filibusters. He was defeated in the committee. We didn't look for an excuse. That is the way it used to be done.

With the Republican leadership now they will not meet with the nominee, even though they do not know who it will be; they won't hold a hearing; and the chairman of the committee will not even go to the White House and visit with the President.

As chairman, Senator BIDEN did his constitutional duty and processed nominations, even though they were Republican nominations. So we don't have to go back to 1988 or 1992 to prove the current Judiciary Committee chairman's ineptness. Look at the spike in judicial emergencies that have occurred on Chairman GRASSLEY's watch just in the past year.

What is an emergency? It means there are not enough judges—too many

cases for a judge to do the work. A vacant judgeship is automatically declared an emergency, as it should be. When the Republicans assumed control of the Senate last year there were 12 emergencies nationwide. Today, a year later, that number has almost tripled to 31.

By nearly every metric, the Judiciary Committee under Chairman GRASSLEY is failing dramatically, setting all records of failure in this great body. The committee is failing the people of Iowa and the Nation.

To the senior Senator from Iowa, I stress, I plead, don't continue down this path. Reject this record-setting obstruction and simply do your job as a powerful chairman of the Judiciary Committee.

Mr. President, I see no one on the floor. Will the Chair announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Robert McKinnon Califf, of South Carolina, to be Commissioner of Food and Drugs, Department of Health and Human Services.

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

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

Mr. COTTON. Mr. President, I ask unanimous consent that the confirmation vote scheduled for 11 a.m. this morning be moved until 12 noon, with all other provisions of the previous order remaining in effect.

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

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

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

FILLING THE SUPREME COURT VACANCY

Mr. DURBIN. Mr. President, every Member of the Senate stands in the well of the Senate when they are elected, takes an oath of office. That oath of office, required by the Constitution, is our statement to not only the people we represent but to the Nation, that we will uphold and defend the Constitution of the United States.

Article II, section 2 of that Constitution empowers the President. Those powers include the President's power to fill vacancies on the Supreme Court. It is not permissive language. The word ''shall'' can be found in this paragraph. It basically says that the President of the United States shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the Supreme Court.

For the first time in the history of the United States of America, Senate Republicans are prepared to defy this clear statement of the U.S. Constitution. What an irony that filling the vacancy on the Court by the untimely death of Antonin Scalia—filling the vacancy on the Court of a man who prided himself throughout his judicial career as being what he termed an ''originalist,'' sticking to the strict letter of the law, as spelled out in the Constitution—in filling that vacancy, the Senate Republicans have basically decided to reach a new low; in fact, to make history in a very sad way. A seat on the U.S. Supreme Court lies vacant because of the death of Justice Scalia. The President has the constitutional obligation, as I have read, to name a nominee to fill that vacancy. Senate Republicans are now saying they will not even hold a hearing on that nominee.

If the President sends a name—and he will—to the Senate to fill that vacancy, they have said they will not hold a hearing, they will not schedule a vote, and, listen to this, yesterday Senator MCCONNELL said: I will not even meet with that person.

This is a new low. Since the Senate Judiciary Committee started holding hearings on Supreme Court nominees a century ago, the Senate of the United States of America has never—never—denied a hearing to a pending Supreme Court nominee. It has never happened, but that is what Senate Republicans are saying they will do.

This level of obstruction, of ignoring the clear language of the Constitution, is unprecedented, and it is dangerous. This goes beyond any single vote for any Supreme Court nominee. This is an abdication of the Senate's responsibility under article II, section 2 of the Constitution to provide advice and consent on Supreme Court nominations, which the President shall appoint and shall nominate.

Senate Republicans want to keep the Supreme Court seat vacant for more than 1 year. They want this vacancy to continue for more than 1 year. That will encompass two terms of the Supreme Court. This is demeaning to the institution of the Supreme Court, and unfair to millions of Americans who rely on that Court to resolve important legal questions.

In the coming days, the President will name a nominee, as the Constitution requires him to do. Senate Republicans should meet their responsibility under the Constitution, do their jobs, and give the President's nominee a fair hearing and a vote.

Yesterday, the Republican members of the Senate Judiciary Committee sent a letter to the majority leader, and here is what they said: ''This Committee will not hold hearings on any Supreme Court nominee until after our next President is sworn in on January 20, 2017.''

Why did they take this unusual position in defiance of the Constitution? They said: ''The presidential election is well underway. Americans have already begun to cast their votes. . . . The American people are presented with an exceedingly rare opportunity to decide, in a very real and concrete way, the direction the Court will take over the next generation.''

This argument is specious. The American people have already voted; they voted to elect our President, Barack Obama, and they voted to elect 100 Senators who currently serve in this body. President Obama was elected to a 4-year term, and 11 months remain. The American people voted for each of us to do our jobs for as long as we serve in office. By a margin of 5 million votes, the American people have chosen the President. Did they elect the President for 3 years, or 3 years and 2 months? No. They elected a President for 4 years, and this President's term continues until January 20, 2017.

The Republicans conveniently ignore the obvious. The will of the American people was expressed in that election, and the election of Barack Obama as President of the United States empowers him under the Constitution to fill this vacancy with an appointment. They didn't vote in that election for us to sit on our hands for over a year while the Supreme Court twists in the wind and while the Republican Senators pray every night that President Donald Trump will somehow give America a different Supreme Court nominee. Not a single American, incidentally, has yet cast a vote for President of the United States—not one—in the next election, despite the statement of the Judiciary Committee Republicans that says otherwise.

It is February of this year. The nomination conventions are scheduled for late July. The modern Supreme Court confirmation process has taken an average of 67 days. There is more than adequate time to hold a hearing on this nominee and get this done properly. All we need is for the Senate Republicans to do their jobs.

Yesterday on the Senate floor, I urged my Republican colleagues not to duck a vote on the President's nominee. They could vote yes, they could vote no, but they shouldn't abdicate their constitutional responsibility for political advantage. I am amazed that my Republican colleagues now say that

not only do they want to duck that vote, but they also want to avoid even having a hearing on the nominee. And they are afraid to even meet with this nominee for fear that maybe they might think he or she is a good nominee.

Even more shockingly, the Republican leader and several Republican members of the Judiciary Committee said yesterday they would not even meet with the President's nominee. One of our colleagues in the Senate last night on television was asked pointedly or directly: If the President nominates someone from your State to the Supreme Court vacancy, are you saying you wouldn't meet with that person? My colleague on the other side of the aisle ducked the question. This is stunning.

Remember, the President is obligated by article II, section 2 of the Constitution to send a nominee to the Senate. That is the process the Founding Fathers established. That is the President's responsibility. How can Senate Republicans refuse to even meet with the person selected under this constitutional process? How is that being faithful to the terms of the Constitution? How are Senate Republicans upholding and defending this Constitution by this evasive, historically unprecedented action?

Sadly, it appears that Senate Republicans have calculated it is in their best political interests to keep the nominee out of the spotlight. They were hoping that, with this letter and by saying yesterday we will have nothing to do with it, they are going to turn out the lights on this issue. That is not what is going to happen. This issue is going to be there and remembered, and it is going to be recalled on the floor of the Senate repeatedly. They thought they could close down the government when Senator CRUZ of Texas sat here for, I don't know how many hours, reading Dr. Seuss while we shut down the government, and they thought people would forget Senator CRUZ shutting down the government; they didn't, and he is finding on this campaign trail that a lot of people have remembered that. The American people are not going to forget what Senate Republicans are trying to do with the Supreme Court.

I have served on the Judiciary Committee for the hearings and confirmation votes of four of the eight sitting Supreme Court Justices. Let me state clearly that this Senator is more than happy to meet with the President's Supreme Court nominee, as I have on all such nominees—Republican and Democrat alike—and I will consider that nominee on his or her merits, as I have always tried to do in the past.

Yesterday, Senate Republicans also tried to deflect attention from their unprecedented obstruction by pointing to quotes from some Democrats years ago. But the record is clear: Democrats have never, never blocked a Supreme Court nominee from having a hearing. Republicans are breaking new ground with this obstructionism. The American people deserve better.

The bottom line is there is no excuse for the Senate to fail to do its job. Once the President has named his nominee, the Senate must give that nominee a fair hearing and a timely vote. If the Constitution means anything to my colleagues on the other side of the aisle, they understand that what they are doing is unprecedented. It has never happened once in American history. We are now finding the obstructionism of Senate Republicans reaching a new low. They are ignoring the clear wording of our Constitution, which they have sworn to uphold and defend, and they are obstructing in a way that we have never seen before in the history of the United States. That is the reality—a reality that will not be lost on the American people.

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

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

PRESCRIPTION DRUG ABUSE

Mr. BARRASSO. Mr. President, I come to the floor today to talk about a drug abuse problem that is literally hurting millions of Americans. There has been a dramatic rise in the use and misuse of prescription painkillers. These prescription painkillers—and I tell you this as a doctor—are known as opioids.

Between 1999 and 2013, sales of prescription painkillers in the United States have quadrupled. It is no coincidence that over that same number of years overdose deaths from these drugs have also quadrupled. This is how we know there has been a huge shift from the appropriate use to abuse of these medications. People in rural areas like my own are almost twice as likely to overdose on prescription painkillers as people in large cities. Some people think these problems are only a problem in the big cities. That is not the case with these opioids.

I can tell you as a doctor who practiced medicine in Casper, WY, for 25 years, treating pain in our patients is one of the most difficult things we do. When we have a patient who is in pain, we want to help relieve that pain. Opioids are a very effective way to help patients with pain, and doctors use these medications through prescriptions to help manage the pain. It is important that we have the capacity to do that as long as it is done appropriately. This can be a very good option for someone suffering from chronic pain, such as pain from cancer. It can be appropriate for someone who is suffering from acute, temporary pain, such as someone who just had surgery.

The problem is that these are extremely powerful narcotics. Chemically, they are not that different from heroin, and they can become addictive. Some patients have no problem at all taking these painkillers for the proper amount of time, while other patients might develop a problem and actually have trouble getting off the pain pills. As they get accustomed to the drugs, sometimes they may seek out stronger and more addictive drugs to get the same pain relief. That is why doctors have to be very careful about prescribing the right medicine for each patient and each situation. They have to balance the risk of the drug with the reward of easing the patient's pain.

Not every doctor in this country has been as careful as they should be. We didn't get into this difficult situation because of a handful of doctors writing too many prescriptions. These prescriptions are being written by doctors in communities all across the country. It is happening in emergency rooms, with family doctors, with specialists, and even with dentists.

I believe Washington policies have inadvertently contributed to the problem. The Centers for Medicare and Medicaid have made payments to hospitals partly based on how well the specific hospital has scored on surveys filled out by the patients—the patients who have been in those hospitals. Here are some examples of questions that are asked on these surveys: During this hospital stay, how often was your pain well controlled? Some patients are asked that. They are also asked: How often did the hospital staff do everything they could to help you with your pain?

Well, you can see how doctors might feel pressure to prescribe more and stronger opioid pain relievers to make sure their hospital doesn't get low scores and get penalized by the bureaucrats here in Washington. The Department of Health and Human Services is looking into whether these surveys are contributing to this rise in prescriptions and what can be done about it.

Earlier this month I was 1 of 26 Senators, Republicans and Democrats alike, who wrote to the Secretary of Health and Human Services to make sure she keeps us apprised on the effects these regulations might be having. If these pain relievers are being prescribed inappropriately, they can do more harm than good. That's the problem. Some of these people who get these prescriptions for all the right reasons end up being addicted. When the prescription runs out, they may actually experience withdrawal symptoms, and I have seen it happen.

So what do the people who become addicted to these opioids do? Well, they seek pills on the black market or they turn to other drugs, including heroin. Heroin is often cheaper than the actual prescription opioid and, of course, more deadly.

From 2002 to 2013, heroin use in the United States has nearly doubled. The deaths from heroin overdoses have quadrupled. Why? One of the reasons

seems to be that because heroin has become much cheaper on the street, it has also become a more attractive drug for addicts to buy and use. At the same time, the heroin today is believed to be much more powerful than it used to be, and so it may be that people who use it are much more likely to overdose.

When we see statistics like these—or just talk to people, such as those who work in the emergency room, who have to deal with the drug addictions, 911 calls, opioid abuse, heroin abuse, and see all these problems—it is time for Congress to act. We can't turn a blind eye to Americans who are suffering and dying. That is why I think it is important that the Senate needs to take up action to help stop the damage being done.

Recently the Senate Judiciary Committee passed the Comprehensive Addiction and Recovery Act. It has bipartisan support, and it is one more sign that the Senate has gotten back to work on behalf of the American people. Just as the name of the legislation says, it actually addresses both problems—addiction and recovery. It will increase education and prevention efforts to help keep people from becoming addicted to painkillers in the first place. It is also going to strengthen State programs to monitor prescription drugs and to track when these drugs end up in the wrong hands.

For the people who have already passed from use of the medications to abuse and addiction, this legislation will help to launch treatment programs that are based on actual evidence of what works. There are a lot of treatment programs out there and lots of different opportunities to seek treatment. We want to make sure we can identify the ones that are actually succeeding and helping people and then make sure these programs are available to more people. These are just a few of the positive ideas in the legislation.

Senator KELLY AYOTTE, who is one of the main sponsors of this legislation, has said that we can't arrest our way out of this problem. She is exactly right. The misuse and abuse of these drugs is illegal. We must acknowledge that fact. We must still try to do everything in our power to keep this misuse from turning into addiction and even death. There are States and communities and families suffering because of the abuse of these drugs. We can all be part of the solution, and we must all be part of the solution.

I know that the Committee on Health, Education, Labor, and Pensions is looking into another aspect of this subject, as is the Finance Committee. There are lots of ideas out there, and I am glad to see Members taking the issue so seriously. I am glad we are moving forward with bipartisan legislations and solutions.

Senator AYOTTE has been a major force in talking about this problem. Senators WHITEHOUSE, KIRK, PORTMAN, and others have addressed this issue.

Another good, commonsense idea is looking into changing Medicare Part D and Medicare Advantage. This legislation has been introduced by Senator PAT TOOMEY of Pennsylvania. I am a cosponsor of that legislation. The bill is called the Stopping Medication Abuse and Protecting Seniors Act. That is it: Stopping Medication Abuse and Protecting Seniors. It allows Part D and Medicare Advantage plans to lock in patients to a single prescriber, a single pharmacy, for their opioid pain medicine. This is going to do a couple of things. It will deal with the issue of doctor shopping. That is when a patient goes to multiple providers to get duplicate prescriptions if they become addicted. Many private insurance companies already do this and so does Medicaid. So we should allow and encourage Medicare to do it as well.

These are all ideas with bipartisan support in the Senate. They are examples of ways that Democrats and Republicans are working together to help Americans who need and deserve help. The abuse of prescription drugs and heroin is happening everywhere in America. It is harming our Nation. Congress must do what it can to stop it.

I thank the Presiding Officer and 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.

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

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

FILLING THE SUPREME COURT VACANCY

Ms. HIRONO. Mr. President, our Republican colleagues have decided that the Senate should not hold a hearing or vote on any Supreme Court nominee this year. The reason? It is an election year. That is a breathtakingly candid but utterly irresponsible reason for the Senate not to do its job. That decision may not surprise those who have followed the Senate in recent years, as our Republican colleagues have time and again chosen to obstruct President Obama's agenda.

We can disagree on legislation, we can disagree on policies, we can certainly disagree on judicial nominations, but the idea that the Senate should not take any action on a Supreme Court vacancy is unprecedented.

In the last 100 years, the Senate has taken action on every Supreme Court nominee whether it is an election year or not. The Senate has not only taken action, but the Senate has confirmed more than a dozen Supreme Court Justices in the final year of a Presidency. In fact, a Democratic Senate confirmed Justice Anthony Kennedy in the final year of President Reagan's term. Yet roughly 9 months before the next election, the Republican position is that the Senate should not do its job because 11 months from now, we will have a new President. I ask you, what has that got to do with us doing our jobs?

Under the Republican timeline, the Supreme Court will be left with only eight Justices for over a year. The last time it took so long for the Senate to fill a vacancy on the Court was during the Civil War. The rationale that the Senate should not act because of an upcoming election is not only stunning, but I think most Americans would agree is absurd. In what other workplace can employees announce that they don't plan to fulfill their responsibilities for 9 months and still get paid? But that is exactly what Republicans are saying to the American people.

We work for the American people. The American people elect Senators, Representatives, and Presidents. Through elections, the people shape the direction of our country.

While Republicans may want to forget it, in 2012 the people elected President Obama to a full 4-year term. That term doesn't end for nearly a year. His responsibilities as President don't stop because a Republican Senate says so.

The Constitution requires a President to nominate someone to fill a vacancy on the Supreme Court. The Constitution requires the Senate to provide advice and consent on the President's nominee. That is our job as Senators.

The President hasn't nominated anyone to fill the current Supreme Court vacancy. When he does, no Senator is required to vote for that nominee, but what is required is for the Senate to fulfill its constitutional duties. The President's nominee deserves a hearing and a vote. No excuses. Let's do our job.

Mr. President, I wish to now turn to another subject.

(The remarks of Ms. HIRONO pertaining to the submission of S. Res. 373 are printed in today's RECORD under ''Submitted Resolutions.'')

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, yesterday it was my privilege to say a few words honoring Justice Antonin Scalia, known to his friends as ''Nino,'' a man whose intellect, wit, and dedication to our Constitution have served our country for decades. I am pleased that others have said appropriate words honoring his memory and the many ways he helped strengthen our constitutional self-government and our democracy.

As we know, the Constitution gives the Senate an equal role in deciding who eventually is to serve on the Supreme Court of the United States.

President Obama called me and other members of the Judiciary Committee yesterday, saying he intends to exercise his constitutional authority, and I recognize his right to make that nomination. But not since 1932 has the Senate, in a Presidential election year, confirmed a Supreme Court nominee to a vacancy that arose in that Presidential election year. And it is necessary to go even further back—I believe to the administration of Grover Cleveland in 1888—to find an election-year nominee who was nominated and confirmed under a divided government, such as we have now.

So I found it very curious that some of our colleagues across the aisle are effusive in their criticism of our decision to withhold consent until we have a new President and in effect say this ought to be a choice not just confined to the 100 Members of the Senate and the President but to the American people.

We are not saying—we are not foreclosing the possibility that a member of one party or another party would be the one to make that nominee. This isn't a partisan issue. This is about the people having a chance to express their views and raising the stakes and the visibility of the Presidential election to make the point that this isn't just about the next President who will serve 4 years, maybe 8 years; this will likely be about who will serve the next 30 years on the Supreme Court of the United States.

I am going to remind our colleagues of some of the things they have said in the past for which they have so roundly criticized us. People understand when there are differences of opinion. It is a little harder to understand hypocrisy when you have taken just the opposite position when it suited your purposes in the past to the position you take today. So let me just be charitable and say maybe they have just forgotten.

For example, the minority leader, Senator REID of Nevada, the Democratic leader, said on May 19, 2005, when George W. Bush was President of the United States:

> The duties of the Senate are set forth in the U.S. Constitution. Nowhere in that document does it say the Senate has a duty to give Presidential appointees a vote.

That was Senator REID. I agree with him. That is exactly right, but that is not the position he appears to be taking today.

The President has every right to nominate someone, but the Senate has the authority to grant consent or to withhold consent. And what I and the other members of the Judiciary Committee on the Republican side said yesterday in a letter to the majority leader is that we believe unanimously—all the Republicans on the Senate Judiciary Committee—that we should withhold consent, exercising a right and an authority recognized by Senator REID in 2005.

I have read some of the press clips. People recoil in mock horror: Well, you are not even going to have a hearing? You are not even going to meet with the President's proposed nominee?

Well, that is right, for a very good reason—because it is not about the personality of that nominee. So it would be pretty misleading for us to take the same position that Senator REID has taken and then to say: Well, we are going to go through this elaborate dance of having courtesy meetings, maybe even having a hearing, when we have already decided—as Senator REID acknowledged is the right of the Senate—not to bring up this President's nominee for a vote. And not to preordain who that next nominee will be, whether they will be nominated by a Republican or Democratic President—we don't know what the outcome of the Presidential election is going to be. But this is too important for the Congress and for the Senate to be stampeded into a rubberstamp of President Obama's selection on the Supreme Court as he is heading out the door—a decision that could well have an impact on the balance of power on the Supreme Court for the next 30 years.

I am not through with my charts.

The next Democratic leader in the Senate, Senator SCHUMER—first, I guess you could call this the Reid standard. We call it the Reid rule and the Schumer standard. That rolls off the tongue better.

So this is what Senator SCHUMER said 18 months before President George W. Bush left office. We are only looking at, what, 10 or 11 months until President Obama leaves. In 2007, Senator CHUCK SCHUMER said: ''[F]or the rest of this President's term. . . . We should reverse the presumption of confirmation.''

I, frankly, don't know what he is talking about. The Constitution doesn't talk about a presumption of confirmation. But it is pretty clear to me that he wants a presumption that the nominee will not be confirmed for the next 18 months.

Senator SCHUMER, one of the Democratic leaders, said: ''I will recommend to my colleagues that we should not confirm a Supreme Court nominee except in extraordinary circumstances.''

So what we are doing is what Senator REID and Senator SCHUMER advocated back when it was convenient and served their purposes way back when. They are now taking a different position because, of course, their interests are different. They want to make sure President Obama gets a chance to nominate and the Senate confirm President Obama's nominee, who will serve for perhaps the next quarter of a century or more on the Supreme Court. But it is pretty clear that the Senate is not bound to confirm a Supreme Court nominee or even hold a vote.

Finally, I wish to point out—we will call it the Reid rule, the Schumer standard, and the Biden benchmark.

This is what the Vice President of the United States, JOE BIDEN, said in 1992 when he was chairman of the Senate Judiciary Committee. He gave a long speech, of which this is an excerpt. He said: ''[T]he Senate Judiciary Committee should seriously consider not scheduling confirmation hearings on the nomination until after the political campaign season is over.'' He went on to say: ''[A]ction on a Supreme Court nomination must be put off until after the election campaign is over.''

That is the Biden benchmark—the Reid rule, the Schumer standard, and the Biden benchmark.

I read a statement from the Vice President that he issued after he saw that this old news clip and his statement had been made public. He quite conveniently said this was ''not an accurate description of my views on the subject.'' Well, I think the words are very clear. I think what he might have said is ''These are no longer my views on the subject'' because, of course, he would like President Obama to be able to make that nomination.

So I wish to reject this myth that many of our Democratic colleagues are spreading that what we are doing here and now is somehow unprecedented. Quite the contrary. What we are doing is what the Democrats' top leadership has advocated in the past. What do they think we are? They think we are going to abide by a different set of rules than they themselves advocated? How ridiculous would that be? I could not explain that to my constituents back home in Texas. If I were going to say: Well, the Democrats can apply one set of rules, but then when the Republicans are in the majority, the Republicans must apply a different set of rules—well, the fact is, the rule book has been burned by the Democrats, and what we are operating under is the status quo they advocated back in 1992, 2005, and 2007.

The Senate has every right under the Constitution not to have a hearing, and we shouldn't go through some motions pretending like we are or that this is really about the personality of whomever the President nominates. I have confidence that the President will nominate somebody who he thinks is qualified to be on the Supreme Court. I would point out, though, that this nominee will not be confirmed. I don't know many leading lawyers, scholars, and judges who would want to be nominated for the U.S. Supreme Court to a seat that President Obama will never fill.

So during this already very heated election year—and the election is already underway. Democrats are voting in Democratic primaries, and Republicans are voting in Republican primaries and caucuses. The election is already underway, and the Supreme Court can function in the vast majority of cases with eight members. It frequently does anyway because most cases are not decided 5 to 4; most cases are decided on a consensus basis.

But let's say, for the six or so cases in which Justice Scalia was a deciding vote on a 5-to-4 case last year—if there

is a deadlock, those cases can simply be held over until the next year when there is a new Justice or the Court can come up with some other way to dispose of it as it sees fit. That frequently happens. For example, Justice Kagan was Solicitor General of the United States. She was recused from and could not sit on cases that she handled as an advocate for the U.S. Government once she got to the Supreme Court. So the Court operated with eight Justices for a long time because of Justice Kagan's recusal. Similarly, Justice Anthony Kennedy served on the Ninth Circuit Court of Appeals. Once he got to the Supreme Court of the United States, he couldn't then sit on those cases and decide them once as a circuit court judge and another time as a Supreme Court Justice. He recused, which means there were eight Justices to decide those cases. That is not extraordinary; that is not uncommon. And it is not going to paralyze the Supreme Court of the United States from doing its job. It has all the tools it needs at its disposal to handle these cases as it sees fit—either to dismiss them as improvidently granted, to hold them over if they are truly deadlocked, or to find some other perhaps more narrow basis upon which to decide the case, which would command a five-vote majority with eight members of the Court.

So Mr. President, I would like our colleagues to come out here and explain this apparent contradiction in the position they took in 2007, 2005, and 1992. Because if they can't explain that, then it looks to me like this is pure hypocrisy—holding Republicans, when we are in the majority, to a different standard than they themselves were willing to embrace when they were in power.

As I said, people may not understand a lot of the nitty-gritty details of this, but they do have a strong sense of fairness and evenhandedness, and they do smell hypocrisy and see it when it is right before their eyes.

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.

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

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

Ms. HEITKAMP. Mr. President, I come to the floor today with what I think is a pretty simple message—a message the American people have been delivering to me and the people of North Dakota and which reflects exactly why I wanted to come to Washington, DC—which is that Congress needs to do its job. Whether it is legislating on WOTUS or making sure we are moving appointments properly or taking votes that may make some of us uncomfortable, that is our job. That is why the American taxpayers pay us. So I come today to say: Congress, do your job. Senate, do your job.

Every day families across this country go to work and fulfill their responsibilities and obligations. They do their jobs to put food on the table for their family, and they pay their bills. Imagine a construction worker in North Dakota telling his boss he didn't want to do his job for the rest of the year until conditions are probably more favorable. He might get a good laugh. He might be told to go back to work. If he was serious, he wouldn't have a job very long.

Everyone here knows American workers can't go to their jobs and just announce: I don't want to do that today. They can't just say: I am not going to do my job for the rest of the year. I am going to wait to find out who might be the new boss. That is not how it works for the American people, and it is certainly not how it should work for the Senate.

In many ways, I think it is an embarrassment that some of my colleagues would not only ask the President not to do his job—a job our Constitution instructs him to do—but they would also shirk their own duties to provide advice and consent to the President simply because it is not a good political time to do it.

It says something pretty terrible about Congress if the Senate now is making determinations about how a popularly elected President, regardless of political party—regardless of whether that President is popular in this Chamber or not—is no longer allowed to perform the duties of that office and nominate and receive a vote on the Supreme Court nominee of his choosing.

It is a disappointing day when some Senators will tell the President: Don't even bother because we will not even consider or even talk to your nominee. This is before the President has even announced or named a nominee. It is particularly frustrating to those of us who really want the Senate to work that some Senators are willing to hamper the functioning of yet another branch of our Federal Government simply to play politics, with the hope that those politics will benefit one party—to maintain and possibly take control of the other two branches of government.

I don't think anyone can dispute the facts. The Supreme Court considers some of the most critical issues facing our country, and the American people deserve a fully functioning Court. To insist the Court go through potentially two terms without a full slate of Justices is an abdication of our responsibility as Senators. That responsibility is to make sure that America's three branches of government are fully functioning.

Just yesterday, we heard that our colleagues are not even going to entertain the thought of a hearing before the Judiciary Committee for any nominee the President puts forward. I don't know how to explain that decision. I don't know how one can say that for the next 10 months that doesn't matter. I don't know how to explain that to people back in North Dakota.

In the last 100 years, the full Senate has taken action on every pending Supreme Court nominee to fill a vacancy, regardless of whether the nomination was made in a Presidential election year. According to CRS—Congressional Research Service—since 1975 the average number of days from nomination to final Senate confirmation is 67 days or just over 2 months.

Since committee hearings began in 1916, every pending Supreme Court nominee has received a hearing, except nine nominees who were all confirmed within 11 days. In addition to holding hearings on the nominations, the Senate Judiciary Committee has a longstanding bipartisan tradition of sending to the full Senate all pending nominees to the Supreme Court for a Supreme Court vacancy, even when the majority of the committee may not have supported that nominee.

If, in fact, this Supreme Court vacancy is held open until the next President makes the nomination, that will mean it is vacant for well over a year. Not since the Civil War—not since the Civil War—has the Senate taken longer than 1 year to fill a Supreme Court vacancy.

An extended period of time with only eight members of the Supreme Court sitting would delay or prevent justice from being served. There are American citizens across the country who need decisions from the Court on a variety of issues. In fact, what we have done is we have elevated the circuit courts—the courts that have made the decisions that are currently pending—to the position of the Supreme Court of the United States, denying access to those claimants one way or the other—whether the court agreed with them or the court disagreed with them in the circuit courts—denying them access to that final appeal, to that Supreme Court decision.

So I simply want to say: Let's do our job. Let's give the nominee a hearing. Let's vote in committee. Let's all do our job to vet the candidates. Let's not prejudge this. Let's do the responsible thing and vote yes or no. Let's take a look at the candidate to be nominated, and let's get a fully functioning Supreme Court.

I want to close with just one reminder. The last time we went through a very contentious hearing was the hearing for Justice Thomas, and I think my colleague from Washington, who is on the floor, well remembers that, as do a lot of people here remember that. I want to remark that Justice Thomas was sent to this floor without a positive vote out of committee. But his nomination was sent to the floor, and the nomination of Justice Thomas, at the urging of then-majority leader Mitchell, was not filibustered. So probably the most contentious nominee in my lifetime certainly—and it certainly raised some very interesting gender issues—did not even get filibustered.

Let's do our job. Let's do the work the people sent us here to do. Let's vet this candidate, whoever it might be, and let's move forward so that every person who has a case pending before the Supreme Court or will have a case pending before the Supreme Court is given access to justice by providing a fully functioning Supreme Court.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak on behalf of the nomination before the vote for 2 minutes.

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

Mrs. MURRAY. Mr. President, the role of the FDA Commissioner is central to the health and safety of every family and community nationwide, from a dad making his daughter's peanut butter sandwich in the morning to a patient headed into an operating room. I know this is a nomination we all take very seriously.

After careful review, I believe Dr. Califf's experience and expertise will allow him to lead the FDA in a way that puts patients and families first and upholds the highest standards of patient and consumer safety. Dr. Califf has led one of our country's largest clinical research organizations, and he has a record of advancing medical breakthroughs on especially difficult-to-treat illnesses.

He has a longstanding commitment to transparency in relationships with industry and to working to ensure academic integrity. He has made clear he will continue to prioritize independence at the FAA as the Commissioner and always put science over politics. His nomination received letters of support from over 128 different physician and patient groups.

He earned the strong bipartisan support of the members of the HELP Committee. There is a lot the FDA needs to get done in the coming months, including building a robust postmarket surveillance system for medical devices, making sure families have access to nutritional information, putting all of the agency's tools to work to stop tobacco companies from targeting our children, and playing a part in addressing the epidemic of opioid abuse that is hurting so many communities so deeply.

I believe Dr. Califf will be a valuable partner to Congress in taking on these challenges and the many others the FDA faces. I am here to encourage my colleagues to join me in supporting this nomination. I look forward to continued work with all of the Members on ways to strengthen health and well-being for the families and communities we all serve.

I yield back my time.

The PRESIDING OFFICER (Mr. SASSE). Under the previous order, the question is, Will the Senate advise and consent to the Califf nomination?

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CRUZ), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), the Senator from Vermont (Mr. SANDERS), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 25 Ex.]

YEAS—89

Alexander	Flake	Nelson
Baldwin	Franken	Paul
Barrasso	Gardner	Perdue
Bennet	Gillibrand	Peters
Blunt	Graham	Portman
Booker	Grassley	Reed
Boozman	Hatch	Reid
Boxer	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Sasse
Capito	Hoeven	Schatz
Cardin	Inhofe	Schumer
Carper	Isakson	Scott
Casey	Kaine	Sessions
Cassidy	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Lankford	Sullivan
Coons	Leahy	Tester
Cornyn	Lee	Thune
Cotton	McCain	Tillis
Crapo	McConnell	Toomey
Daines	Menendez	Udall
Donnelly	Merkley	Vitter
Durbin	Mikulski	Warren
Enzi	Moran	Whitehouse
Ernst	Murkowski	Wicker
Feinstein	Murphy	Wyden
Fischer	Murray	

NAYS—4

Ayotte	Manchin
Blumenthal	Markey

NOT VOTING—7

Corker	McCaskill	Warner
Cruz	Rubio	
Johnson	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Missouri.

MORNING BUSINESS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BLUNT. Mr. President, I wish to address the Senate in morning business.

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

REMEMBERING JUSTICE ANTONIN SCALIA AND FILLING THE SUPREME COURT VACANCY

Mr. BLUNT. Mr. President, I wish to talk about Judge Scalia for a few minutes, and then I will address the vacancy on the Court.

There is no question that the Supreme Court has lost a strong and thoughtful voice. No matter what issues the Justices on the Court might have disagreed with, or even when there was a disagreement on how to interpret the Constitution, there is no question that Judge Scalia had a unique capacity to get beyond that. He will be missed by the Court for both his intellect and his friendship. He was an Associate Justice on the Court for almost 30 years. He was a true constitutional scholar, both in his work before the Court and on the Court, and he brought a lifetime of understanding of the law to the Court.

He began his legal career in 1961, practicing in private practice. In 1967, he became part of the faculty of the University of Virginia School of Law. In 1972, he joined the Nixon administration as General Counsel for the Office of Telecommunications Policy, and from there he was appointed Assistant Attorney General for the Office of Legal Counsel. He brought a great deal of knowledge to his work and finished the first part of his career as a law professor at the University of Chicago, and that is the point where he became a judge.

In 1982, President Reagan appointed him to the U.S. Court of Appeals for the District of Columbia, a court that gets many of the cases that wind up on the Supreme Court. He was on that court for a little more than 4 years.

In 1986, President Reagan nominated him to serve as an Associate Justice. He was an unwavering defender of the Constitution, and as a member of the Supreme Court, he had the ability to debate as perhaps no one had in a long time—and perhaps no one will for a long time. He had a sense of what the Constitution was all about and a sense of what the Constitution meant, and by that he meant what the Constitution meant to the people who wrote it.

There is a way to change the Constitution. If the country and the Congress think that the Constitution is outmoded in the way that it would have been looked at by the people who wrote it, there is a process to do something about that. That process was immediately used when the Bill of Rights was added to the Constitution and can still be used if people feel as though the Constitution no longer has the same meaning as what the people who wrote

it and voted on it thought it meant. Justice Scalia had the ability to bring that up in every argument and would sometimes argue against his own personal views. He argued for what the Constitution meant and what it was intended to mean. His opinions were well reasoned, logical, eloquent, and often laced with both humor and maybe a little sarcasm, but they were grounded with the idea that judges should interpret the Constitution the way it was written.

His contributions to the study of law left a profound mark on the legal profession. Lawyers, particularly young lawyers in many cases, talk about the law differently than they did before Justice Scalia began to argue his view of what the Constitution meant and what the Court meant. He had a great legal mind.

He was fun to be with. I will personally miss the opportunity to talk to him about the books we were reading or books the other one should read or maybe books that the other one should avoid reading because of the time required to read it. He had a broad sense of wanting to challenge his own views and was able to challenge other people's views not only in a positive way but in a way that he thought advanced the Constitution and what the Constitution meant to the country.

As I stand here today, I am sure many people all over America and the people who the Scalias came into contact with are continuing to remember his family. Our thoughts and prayers are with his wife Maureen, their nine children, and their literally dozens of grandchildren. I am not sure if the number is 36 or 39, but it is an impressive number.

Those who had a chance to see, be there, or read his son's eloquent handling of the funeral service and the eulogy can clearly see the great legacy he and Maureen Scalia left to the country.

I am not a lawyer, which is often the most popular thing I say, so I don't want to pretend to be a lawyer here talking about the law and the Constitution, but you don't really need to be a brilliant lawyer to understand the Constitution or understand what Justice Scalia was going to be.

I was a history teacher before I came here, and I know the Presiding Officer was a university president. I was the first person in my family to graduate from college. I had unbelievable opportunities because of where we live.

We have the Constitution, and there is no magic as to the number of Justices that should be sitting on the Court at any given time. In fact, the Constitution doesn't even suggest what the number should be, and there have been different numbers over time. For some years now the number has been nine, but there have often not been nine Justices sitting. In the event of a recusal or some other reason that a Justice has to leave, such as resigning to do something else, there has often not been nine Justices. In fact, there have often been eight Justices. There has often been a Court that could easily wind up in a 4-to-4 tie. In fact, since World War II, the Court has had only 8 Justices 15 times.

Right after World War II and about a month after Harry Truman became President—when he was a Member of the Senate, he used the desk that I now get to use—he asked Justice Robert Jackson to be the chief prosecutor at Nuremberg. Justice Jackson then went to Nuremberg, and for the better part of a year and a half—from May of 1945 until October of 1946—he was not sitting on the Court and wasn't making decisions on the Court. He was the chief prosecutor at the Nuremberg trials.

A tie on the Court can do a lot of things. It can uphold a lower court decision. A tied Court can decide to rehear a case, which is also not unusual in the history of the country. Again, you can be tied even if there are nine Justices and one of them, for whatever reason, decides not to participate in that case. When that happens, the Court can do a number of things and will.

This is an important decision, and it is a decision in the shadow of the next election. We are 9 months and a few days away from people getting a chance to vote, and a lifetime appointment on the Court is an important thing.

Justice Scalia was appointed by Ronald Reagan and served for three decades. He served for a quarter of a century after Ronald Reagan left the White House and for a decade after President Reagan died. This is something worth thinking about, and frankly at this moment in history and in other moments in history when a vacancy has occurred in an election year, it has often been the case that the decision is that the American people ought to have a say on who sits in that Supreme Court seat. That is what will happen this time, and I think it is the best thing to happen this time.

There is a lot at stake. The Court has had 5-to-4 votes on decision after decision. What the Court does on the Second Amendment matters, and what the Court does on the First Amendment matters. The first freedom in the First Amendment is freedom of religion. No other country was ever founded on the principle that the right to pursue your conscience and the right to pursue your faith is a principal tenant of the founding of this government. It was a principal tenet in the Revolution. More importantly, it was immediately added to the Constitution when there was some concern that maybe the Constitution was not clear enough about this fundamental principle.

During a time when the Obama administration is suing the Little Sisters of the Poor because the Little Sisters of the Poor doesn't want their health care plan to be a plan that includes things that are different than their faith beliefs, freedom of religion is very important.

That is one of the cases before the Court right now. I don't know how the Court will decide to determine it. I do know there is a reason we should be concerned about freedom of religion, the right of conscience. President Jefferson, in writing to a church that asked him about individual freedom, said to that church—I think it might have been late in his administration, might have been an 1808 letter—of all the rights we have, right of conscience is the one we should hold most dear. The American people need to be thinking about that as they determine the next President, who is likely to not just fill this vacancy but likely to fill more than one vacancy during their time in office.

Mrs. Clinton says if she is elected President, she will not appoint anybody to the Supreme Court who will not reverse the freedom of speech case in Citizens United. Sounds to me as though the Presidential candidates are willing to make the Court a major issue in this campaign. Voters should have the right to make the Court a major issue in this campaign as well—freedom of religion, freedom of speech, the Second Amendment, the Tenth Amendment that says anything the Constitution doesn't say the Federal Government is supposed to do is left to the States. The closer you are to where a problem is, when solving that problem, the more likely you are going to get a commonsense solution. That is why that Tenth Amendment is there and why it needs to be vigorously adhered to.

These are important times. Anytime we have an election in the country, there is always a sense that this may be the most important election we have ever had. They all are and particularly an election where the constitutional principles of government, where Executive overreach, where regulators who are unaccountable and out of control are one of the big concerns in America today. It is an important time to be thinking about the Supreme Court and an important time to be thinking about the responsibilities of citizens and the responsibilities of the next President of the United States. This President has every constitutional right and obligation to nominate somebody to a vacancy on the Supreme Court, but there is a second obligation in the Constitution; that is, the obligation of the Senate to confirm that nomination. I have a view that the answer to that question is not this person, not right now because we are too close to making a big decision about the future of the country to not include this process of what happens to the Supreme Court in that process.

I wish the process of democracy well, the American people well as they think about these things, and the Senate well as we do the other work that the Constitution requires us to do.

I yield the floor.

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. MERKLEY. 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.

OUR ''WE THE PEOPLE'' DEMOCRACY

Mr. MERKLEY. Mr. President, today I rise to address a topic under the broad notion of the first three words of our Constitution: ''We the People.'' These are the most important three words because they set out the theory, the strategy for our entire Constitution and what it is all about, which is to ensure that we do not have government of, by, and for the most affluent in our society; or government of, by, and for the titans of commerce and industry; but instead a government of, by, and for the people, the citizens. It is within the framework of this Constitution that we find many elements designed to preserve this ''we the people'' purpose.

In recent years, in recent decades, we have had major attacks on the theory of our Constitution, ''we the people.'' We had the Buckley v. Valeo Supreme Court decision 40 years ago that said it is all right for the most affluent citizens in our society to drown out the people in the election process. We had Citizens United, which said the Constitution doesn't say ''we the people''; it says ''we the titans of commerce and industry; we the corporations.'' So the Supreme Court has made several decisions that have taken us far afield, and we see the results of this. We see the impact of policies crafted by a legislature elected with fabulous sums of money from the people at the height of our society, the height of power and influence, of wealth and connections.

Somehow, we have to reclaim our Constitution. In fact, this understanding is something that is way off base, is the foundation of the frustration we see across our Nation. We see it reflected in the Presidential campaigns this year on the Democratic side and on the Republican side. People know that something is wrong when over the last four decades virtually all additional income in our economy has gone to the top 10 percent. People understand that the middle class is being squeezed and crushed. People are starting to see tent cities pop up in cities across our Nation because policies made here are no longer crafted for ''we the people'' but instead for ''we the titans.''

Well, I am going to rise repeatedly to address this challenge that is at the core of who we are as a nation, the core of our Constitution. Our Constitution is being attacked continuously, and we the people must fight back to reclaim it.

The most recent attack has come from colleagues in this body who said they don't want to honor the responsibilities that they took on when they took the oath of office. One of those responsibilities is to give advice and consent on nominations. Recently, we have the majority leader who said: I don't even want to talk to a nominee from the President, let alone take my responsibilities under the Constitution seriously to give advice and consent.

So I thought it might be useful to go back and think a little bit about this advice-and-consent power and how it came to be, what it meant, and what it means for us to honor our responsibility today as Members of the U.S. Senate.

In those days in which the Founders were crafting the Constitution, they had a couple of different theories about how they might possibly create this power, and some said it should go solely to the Executive, solely to the President. Others said that is too much power to concentrate in single hands, that it should go to the body of a legislature, it should go to an assembly.

Some decades after our Constitution was signed, they had a Federalist Paper written by Alexander Hamilton that laid out this discussion. He noted—and I am going to quote at some length here—that the argument for the Executive is as follows:

> The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them.

So that was the argument for the President to exercise these powers.

In addition, there was discussion of the weaknesses of an assembly, a body like the U.S. Senate having that responsibility all to itself. Again, I will quote Alexander Hamilton:

> Hence, in every exercise of the power of appointing to offices, by an assembly of men, we must expect to see a full display of all the private and party likings and dislikes, partialities and antipathies, attachments and animosities, which are felt by those who compose the assembly. The choice which may at any time happen to be made under such circumstances, will of course be the result either of a victory gained by one party over the other, or of a compromise between the parties. In either case, the intrinsic merit of the candidate will be too often out of sight.

So thus the argument for the Executive over the assembly to have these appointing powers. But there was a concern, and that was, what if the Executive, the President, goes off track? Wouldn't it be useful to have a check on nominations when the Executive goes off track? So Hamilton explained why this check on the President's nomination power was placed into the Constitution.

Once more I quote:

> To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

He goes on to note that the body would be expected to approve most nominations, except when there are special and strong reasons for the refusal.

So that is our job. That is how it is laid out, that we are to make sure the power the President has is not exercised in a way that results in unfit characters being appointed. Thus, this mutual system that took the strengths of the assembly as a check—that is, of the Senate—and the strength of the President in terms of accountability was combined. And Hamilton notes: ''It is not easy to conceive a plan better calculated than this to promote a judicious choice of men for filling the offices of the Union.''

So that is where we fit in. That is our role. We are to make sure that a nomination—an individual has the preparation, the qualifications, the character, if you will, to fill an office effectively. Hamilton points out in his conversation that just the fact that the Senate will be reviewing the nominations will serve as a check for, if you will, off-track nominations, inappropriate nominations.

During the time I have had a chance to be connected to the Senate—and that now spans four decades; it was 1976 when I came here as an intern for Senator Hatfield—I have seen this body operate as envisioned in the Constitution. I saw this body operate as a simple majority, with rare exception. The use of the filibuster was not used to paralyze, and the power of confirmation—of advice and consent of the Constitution—was not used to systematically undermine the President because he simply happened to be of a different party. It was not used to undermine the judiciary by keeping judicial vacancies open. Indeed, when this body starts to operate in that fashion—as it has been during the time I have been here as a Senator, seeing across the aisle the effort to systematically change the makeup of the core by undermining the responsibility to give advice and consent—then we deeply polarize and undermine this important institution that is our judiciary.

I must say, even though I have seen for years the effort to really harness some gain through the strategy of undermining the ability of the President to appoint, I never thought it would come to this.

Article 2, section 2, declares that ''the President, with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States.''

It is a responsibility of the President to nominate. It is a responsibility of the Members of this body to give advice and consent on that nomination. Yet here we are today with the majority of this body saying we do not take seriously our responsibility under the Constitution to give advice and consent.

We have seen the process of really slowing—slow-walking nominations, but this is on a different scale of magnitude.

It is our responsibility to have a committee vet the nominees, our responsibility to have a floor debate on the floor, our responsibility to have a vote, and that certainly is a way the Senate has operated decade after decade, century after century.

I just have to ask each of my colleagues across the aisle, do you find in this beautiful Constitution any phrase that says the President shall nominate but only in the first 3 of the 4 years he or she is in office? Can you find that in the Constitution? Can you truly raise your head and say you are doing your responsibility when you say: I only want to exercise my constitutional responsibility of advice and consent 3 out of every 4 years, and then I will take a year off. I think if you read the Constitution you will find that is not what it says, and the American people know this. They know the Supreme Court is very important to calling the balls and strikes when actions or laws move into areas that are out of bounds. That is what the Supreme Court does. It makes sure our structure of laws and regulations stay within the bounds of the rights and rules of our Constitution.

This is a critical part of the construction of American democracy. The Supreme Court serves as a check on the overreach of the President, the overreach of this body, and the overreach of its regulators. It cannot do its job if it does not have a full set of members.

Not since the Civil War has the Supreme Court been left with a vacancy for more than a year, and of course the Civil War was a very unusual situation. Since the 1980s, every person appointed to the Supreme Court has been given a hearing and a vote within 100 days. Since 1975, on average, it has taken 2 months to confirm Supreme Court nominees.

Despite what some of my colleagues claim, the President's duty to make nominations to the Supreme Court does not disappear during a Presidential election year. Our responsibility to do advice and consent does not disappear in a Presidential year. Let's look to history. More than a dozen Supreme Court Justices have been confirmed in the final year of a Presidency. More recently, Justice Kennedy, who is still on the bench, was confirmed in the last year of President Reagan's final term. That was done by a Senate led by the opposite party. It was a Democratically controlled Senate that honored its responsibility to give advice and consent.

The American people spoke overwhelmingly when they reelected President Obama in 2012 to a 4-year term. They expect him to fulfill his duties for a full 4 years. They expect us to do our duties under the Constitution. The current campaign events do not stop the responsibilities of the U.S. Senate. For the last 200 years, the Senate has carried out its duty to give a fair and timely hearing and a floor vote to the President's Supreme Court nominees. Let us not change that position today, this week or this year. Let's not only honor the tradition, let's honor the constitutional responsibility.

I note it is not only the Supreme Court we have to worry about. Last year the Senate confirmed just 11 Federal judges, the fewest in any year since 1960—in the last 56 years. Only one Court of Appeals judge was confirmed, the lowest in any given year since 1953. The number of judicial emergencies, where there are not enough judges confirmed to do the workload, has nearly tripled over the past year, from 12 in January 2015 to 31 judicial emergencies today.

The obstruction is not limited simply to the judicial branch. The abuse of advice and consent or disregard for the responsibility extends to the executive branch. When we elect a President, the President is not a President of the party, he or she is the President of a nation. Whether you are a Democrat or Republican, the President is our President. Systematically using party politics to undermine the individual because they were elected from the opposite party diminishes the individuals who serve in this body, it diminishes the stature of this institution, and it diminishes the function of our Nation so carefully crafted in our Constitution.

Let's ponder the path forward this year. Let's not diminish this institution by forsaking our responsibility. Let's not politically polarize the Court that is so essential to making sure our laws and regulations and attitudes stay within the bounds of the Constitution. Let's instead restore this institution. Let's restore the Senate. Let it be at least as healthy as it was when we were youngsters serving here as interns, coming to DC for the first time or simply reading about it in a book back home.

Let's restore the effectiveness of our judiciary. When we have judicial emergencies, we have justice delayed, and justice delayed is justice denied, and that does not honor the vision of the role of justice in the United States of America.

So I call on my colleagues to end this obstruction that diminishes your service, diminishes this institution, and damages our Nation. In short, do your jobs. Work together as 100 Senators for the future of our Nation.

Thank you, 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. FRANKEN. 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. FRANKEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

FILLING THE SUPREME COURT VACANCY

Mr. FRANKEN. Mr. President, I rise today to address the recent vacancy on the U.S. Supreme Court and to urge my colleagues to grant swift consideration of the President's eventual nominee.

Make no mistake, the passing of Justice Antonin Scalia came as a great shock. Although Justice Scalia and I did not share a common view of the Constitution or of the country, I recognized that he was a man of great conviction and, it should be said, a man of great humor. My thoughts and prayers are with his family, his friends, his clerks, and his colleagues. But we must now devote ourselves to the task of helping to select his successor.

The Constitution—so beloved by Justice Scalia—provides that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court.''

Let us all remember that each and every Senator serving in this body swore an oath to support and defend that same Constitution. It is our duty to move forward. We must fulfill our constitutional obligation to ensure that the highest Court in the land has a full complement of Justices. Unfortunately, it would seem that some of my colleagues on the other side of the aisle do not agree, and they wasted no time in making known their objections.

Less than an hour after the news of Justice Scalia's death became public, the majority leader announced that the Senate would not take up the business of considering a replacement until after the Presidential elections. ''The American people should have a voice in the selection of their next Supreme Court justice,'' he said.

The only problem with the majority leader's reasoning is that the American people have spoken. Twice. President Barack Obama was elected and then reelected by a solid majority of the American people, who correctly understood that elections have consequences, not the least of which is that when a vacancy occurs, the President of the United States has the constitutional responsibility to appoint a Justice to the Supreme Court. The Constitution does not set a time limit on the President's ability to fulfill this duty, nor, by my reading, does the Constitution set a date after which the President is no longer able to fulfill his

duties as Commander in Chief or to exercise his authority to, say, grant pardons or make treaties. It merely states that the President shall hold office for a term of 4 years, and by my count, there are in the neighborhood of 11 months left.

If we were truly to subscribe to the majority leader's logic and extend it to the legislative branch, it would yield an absurd result. Senators would become ineffective in the last year of their terms. The 28 Senators who are now in the midst of their reelection campaigns and the 6 Senators who are stepping down should be precluded from casting votes in committee or on the Senate floor. Ten committee chairs and 19 subcommittee chairs should pass the gavel to a colleague who is not currently running for reelection or preparing for retirement. Bill introduction and indeed the cosponsorship of bills should be limited to those Senators who are not yet serving in the sixth year of their terms. If the majority leader sincerely believes the only way to ensure that the voice of the American people is heard is to lop off the last year of an elected official's term, I trust he will make these changes, but I suspect he does not. Rather, it seems to me that the majority leader believes the term of just one elected official in particular should be cut short, which begs the question, just how should it be cut? As I said, by my count, approximately 11 months remains in Barack Obama's Presidency. Now, 11 months is a considerable amount of time. It is sizeable. It has heft, but I wouldn't call it vast.

Then again, there is a certain arbitrariness to settling on 11 months. After all, it is just shy of a full year. Perhaps, in order to simplify matters, an entire year would be proper or maybe just 6 months, half a year. It is a difficult decision. If only the American people had a voice in selecting precisely how much time we should shave off the President's term.

Of course, now that I mention it, there is a way to give the American people a voice in this decision. The majority leader could propose a constitutional amendment. It would, of course, have to pass both Houses of Congress with a two-thirds majority, but that is not an insurmountable obstacle. Provided it clears Congress, the amendment would then bypass the President—which, in this case, would be very apt—and be sent to the States for their ratification. So if the majority leader truly wants the voters to decide how best to proceed, our founding document provides a way forward.

Suggesting that the Senate should refuse to consider a nominee during an election year stands as a cynical affront to our constitutional system, and it misrepresents our history. The Senate has a long tradition of working to confirm Supreme Court Justices in election years. One need look no further than sitting Associate Justice Anthony Kennedy, a Supreme Court nominee appointed by a Republican President and confirmed by a Democratic Senate in 1988—President Reagan's last year in office—during an election year. So when I hear one of my colleagues say ''It's been standard practice over the last 80 years to not confirm Supreme Court nominees during a presidential election year,'' I know that is not true.

I am not the only one who knows that is not true. The fact-checking publication PolitiFact recently observed that ''[s]hould Republican lawmakers refuse to begin the process of confirming a . . . nomination, it would be the first time in modern history.'' SCOTUSblog, an indisputable authority on all matters related to the Court, confirmed that the ''historical record does not reveal any instances [in over a century] of the . . . Senate failing to confirm a nominee in a presidential year because of the impending election.''

The fact is that there is a bipartisan tradition—a bipartisan tradition—of giving full and fair consideration to Supreme Court nominees. Since the Judiciary Committee began to hold hearings in 1916, every pending Supreme Court nominee, save nine, has received a hearing. And what happened to those nine nominees? They were confirmed within 11 days of being nominated.

In 2001, during the first administration of President George W. Bush, then-Judiciary Committee Chairman LEAHY and Ranking Member HATCH sent a letter to their Senate colleagues making clear that the committee would continue its longstanding, bipartisan practice of moving pending Supreme Court nominees to the full Senate, even when the nominees were opposed by a majority of the committee, but, regrettably, my colleagues on the other side of the aisle are leaving that long tradition behind.

Yesterday, every Republican member of the Senate Judiciary Committee sent a letter to the majority leader vowing to deny a hearing to the President's eventual nominee. ''This committee,'' they wrote, ''will not hold hearings on any Supreme Court nominee until after our next President is sworn in on January 20th, 2017.'' This marks a historic dereliction of the Senate's duty and a radical departure not just from the committee's past traditions but from its current practices.

I know that my good friend Chairman GRASSLEY cares a great deal about maintaining the legacy of the Judiciary Committee and the propriety of its proceedings. Under his leadership, we have seen the committee put country before party and move consensus, bipartisan proposals. I had hoped Chairman GRASSLEY would approach the task of confirming our next Supreme Court Justice with the same sense of fairness and integrity. I still hope that. But I was very disappointed to learn that yesterday Chairman GRASSLEY gathered only Republican committee members in a private meeting where they unilaterally decided behind closed doors to refuse consideration of a nominee. The decision to foreclose even holding a hearing for a nominee to our Nation's highest Court is shameful, and I suspect the American people share that view.

The Supreme Court is a central pillar of our democracy. The women and men who sit on that bench make decisions that touch the lives of every single American, regardless of party or political persuasion. Now the Senate must do the same. We must honor our solemn duty to uphold the Constitution and to ensure that Americans seeking justice are able to have their day in court before a full bench of nine Justices.

I urge my colleagues to reject the impulse to put politics before our sworn duty to uphold the Constitution.

I thank the Presiding Officer and yield the floor to my colleague from Utah.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Utah.

Mr. LEE. Mr. President, Supreme Court Justice Antonin Scalia was an extraordinary man whose contributions to this country and the American people, whom he faithfully served from the bench, are so prodigious that it will take generations for us to fully comprehend our debt of great gratitude to him. His untimely, recent death is a tragedy, and his legacy is a blessing to friends of freedom throughout this country and everywhere.

Justice Scalia was a learned student of history and a man who relished, perhaps more than any other, a spirited, lively debate, so it is fitting that his passing has sparked a conversation in America, a spirited conversation about the constitutional powers governing the appointment of Supreme Court Justices and the historical record of Supreme Court vacancies that happen to open up during a Presidential election year.

This debate gives the American people and their elected representatives in the Senate a unique opportunity to discuss our Nation's founding charter and history at a time when our collective choices have very real consequences, so it is important that this debate proceed with candor, mutual respect, and deference to the facts. In that spirit, I wish to address and correct a few of the most pernicious errors, inaccuracies, fallacies, and fabrications we have heard from some of the loudest voices in this debate over the last few days.

From the outset, I have maintained that the Senate should withhold its consent of a Supreme Court nomination to fulfill Justice Scalia's seat and wait to hold any hearings on a Supreme Court nominee until the next President, whether it is a Republican or a Democrat, is elected and sworn in. This position is shared by all of my Republican colleagues on the Senate Judiciary Committee, consistent with the Senate's powers in the appointment of Federal judges and supported by historical precedent.

In response, some of my colleagues on the other side of the aisle and many in the media have resorted to all manner of counterarguments, ranging from the historically and constitutionally inaccurate to the absurd, and in many cases, the claims made by some of my colleagues today flatly contradict their own statements from the past.

I believe the plain meaning of the Constitution and the historical record are sufficiently clear to stand on their own as evidence that there is absolutely nothing unprecedented and absolutely nothing improper about the Senate choosing to withhold its consent of a President's nominee to the Supreme Court, so I would like to focus on one particular allegation offered by some of my colleagues on the other side of the aisle.

With the letter and the spirit of the Constitution, as well as their own words standing against them, many have turned to fearmongering in a last-ditch effort to win the debate. They claim that leaving Justice Scalia's seat vacant until the next President nominates a replacement would somehow inflict a profound institutional injury on the Supreme Court by disrupting the resolution of this term's cases before the Court, a term including important cases on abortion, immigration, religious liberty, and mandatory union dues, among others, ensnaring the Court in endless gridlock with an evenly split eight Justices on the bench and leaving it short-staffed for an unprecedented and potentially prolonged period. Here, the doomsayers are on weak ground, indeed. Let's look at each of these claims in turn.

First, is it true—as many have claimed—that the business of the Supreme Court will be obstructed or otherwise disrupted if the Senate withholds its consent of President Obama's nominee? Absolutely not.

In recent history—in fact, since the nomination of Justice Scalia to the Supreme Court in 1986—it has taken more than 70 days on average for the Senate to confirm or reject a nominee after that nominee has been formally submitted by the President to the Senate for its advice and consent—more than 70 days on average. In many cases, it has taken far longer for the Senate to grant or withhold its consent. It took this body 108 days to reject Judge Robert Bork and 99 days to confirm Justice Clarence Thomas.

Presuming the modern historic average would hold true for any future nominee, even if President Obama were to announce and refer a nominee to the Senate today for our advice and consent, the process would carry through until at least early May. But, significantly, the Supreme Court stops hearing cases in April, which means that even if President Obama were to announce a nominee today, right now, and even if the Senate were to confirm that nominee in a period of time consistent with historical standards, that individual would not be seated in time to hear and rule upon any of the cases that are currently on the Court's docket or any of the cases that are before the Court in this term. In other words, it would be historically anomalous for any of the cases currently pending before the Court to be decided this term by a nine-member Supreme Court no matter what the Senate chooses to do regarding any future nominee.

Let's put this in perspective. In this scenario—a scenario endorsed by Senate Democrats—it is highly unlikely that the nominee to fill Justice Scalia's seat would hear oral arguments until the beginning of October, literally just a few weeks before the Presidential election. This proves that the main argument made by President Obama and his allies is based on a myth. In their telling, the Senate's choice to withhold consent of a nominee would deny President Obama a Supreme Court Justice who will serve during his final year in the White House, but in reality, it is unlikely that the President's nominee will join the Supreme Court until the country is just weeks away from choosing President Obama's replacement. I think most Americans recognize the problem of a President having the ability to reshape the Supreme Court in his image on his way out of office, and that is exactly why the Senate is choosing to withhold its consent in this case. This is the right course not because of anything the Senate does or does not do and not because of anything the President does or does not do, it is simply a function of the unfortunate timing of Justice Scalia's death. Claims to the contrary are flatly contradicted by an empirical analysis of the Court's history.

Second, the Senate's decision to withhold consent will not lead to an intractable impasse or hopeless gridlock, even if the eventual appointee were to miss the entirety of the next term, which starts in October of 2016 and runs until the end of June 2017.

In each of its previous 5 terms, the current Court has decided only 16 cases on average—or 23 percent of its caseload—by a 5-to-4 majority, and Justice Scalia was 1 of the 5 Justices in the majority in those 5-to-4 cases only about half of the time on average. That means that the vacancy left by Justice Scalia would result in about eight cases out of dozens being decided by a 4-to-4 split. In fact, in the last term served by Justice Scalia, the last complete term, he was in the majority in only six of those 5-to-4 cases, and in the year before that, the preceding term, Justice Scalia's second to last term, he was in the majority in only five of the cases decided by a 5-to-4 majority. What does this mean? Well, it means that it is likely that the effect of his absence on the final vote and ultimate disposition of cases will be lower than even the average suggests. Instead of eight cases being decided by a 4-to-4 split in Justice Scalia's absence, it is likely to be closer to five or six, as it has been in the last two full terms of Justice Scalia's service on the Court.

Let's not forget what should be obvious: The sky does not fall when a 4-to-4 split occurs on the Supreme Court; rather, the decision of the lower court is left standing. And if there is the prospect of a 4-to-4 split on a particularly salient matter, the Court always has the option of scheduling or rescheduling the hearing for a later time when the Court will have all nine Justices presiding and hearing the case.

Finally, a vacancy on the Court lasting through the Presidential election season will have no greater effect on the Court's ability to decide cases than any number of instances in the past where the Court has had to decide matters with eight Justices or even fewer.

As recently as the Court's 2010-to-2011 term, the Court had to decide over 30 cases with eight or fewer Justices, almost entirely as a result of recusals arising from Justice Kagan's nomination.

Likewise, following the retirement of Justice Powell in 1987, the Court had to act on 80 cases with 8 or fewer justices. This was a result of Democratic opposition to Judge Bork and the eventual late-February confirmation of Anthony Kennedy, coupled with dozens of recusals by Kennedy and other Justices later in that term.

In the October term of 1945, the Court functioned as an eight-member body while Justice Robert Jackson was serving as a prosecutor in Nuremberg, acting on a full term's caseload without him. Tellingly, when Justice Jackson expressed concern about missing so many cases and actually considered returning early for that reason, Justice Felix Frankfurter wrote to encourage Justice Jackson to stay on as a prosecutor, stating that his absence was not ''sacrificing a single interest of importance.'' Compared to today, the Court had a larger workload and issued many more opinions during that term in which Justice Jackson was absent. This suggests that a vacancy of a similar duration as Jackson's full-term sabbatical would be even less damaging to the Court's functioning than the absence of Justice Jackson—an absence that, to reiterate, did not sacrifice ''a single interest of importance.''

The next President's future nominee is unlikely to miss as many cases as Justices Kennedy or Jackson missed.

These are the facts, Mr. President. They can't be ignored nor can they be wished away. If we are going to have a serious, honest debate about the vacancy left by Justice Scalia's tragic passing, we must proceed on the basis of these facts.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, since the beginning of our Nation, the U.S. Senate has maintained an important bipartisan tradition of giving fair consideration to Supreme Court nominees.

Article II, section 2 of the Constitution is unambiguous about the respective duties and responsibilities of the President and the Senate when there is a Supreme Court vacancy. The Founders did not intend these roles to be optional or something to be disregarded. Article II also states that the President shall hold his office during the term of 4 years, not 3 years or 3 years and 1 month, but 4 full years.

The Constitution plainly says that it is the President's duty to nominate a Supreme Court Justice and it is the Senate's duty to provide advice and consent on that nomination. Throughout our history, Senators have done their constitutional duty by considering and confirming Supreme Court Justices in the final year of a Presidency. In fact, the Senate has done that 14 times, most recently in 1988, when the Senate confirmed Justice Anthony Kennedy, who was President Reagan's nominee to the Supreme Court. He sent that nomination over to the Democratic majority in this body. Almost 28 years ago exactly to the day in February of 1988, the Democratic majority in the Senate confirmed Republican President Ronald Reagan's judicial nomination, Anthony Kennedy, unanimously 97–0. They didn't debate whether it was a Presidential year and whether they could act. It was in the middle of a hard-fought election. It was not at all clear what the outcome of that election was going to be.

Since 1975, the average length of time from nomination to a confirmation vote for the Supreme Court—that is the average length of time; sometimes it has taken longer and sometimes it has been shorter—but since 1975, the average length of time has been 67 days because our predecessors in the Senate recognized how important it is for the Supreme Court to be fully functioning.

Unfortunately, this week we are seeing this bipartisan tradition regarding the Court being put at risk. Yesterday we heard the majority leader say that if the President nominates a person to the Supreme Court—any person, no matter how superbly qualified—there will be no hearings and no vote. We even heard some Senators say they would refuse to meet with any potential nominee. I think that is very unfortunate.

It is unfortunate for a number of reasons, probably first and foremost because the people of the United States expect us to work together here in Washington to do the job of the country—to do the jobs we were elected to do—and because the current President's term ends in January of 2017. That is more than 300 days from now. During that time, the Supreme Court will hear many important cases, but if the majority in the Senate has their way, the Court will do so without a full roster of Justices.

As Brianne Gorod of the Constitution Accountability Center has said, and I quote:

The consequences of the Supreme Court being without all nine justices for so long can hardly be overstated. Most significant, a long-standing vacancy would compromise the Court's ability to perform one of its most important functions, that is, establishing a uniform rule of law for the entire country.

Every Senator here has sworn to support and defend the Constitution—full stop. That is the oath we have taken. Our oath doesn't say to uphold the Constitution most of the time or only when it is not a Presidential election year or only when it is convenient for us or only when we like the ideology that is being presented to us. Our oath says to uphold and defend the Constitution every day, no matter what the issue is that comes before us. The American people expect us as Senators to be faithful to our oath. They also expect us to do our jobs regardless of whether it is a Presidential election year.

I believe we should respect our oath of office. I believe we should do the job we were sent here to do by the American people. I believe we should follow the Constitution. As former Justice Sandra Day O'Connor said last week, and I quote again, ''I think we need somebody [on the Supreme Court] now to do the job, and let's get on with it.''

I say, let's get on with it.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I join the Nation in offering my heartfelt condolences to the family and friends of Justice Scalia, who was an Associate Justice of the U.S. Supreme Court. For more than three decades, Justice Scalia devoted himself to the rule of law and public service at the highest levels. Whether you agreed or disagreed with his decisions, there is no debate about Justice Scalia's profound impact on the Supreme Court. He served his country with great honor.

I was privileged to serve as a member of the Judiciary Committee when I first joined the Senate. I participated in confirmation hearings for judicial nominees for both President Bush and President Obama, including the hearings for Justices Sonia Sotomayor and Elena Kagan.

The Constitution spells out quite clearly what happens when a vacancy occurs on the Supreme Court. Article II, section 2, of the Constitution states that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court.''

The American people twice elected President Obama to 4-year terms in office. Their voices have been heard very clearly. Elections have consequences, and President Obama must carry out the constitutional responsibilities and duties of his office by nominating a successor for Justice Scalia. The President is simply doing the job that the American people elected him to do. The President doesn't stop working simply because it is an election year. He has more than 300 days left in office, as do the Senators who will face the voters this November. Congress should not stop working, either, in this election year and should earn their full paycheck.

So my message is clear. Do your job. It is our responsibility to take up the nominations the President will submit to us. And I think the American people will ultimately demand that the Senate do its job and not threaten to stop working simply to coddle and pander to the most extreme fringe elements of its base, as was done when the government shut down a few years ago with the flirtation of a default on the full faith and credit of the U.S. Government.

Just as the President is carrying out his constitutional duties, so should the Senate. My colleagues in the Senate took an oath to support the Constitution. It is only February, leaving the Senate plenty of time before the elections to consider a nomination that President Obama will make in the coming weeks.

I find it disgraceful that my Republican colleagues would try to obstruct the nomination before the nominee has even been named. Our job as Senators is to examine the qualifications of the nominee for the position. The Senate should get to work once President Obama makes his nomination, in a process that usually takes around two months.

If you look over the history of nominations that have been made by a President on Supreme Court nominees in the amount of time the Senate has considered those nominations, the average is 2 to 3 months. Let me remind you, we have almost a year left in this term of Congress. There is plenty of time. The Senate Judiciary Committee has historically reported nominees to the floor even if the nominee did not garner a majority vote in the committee. And then let the Senate work its will to either confirm or reject the President's nominee.

The tradition of the Senate is to allow each Senator to vote yea or nay on a nomination to the Supreme Court of the United States. That has been the tradition of the Senate. Of course, every Senator has the right to vote no. Senators were elected for 6-year terms by the citizens of their State and have the right and obligation to vote. President Obama was elected by the people of the United States for a 4-year term and has the right and obligation to nominate.

History has shown that when the roles were reversed and the Democrats held the majority in the Senate, Supreme Court and judicial nominees for

Republican Presidents were given hearings and up-and-down votes regardless of when the vacancy occurred. Justice Kennedy was confirmed to the Supreme Court in the last year of President Ronald Reagan's final term in 1988. Other examples of Presidential election-year confirmations include Justice Murphy in 1940, Justice Cardozo in 1932, and Justice Brandeis in 1916. And the Democratic-controlled Senate confirmed numerous judicial nominees of President George W. Bush throughout his final year in office, including nearly a dozen judges in September 2008, just weeks before the election of President Obama.

While I might have picked different judges as a Senator, I voted to confirm the vast majority of President Bush's judicial nominations in his final year in office. I will continue to carry out my constitutional responsibilities that I undertook when I became Senator and swore to support the Constitution. In my view, Justice Scalia would expect nothing less than for the President and the Congress to follow the letter and spirit of the Constitution, our Nation's most fundamental legal document. Justice Scalia wrote a 2004 opinion about the importance of having all nine Justices on the Supreme Court. He stated that without a full complement of Justices, the Court—I am quoting from Justice Scalia—''will find itself unable to resolve the significant legal issues'' in pending cases and that a vacancy ''impairs the functioning of the Court.''

Justice Scalia understood the importance to have nine Supreme Court Justices. Are we really going to allow there to be a vacancy for that ninth seat for a year?

Former Justice Rehnquist, when he was an Associate Justice of the Supreme Court in 1972, wrote that the prospect of affirming lower court judgments by an equally divided court was ''undesirable'' because ''the principle of law presented by [each] case is left unsettled.'' When there is a circuit split, Justice Rehnquist continued, ''the prospect of affirmance by an equally divided Court, unsatisfactory enough in a single case, presents even more serious problems where companion cases reaching opposite results are heard together here. . . . [A]ffirmance of each of such conflicting results by an equally divided Court would lay down 'one rule in Athens, and another rule in Rome' with a vengeance.''

What Justice Rehnquist was saying is when we have different appellate court decisions—one circuit ruling one way and another circuit ruling another way—they come to the Supreme Court, we have conflicting interpretations, and we have the Supreme Court of the United States to resolve that difference.

What happens if there is a 4-to-4 vote? We have different rules in the Fourth Circuit than in the Third Circuit. That is why we have a Supreme Court. And for a year-plus we are going to say we are not going to allow the full complement to be there?

I am also privileged to serve as the ranking member of the Senate Committee on Foreign Relations and the ranking member and former chair of the Helsinki Commission. I must tell my colleagues, as I meet with heads of foreign governments, parliamentarians and judges overseas, I feel great pride in that America has created independent judges where a neutral fact-finder decides the case based on the law and the facts and cannot be fired for making a decision that offends the government or the politically powerful. I really do believe the Supreme Court and Federal judiciary are some of the crown jewels of our American system of government and the envy of the world. That is why I am so disgusted and disappointed today with the majority's attempt to abdicate their responsibilities as Senators and as Americans by not doing their job and simply obstructing the operation of good governance for partisan political purposes. I say that because the Republican members of the Judiciary Committee have written a letter saying they are not even going to take up this nomination. There will not even be any hearings.

Do your job. Our job is to consider a nomination that is submitted by the President.

What the Republicans are effectively trying to do is to temporarily shrink the Supreme Court from nine to eight Justices and shorten the term of the President from 4 years to 3 years. That is not in the Constitution. This is disgraceful and indefensible. Frankly, it reminds me of the arguments Republicans used in 2013 when they accused President Obama of trying to pack the court when they announced they would not support further nominees to the U.S. Court of Appeals for the District of Columbia Circuit. No, President Obama was not trying to pack the court by changing the number of seats on the court. He was merely nominating individuals to existing vacancies on the court that were authorized by Congress by an enacted statute. That is the President's responsibility.

Let me remind my colleagues that Congress has the authority to pass a statute that is signed into law by the President or by overriding his veto. What Congress cannot and the Senate should not do is purport to shrink the size of the court, be it the Supreme Court or district court or circuit court, by simply refusing to even consider a nominee until the next President takes office.

If this decision by the Republicans is allowed to stand, it would create an artificial vacancy for over a full year, spanning two terms of the Court, which would be unprecedented since the Civil War. We recall that after the last century, Supreme Court nominees have received timely hearings and considerations by the Senate Judiciary Committee and the full Senate.

It matters if the Supreme Court is not fully operational and gridlocks in 4-to-4 ties. Under that scenario, the division of the lower court stands, even when there is a split among the circuits where only the Supreme Court could and should clarify the law. This will lead to more uncertainty, litigation, wasted time and resources, and ultimately delay and deny justice for the American people.

It would be a great tragedy—and potentially do long-term damage to the Supreme Court and the independent judiciary—if the Republican strategy of delay and obstruction prevails. I urge my colleagues: Do your job. Do your job. When the President submits the nomination for the Supreme Court vacancy created by the death of Justice Scalia, schedule a timely hearing and establish a reasonable schedule for the Senate and each of its 100 Members to vote yea or nay on the person the President submits as a nominee for the Supreme Court. That is our responsibility. We need to do our job.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, former Chief Justice Warren Burger once explained the historical significance of the U.S. Constitution as follows. He wrote that ''in the last quarter of the 18th century, no nation in the world was governed with separated and divided powers providing checks and balances on the exercise of authority by those who governed.''

The Chief Justice went on to call the Constitution ''a remarkable document—the first of its kind in all of human history.''

Chief Justice Burger was right. The Constitution is remarkable, and it is remarkable not only for what it says but how it says it.

In some places the Constitution speaks in poetry, like the Preamble that begins with ''We the People of the United States,'' and talks of ''a more perfect Union'' and ''the Blessings of Liberty.''

In other places, the Constitution is simple prose, but given the importance of every single word in the text of the Constitution, the Founding Fathers wrote in plain, concise, and understandable language.

That clarity can be found in the advice and consent clause of article II, section 2. Its words could not be clearer. It simply states that the President of the United States ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, and Judges of the supreme Court.''

There is no ambiguity there. It is not an invitation to reinterpretation. The President's obligation under the Constitution is crystal clear. He shall nominate someone to fill a vacancy on the Supreme Court.

President Obama has stated that he will fulfill his obligation and send the Senate an eminently qualified nominee to fill the vacancy created by the unfortunate passing of Justice Antonin Scalia.

When President Obama does that, it will be the Senate's turn to fulfill its obligation under the Constitution.

The text of the Constitution on the Senate's responsibility is similarly clear. The Senate is to provide its advice and consent. Let me repeat that. The Senate is to provide its advice and consent.

Advice and consent does not mean the Senate disregards the Constitution and ignores a nomination to the Supreme Court. It is advice and consent, not avoid and contempt.

The advice and consent clause is not the constitutional equivalent of Roger Maris's home run statistics. There is no asterisk in the Constitution that directs readers to small print that says ''except in an election year.'' There is no fine print in the Constitution that says the Senate is to give its advice and consent except in the last year of a President's term.

Despite the clear constitutional instruction on how the executive and legislative branches are to handle a vacancy on the Supreme Court, the Republicans on the Judiciary Committee yesterday unilaterally decided they would not hold a hearing on a Supreme Court nominee to fill Justice Scalia's seat until after the upcoming Presidential election. This partisan decision to obstruct is a drastic departure from long-established practice and procedure in filling Supreme Court vacancies. The Senate has routinely confirmed Supreme Court Justices in the final year of a Presidency. In fact, it has happened more than a dozen times, most recently with the confirmation of Justice Anthony Kennedy during the last year of Ronald Reagan's second term as President. In the last 100 years, the Senate has taken action on every Supreme Court nominee regardless of whether the nomination was made in a Presidential election year.

So the American people now have to deal with two vacancies: one on the Supreme Court and the other in the judgment of Senate Republicans because they seem willing to go to unprecedented lengths to stop this constitutionally mandated process from moving forward.

Republican Senators' reading words into the Constitution to reach the result they want is no different from the so-called judicial activism on the bench they routinely decry.

The Republicans would rather shirk their constitutional responsibility than let President Obama appoint another Justice to the Court. They would rather deprive the country of a fully functioning Supreme Court than fulfill their constitutional duty, not just for the remainder of this term but for the next term of the Supreme Court as well.

Now, why is that? Well, because a Justice of the Supreme Court has only one vote, but a single seat on the Court and a single vote that comes with it can carry enormous significance. We need only look at this divided Supreme Court's recent 5-to-4 decisions to understand why Republicans prefer a vacancy on the Supreme Court. With only eight justices instead of nine, the Court's decisions can deadlock with a 4-to-4 vote. A tie vote leaves in place the lower court decision that has been appealed to the Supreme Court. A 4-to-4 deadlock can have far-reaching consequences.

Take Bush v. Gore, the 2000 decision that stopped Florida's vote recount in the 2000 Presidential election. Bush v. Gore was decided by a 5-to-4 vote. If a seat on the Supreme Court had been vacated, resulting in a 4-to-4 vote, then the outcome of that election could have been different.

So that is pretty much the consequence here. It is going to have, without question, some impact on how these decisions are going to be made, but it is without any full comprehension of what that change could be, only because nine human beings are involved, but there is a responsibility that we have in the Senate to ensure that we, in fact, have a full Supreme Court.

The President shall nominate. That is without question the duty he has. We shall provide advice and consent. That is our duty. We don't have to give consent at the end of the day. We can have a vote on the Senate floor to determine whether someone is, in fact, going to be confirmed, but we have that constitutional responsibility.

There is still ample time for the President to submit a nomination, for the Judiciary Committee to hold hearings on it, and for the full Senate to vote on it.

The U.S. Constitution remains a remarkable document. Let us treasure it, not twist it. Let us respect it, not run from it. Let us fulfill our constitutional obligations and have a hearing on the President's nominee and a vote by the Senate. In other words, to the U.S. Senate: Do your job. It is in the Constitution. There is no way you can run from a clear interpretation of what the Constitution requires us to do once the President has nominated a new candidate for the Supreme Court. There are direct instructions for the President in the Constitution and there are direct instructions for us in the Senate.

Let us hope that after the President nominates a candidate, that this body deliberates, listens to all the testimony, and then has a vote on whether that person is qualified to serve on the Supreme Court, but the only way that is going to happen is if this body does its job. So we ask the Members of the majority to ensure that happens.

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

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

Mr. BLUMENTHAL. Mr. President, I am here today to urge this body to fulfill its constitutional duty and take action on the Supreme Court nominee who shortly will be submitted by President Obama. I come here not only as a U.S. Senator but also as a former Federal prosecutor, a U.S. attorney in Connecticut from 1977 to 1981, a former State attorney general for 20 years, and a veteran of four arguments before the U.S. Supreme Court. I am also here as a former law clerk to Justice Harry Blackmun, and I share with the Presiding Officer the experience of having had that supremely important and formative experience, and, of course, it shapes my view as well of the Court.

I have immense respect and awe for the position and power and eminence of the U.S. Supreme Court, its role in our democracy, and its history of scholarship and public service. I have the same admiration for Justice Antonin Scalia, and I take this moment to remember his uniquely American life.

As the son of an immigrant, he was a dedicated public servant, a gifted writer, and a powerful speaker. I heard him speak on a number of occasions and argued before him in the Court in a number of memorable exchanges. His sense of humor and his quickness of wit and insight remain with me now. As all of my colleagues will attest, he dedicated his life to serving the public, which can be demanding and difficult at times, but his life showed, as we know, that the difficulties and the demands are well worth the rewards. My thoughts are with his wife Maureen and his entire family.

My personal view, speaking only for myself, is that one way to honor Justice Scalia is to adhere to the Constitution, to follow its words, which are very explicit on the topic of nominating and confirming a Supreme Court Justice and which give us the role of advising and consenting after the President has nominated. I hope we will fulfill our constitutional duty to advise and consent—to do our job, literally, to do our job as we were elected and took an oath of office to do. That is what we are paid to do—our job as prescribed by the Constitution. I fundamentally reject the notion that the Senate's refusal to act, as laid out in no uncertain terms by my Republican colleagues, fulfills this obligation. In fact, the abdication of responsibility through this rejection is disrespectful to that document and to the Court itself.

President Obama has indicated that he is currently engaged in a thoughtful and deliberative process, working to select a nominee with the intellect and integrity that will persuade the American public and hopefully also the Senate to support his suggestion. His nomination would allow the Supreme Court to function again with the nine members who are essential to its deliberation.

The conclusions my colleagues advance during such a process will, of course, be to each of them to decide. I will be, in fact, among the most exacting and demanding of our colleagues who question that nominee in a hearing, who seek answers in screening and researching the expertise and experience of that person. In no way should the Judiciary Committee, on which I serve, or the U.S. Senate, where we all serve, act as a rubberstamp. No way. No rubberstamp. We must advise as well as consent, and advising means being demanding and careful. But I think we have an obligation to go through that process. We can't just say, sight unseen, no. We can't say that we are going to leave it to the next elected Senate or the next elected President. We have been elected and he has been elected to do our job.

The Supreme Court must have a full complement of Justices to effectively address some of the most complex issues and consequential legal challenges our Nation faces today. Put aside the merits of each—whether it is immigration or affirmative action, women's reproductive rights, voting rights—decisions are needed. The lack of decision has consequences, just as elections have consequences.

Obstruction has consequences, too, and we cannot afford to weaken the Federal judiciary's capacity for effective governance. We can't allow a manufactured crisis in the Senate to plunge another branch of government into gridlock and to plague the judiciary with the same partisan paralysis that is so detested by the American people. In fact, the rejection of our constitutional responsibility to do our job would epitomize the gridlock and partisan contention that America finds so abhorrent today. Like my colleagues, I go around the State of Connecticut, and what people say to me more commonly than anything else is ''Why can't you do your job? Why can't you get stuff done?'' Let's get this done.

Statements by Majority Leader MCCONNELL and Chairman GRASSLEY, as well as a number of my other colleagues, have indicated that President Obama's nominee to the highest Court in the land should not even be considered, but turning our backs on that constitutional obligation to act would be equivalent to shutting down the government. It is of exactly the same kind of consequence. It may not be as far-reaching in its immediate effect, but it has the same long-term consequences, which are not merely to prevent decisions and actions from happening—necessary decisions and actions—but also to undermine credibility and faith and trust in our government.

When it comes to the Congress or the President, maybe that credibility is of lesser importance, but it is a chief asset of our judiciary. The Supreme Court of the United States has no armies or police force. It commands the Nation's respect through its credibility. It enforces obeyance by virtue of that credibility.

This posture by my Republican colleagues threatens to drag a vital, nonpartisan institution into the morass of procedural gamesmanship and electoral mudslinging—the kind of game playing and gamesmanship that has so disillusioned and dismayed Americans more broadly.

As I have discussed this process with the people of Connecticut, I have heard outrage over this attempt to hamstring the Supreme Court, which looks like the recent, similarly illogical process of shutting down the government.

If my Republican colleagues want to reject a nominee, that is their right. After a hearing, they can vote no. They may have reason, and those reasons may be subjective or fact-based and objective. But to simply deny any consideration—even a meeting with a nominee—is stark obstructionism. It is an extreme version of the phenomenon that has frozen this body for much too long.

The majority campaigned in 2014 on restoring law and getting things done. They promised Americans everywhere that the new Senate majority would usher in an end to gridlock on Capitol Hill. We made some progress—too slow, too little—but moving in the right direction will be forestalled, if not doomed, by this obstructionism, and these promises would be broken if the Senate refuses to act.

At this critical time, we cannot hold the highest level of an entire branch of government hostage because of political gamesmanship. That is not what the American people elected us to do, and it is not what the American people deserve. Doing so would dishonor the bipartisan tradition of providing a hearing and a vote for a Supreme Court nominee, which is our constitutional obligation and has been followed by past Senates.

Even when a nominee during President Reagan's Presidency was nominated 14 months before the election and even though the vote came during the last year of that President's term in office, Justice Kennedy was confirmed. We should do the same. Why not? There is plenty of time between now and then to give deliberate due consideration to the President's nominee.

I hope that the outrage and outcry from the American people will persuade my colleagues to reconsider, reflect, and reverse this disastrous course. In fact, I believe they will relent because this course is dangerous to the Court, damaging to our Nation, and ultimately destructive to our democracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

Mr. WHITEHOUSE. Mr. President, we are here on this conflict we have over a Supreme Court nominee, which has turned into a considerable, unprecedented fuss, I believe, for a fairly simple reason. The elephant, so to speak, in the room is that the Court has become a political actor under Chief Justice Roberts. The rightwing bloc on the Court delivered politically because it had a 5-to-4 majority. Now their rightwing majority is gone, and Republicans are predictably upset.

Justice Frankfurter admonished:

> But it is not the business of this Court to pronounce policy. It must observe a fastidious regard for limitations on its own power, and this precludes the Court's giving effect to its own notions of what is wise or politic.

Well, that was then. The five-judge bloc on the Roberts Court, of which Justice Scalia was an essential part, systematically and predictably pronounced policy in favor of three things: No. 1, conservative ideology; No. 2, the welfare of big corporations; and No. 3, the electoral well-being of the Republican Party. And people noticed. Linda Greenhouse wrote that it is ''impossible to avoid the conclusion that the Republican-appointed majority is committed to harnessing the Supreme Court to an ideological agenda.'' Other noted Court watchers, such as Norm Ornstein and Jeffrey Toobin, agree. As Jeffrey Toobin noted, the pattern of decisions ''has served the interests, and reflected the values, of the contemporary Republican party.'' Columnist Dana Milbank observed of a recent decision that ''the Roberts Court has found yet another way to stack the deck in favor of the rich.'' The Court has become so political that Justices Scalia and Thomas have attended the Koch brothers' secretive annual political conference. Just this week, Ms. Greenhouse wrote, ''[T]he conservative majority is permitting the court to become an agent of partisan warfare to an extent that threatens real damage to the institution.''

It is not just the Court watchers who have noticed; less than one-third of Americans have confidence in the Supreme Court. Americans massively oppose its Citizens United decision—80 percent against, with 71 percent strongly opposed. Most tellingly, by a ratio of 9 to 1, Americans now believe the Court treats corporations more favorably than individuals. Even conservative Republicans agree, by a 4-to-1 margin, that this Court treats corporations more favorably than individuals.

Let's take a look at the Court's decisions in these three areas: election politics, corporate interests, and the conservative social agenda.

In elections decisions, the Court's Republican-appointed majority always seems to come down on the side that helps the election prospects of the Republican Party.

The Voting Rights Act, for example, protects minority access to the ballot,

and in States that had long histories of discriminating against minority voters, it required preclearance of voting restrictions. In the 5-to-4 Shelby County decision, the Republican-appointed Justices gutted that preclearance requirement. Predictably, the result was almost immediate enactment across many States of voter-suppression laws. The Washington Post described, for instance, the ''surgical precision with which North Carolina Republicans approved certain forms of photo IDs for voting and excluded others.'' Texas, for another instance, allowed gun permits for voting but not State university IDs. And even where these voter-suppression laws ultimately fail in court, Republicans still gain the benefit of fewer Democrats in the electorate while they are litigated.

The conservative judges' decisions on gerrymandering are a second example. ''Gerrymandering'' is named after Massachusetts Governor Elbridge Gerry and his efforts to shape the district of a State senator he needed to protect. A clever modern variant of gerrymandering has emerged—bulk gerrymandering—which looks at the whole congressional delegation of a State. This tactic isolates Democrats into small, supersaturated Democratic districts so that majority-Republican districts can be created out of the remainder of the State.

By manipulating the districts this way through its so-called REDMAP project, Republicans delivered congressional delegations that didn't reflect the State's popular vote, over and over. For instance, when Pennsylvania voters went to the polls in 2012, Democratic votes for Congress outnumbered Republican votes by a little over 80,000. Pennsylvania also reelected President Obama that year and our colleague, Democratic Senator BOB CASEY. But Pennsylvania at that ballot sent a House delegation to Congress of 5 Democrats and 13 Republicans—more votes for Democrats, more Republicans in the delegation by 13 to 5.

This was not just a Pennsylvania fluke. In 2012, Ohio voted for Barack Obama for President and returned our Democratic colleague SHERROD BROWN to the Senate but sent 12 Republicans to Congress and only 4 Democrats. Wisconsin voted for Obama in 2012 and elected progressive Senator TAMMY BALDWIN to the Senate but sent five Republicans and only three Democrats to Congress.

The Republican organization behind REDMAP bragged of this achievement. I will quote REDMAP's memo:

> [A]ggregated numbers show voters pulled the lever for Republicans only 49 percent of the time in congressional races, [but] Republicans enjoy a 33-seat margin in the U.S. House seated yesterday in the 113th Congress, having endured Democratic successes atop the ticket and over one million more votes cast for Democratic House candidates than Republicans.

This gerrymandering ran wild because in a Supreme Court case called Vieth v. Jubelirer, four Republican Justices announced that they would no longer question whether gerrymandering interfered with any constitutional voting rights. One, Justice Kennedy, left a glimmer of light, but the practical effect was to announce open season for gerrymandering. As the American Bar Association's publication on redistricting has noted, ''The Court's recent decisions appear to give legislators leeway to preserve partisan advantage as zealously as they like when drawing district lines.'' In practice, gerrymandering of Congress squarely benefited Republicans.

A third example is campaign finance decisions, the most noticeable being Citizens United, but a constellation of decisions surrounds Citizens United, beginning with Justice Powell's 1978 opinion in First National Bank of Boston v. Belloti. The careful work of Republican appointees on the Court over many years to open American politics to corporate spending has conferred obvious political advantage to the Republican Party, and, as many news outlets reported, it was Republicans who cheered the Citizens United decision.

So, in elections, it is three for three in favor of the Republican Party.

Turning from elections to the conservative agenda on social issues, such as religion and abortion and gun control, let's start with the District of Columbia v. Heller decision, a Second Amendment decision in which this same five-man bloc created, for the first time in our history, an individual right to keep firearms for self-defense. As recently as 1991, this doctrine was such a fringe theory that it was publicly described by retired Chief Justice Warren Burger as ''one of the greatest pieces of fraud, I repeat the word 'fraud,' on the American public by special interest groups that I have ever seen in my lifetime.'' That was the theory which five on the Court adopted. As one author noted, ''Five Justices on the Supreme Court were able to reinterpret, by some standards radically, the Second Amendment's right to keep and bear arms as a personal, not a collective right in Heller.''

At the wall separating church and state, the bloc of five chipped steadily away: Christian crosses in public parks, Federal tax credits funding religious schools, Christian prayer at legislative meetings. As constitutional scholar Erwin Chemerinsky summed it up: ''Rather than obliterating the wall separating church and state all at once, the Roberts Court's opinions are dismantling it brick by brick.''

Four decades ago, Roe v. Wade recognized a wall of privacy in the Constitution between the government and a woman's private medical decisions. In this context, the court has long required State laws barring late-term abortions to have an exception to protect the health of the mother. Then the Roberts Court upheld a ban on the procedure that had no exception for the health of the mother.

As Justice Ginsburg stated in her dissent: ''[T]he Act and the Court's defense of it cannot be understood as anything other than an effort to chip away at a right declared again and again by this Court—and with increasing comprehension of its centrality to women's lives.''

If the conservative win rate in the Court is striking, the corporate one is even more so. A recent study found the Roberts Court more favorable to business interests than its predecessors, with all five members of the recent rightwing bloc among the top 10 most business-friendly judges in the last 65 years. Chief Justice Roberts was No. 1 and Justice Alito No. 2.

Studies showed the Roberts Court following the legal position of the U.S. Chamber of Commerce, which is a de facto organ of the National Republican Party, 69 percent of the time, up from 56 percent during the Rehnquist Court and 43 percent during the Burger Court. Connect the dots. The Republicans are the party of the corporations, the judges are the appointees of the Republicans, and the judges are delivering for the corporations. It is being done in plain view.

Many Chamber victories were significant, such as making employment discrimination harder to prove, letting manufacturers and distributors fix minimum prices for retail goods, letting mutual funds advisers include misstatements made by others in the documents they prepare for investors, and even Hobby Lobby, where the Court put the religious rights of corporate entities over the rights of employees.

Big corporations hate being hauled into court and having to face juries, and the five Republican appointees protected them by raising pleading standards for victims, letting companies push disputes into corporate-favored arbitration, restricting Americans' ability to press cases of large-scale wrongdoing in class actions, making it more difficult for workers to hold employers accountable for workplace harassment, and making it harder for consumers with serious side effects to sue the drug companies.

Now before the Court is a case the five-man bloc has pursued for some time. It was expected that the five would use it to deal a significant blow to the political and economic clout of unions, a great boon for the big corporations. It also looked like the five were teeing up for the fossil fuel industry, a big victory against the President's Clean Power Plan.

There was a lot at stake in that fifth vote. There was a lot that was delivered because of that fifth vote. At 4 to 4, the circuit court decision below

stands. At 4 to 4, the challenged regulation ordinarily prevails.

I will close with the big sockdolager: Citizens United. It was once the opinion of the U.S. Supreme Court that ''to subject the state governments to the combined capital of wealthy corporations [would] produce universal corruption.'' No more. The five judges behind Citizens United opened the floodgates for unlimited anonymous corporate spending in elections. They found that corporate corruption of elections was near impossible, and they caused a tsunami of slime—to use a phrase that I borrow—that we have seen in recent election cycles. Such a brute role for big corporations in our American Government would shock the Founding Fathers who foresaw no important role in our Republic for the corporations of the time.

To unleash that corporate power in our elections, the five conservative justices had to go through some remarkable contortions. They had to reverse previous decisions where the Court had said the opposite. They had to make up facts that were then predictably and are now demonstrably wrong. They had to create a make-believe world of independence and transparency in election spending that present experience belies, and they had to maneuver their own judicial procedures to forestall a factual record belying the facts they were making up.

It was a dirty business with a lot of signs of intent, and it has produced evil results that we live with every day. All of this—Republican election advantage, corporate welfare, the conservative social agenda—is because the activists, corporatists, and rightwing bloc had a fifth vote. That bloc of five did more for the far right, for the Republican Party, and for its corporate backers than all of the Republicans in the House and Senate have been able to do. They delivered. Now it is 4 to 4 and that advantage is gone; hence the panic on the Republican side; hence the departure from plain constitutional text.

Imagine any other constitutional duty of the President that he failed to do that would not cause uproar and outrage. There would be nobody on the floor here because everybody would have run off to FOX News to get their talking headshot in and talk about what a terrible thing the President had done by violating his constitutional duty. Well, the President has a constitutional duty—he shall nominate.

They are in a political pickle, but the Constitution doesn't care about the politics. From the Constitution's point of view, the politics are just too darn bad. The Constitution directs the President to make the appointment, and he should do his job. The Constitution gives the Senate the job of advice and consent to the President's nominee. We should do our job just as the Constitution provides.

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.

Mr. MCCONNELL. 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.

REMEMBERING WILLIAM USHER

Mr. MCCONNELL. Mr. President, I wish to commemorate the life and legacy of a distinguished Kentuckian who has sadly passed away. William ''Bill'' Usher of Paducah died this February 14, 2016, after a short illness. He was 86 years old.

Bill was the owner and manager for many years of Usher Transport, a family-owned and operated Kentucky business founded in the 1940s. He was well known in Paducah and western Kentucky as a community leader, and he was a friend of mine whom I saw often in my travels through Paducah.

Bill gave generously of his time and resources to many organizations, charities, and causes. He served as both president and chairman of the Greater Paducah Chamber of Commerce. He served with Greater Paducah Industrial Development, the Paducah Rotary Club, the Kentucky Motor Transport Association, and National Tank Truck Carriers.

Bill was a board member of Citizens Bank and helped found Paducah's first industrial development group. He was the chairman of the Barkley Regional Airport board of directors. He was also the chairman of the Board of Exhibit Management in Louisville.

Bill understood what it means to serve from a young age. While studying at the University of Kentucky, he was named outstanding cadet of the Air Force ROTC. Upon graduation in 1952, he served as a fighter pilot in the U.S. Air Force and Air Force Reserves for several years, retiring as a major.

While in the military, he served as an air combat and gunner instructor at Luke Air Force Base in Phoenix, AZ, and with the 417th Tactical Fighter Squadron based in France and Germany flying F–100s. He was awarded the Commendation Medal. In the 1960s, he moved back to Paducah to help build the family business.

Bill was a native of Graves County and attended the First United Methodist Church in Mayfield, KY.

He leaves behind his wife Virginia ''Ginger'' Sabel Usher; two sons, William A. Usher, Jr., and Alan W. Usher; a stepdaughter, Karen Elizabeth Reed Alpers; a stepson, James Boone Reed; three grandsons, Ryan Lunsford Usher, William Patrick Usher, and William A. Usher III; three stepgrandsons, David Roscoe Reed II, William Murphy Reed, and Ely E. Mazmanians; a stepgranddaughter, Avary Frazier; extended family members Gabriel Vieira, Kathleen Overlin, Sabel Overlin, Max Overlin, Elise Overlin, and Stacy Overlin; and many more beloved family members and friends.

The Paducah Sun recently published an article highlighting the impact Bill Usher had on his friends, family, and community. I ask unanimous consent that a copy of the article be printed in the RECORD.

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

[From the Paducah Sun, Feb. 15, 2016]

BILL USHER REMEMBERED AS BENEVOLENT PUBLIC SERVANT

(By Kaylan Thompson)

Paducah leaders and friends remember William ''Bill'' Usher as a driving force of leadership and benevolence throughout the area and say his impact will be felt throughout the community for years to come.

''He's a rare breed of community leader in Paducah,'' said Bill Bartleman, McCracken County commissioner and friend of Usher for nearly 40 years. ''He was the old kind of leadership, the behind-the-scenes leader that we used to have, the kind of people who weren't in the limelight. They just did what they thought was right for the community.''

Usher died early Sunday morning at Morningside Assisted Living. He was 86.

Bartleman, a former legislative reporter with The Sun, first got to know Usher while covering community and political movements in the 1970s. During that time, Usher proved a helpful source and political liaison.

''He was a major force for our community,'' Bartleman said. ''He did a lot to help the community and did it quietly. He had contacts with political leaders, and he worked with them to get benefits for the community. He did things that people probably didn't know about and would have been hard to document because he worked so humbly.''

Usher's political and civic resume includes an array of titles, including chairman of the McCracken County Democratic Party, president of the Greater Paducah Chamber of Commerce, president of the Paducah Rotary Club, and chairman of the Barkley Regional Airport Board of Directors.

''He was always supportive and always encouraged good government,'' Bartleman said. ''He wanted people to do the right thing. He didn't use his influence to benefit himself, he used it solely to benefit the community through the bureaucracy of government.''

During Bartleman's campaign for political office, he added, Usher often reached out to him.

''He said he was supportive of me as long as I would do what's right for the community and the people,'' he said. ''Even in his senior years he was involved in politics and wanted things done right, not to see people elected to help himself, but to see people elected who would do good government.''

That inspiration, Bartleman said, is the torch Usher passed on to him and others, encouraging them to lead with humility.

''What I learned from him is to just do the right thing and don't seek publicity,'' Bartleman said. ''In the long run you'll be rewarded, at least in knowing you benefited the community. Your involvement in anything should be to do what's right and not seek self-gratification.''

Usher, a Mayfield native, was a graduate of Mayfield High School and the University of Kentucky.

He came to Paducah in 1960 following eight years of service in the U.S. Air Force, then taking on the family business, Usher Transportation Co., as president.

In recent years, he strongly supported several charitable organizations and the Paducah Police Department.

While most of his work remained anonymous, his chief involvement with the department was with Christmas Cops, a program

engaging police with area families and youth through shopping for gifts and necessities.

''Bill, being a huge supporter of the mission of the police department to build relationships with the community and the children, has been instrumental in affecting many, many lives in this community positively by either financial support or being there to support our efforts,'' said Paducah Police Chief Brandon Barnhill, a friend of his for many years.

Usher's support of the department began when he initiated an annual fundraiser in support of the program in the 1990s. His efforts remained largely anonymous until the early 2000s, when he became a member of the Christmas Cops board.

''Whether it was financial or moral, he was always there in a supporting nature,'' Barnhill said. ''He was a big driving force behind much of what we do during the Christmas season. He was a well-grounded individual, and he stayed true to his principles. He would give you the shirt off his back if that's what it took, and that's putting it lightly.''

A healthy community with thriving individuals was Usher's goal, believing connections and relationships were key to achieving it.

''He fully understood the value of mentoring and fostering a positive relationship with the police and youth,'' said Stacey Grimes, retired assistant chief of criminal investigations with the Paducah Police Department. ''We're not always arresting people or writing tickets, and he wanted them to see us in a different light.''

Grimes met Usher in 1994 at a Christmas Cops fundraiser, then called Shop with a Cop.

''He and his wife didn't want any praise or publicity for hosting the fundraiser,'' Grimes said. ''He was extremely humble and was probably the most benevolent man that I've ever met. He never sought praise for what he did, not even a pat on the back.''

''He always worked everything behind the scenes. His work helped ensure the program is sustainable for the future. Because of what Bill set up, I think it will be there for generations to come.''

Usher's friends agree that helping others was always his top priority.

''The hardest part of this is that we will never know how many lives Bill has positively affected,'' Barnhill said. ''But we do know there are many, many out there. It's just the person that he was.''

TRIBUTE TO LESLIE PROLL

Mr. LEAHY. Mr. President, I would like to recognize Leslie Proll, the director of policy for the NAACP Legal Defense and Educational Fund, Inc., for her years of excellent public service as she begins a new chapter in her career. Since 1998, Leslie has served as policy director at LDF, where she has advocated for the organization's policy and legislative priorities. She has brought her expertise to bear on advancing important Federal civil rights legislation and advocating for well-qualified, diverse nominees to serve in our Federal judiciary and the executive branch.

My staff has worked closely with her over the years, and she has been steadfast and unwavering in her commitment to civil rights. Leslie provided invaluable support when Congress reauthorized the Voting Rights Act in 2006 and passed the Lilly Ledbetter Fair Pay Act in 2009. Her contributions to these two critical legislative initiatives, along with the civil rights community, proved instrumental in moving these two bills through Congress.

Leslie has been an effective and tireless advocate in promoting diversity in our Federal judiciary so that our courts are more representative of the citizenry they serve. Our justice system has been made a better one because of her contributions. I commend Leslie for her years of service and wish her the best as she moves forward in her career.

CONFIRMATION OF ROBERT CALIFF

Mr. GRAHAM. Mr. President, I ask my colleagues to join me in congratulating Dr. Robert Califf on his confirmation today as Food and Drug Administration, FDA, Commissioner. Dr. Califf is a well-respected cardiologist that hails from Anderson, SC,—very close to where I grew up. He has served our country and its medical needs in a variety of capacities. As a faculty member and professor at Duke University, he founded the Duke Clinical Research Institute and served as vice chancellor for clinical research. In addition to his accomplishments during his tenure at Duke, he is an active member of several professional organizations, including committees of the Institute of Medicine of the National Academies and the FDA.

In 2015, Dr. Califf was named Deputy Commissioner for Medical Products and Tobacco for the FDA. In this role, Dr. Califf is responsible for overseeing and directing the Center for Drug Evaluation and Research, the Center for Devices and Radiological Health, and the Center for Tobacco Products. He also oversees the Office of Special Medical Programs.

The broad bipartisan support for Dr. Califf's nomination is testament to his strong, transparent leadership and record of advancing medical breakthroughs. The FDA has been operating without a confirmed Commissioner for the past year, and I applaud the Senate's confirmation of Dr. Califf. I look forward to working with Dr. Califf as he brings his expertise to addressing challenges facing the FDA and our Nation.

VOTE EXPLANATION

Mr. WARNER. Mr. President, today the Senate voted on the confirmation of Dr. Robert Califf to serve as Commissioner of Food and Drugs, Department of Health and Human Services. While I was unable to vote today, I would have supported Dr. Califf's nomination, just as I supported proceeding to cloture on his nomination in Monday evening's vote.

The Food and Drug Administration has lacked a permanent Commissioner for almost a year, despite its role overseeing the safety of 25 percent of goods sold in the United States, including food, drugs, medical devices, cosmetics, and vitamin supplements.

I believe that Dr. Califf, a Duke cardiologist and clinical trial researcher endorsed by over 100 physician and patient groups, is well qualified to oversee this critical mission.

I look forward to working with Dr. Califf to implement key public health priorities, including examining ways to tackle rising prescription drugs prices, improve clinical trials, and combat the opioid epidemic.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. MCCASKILL. Mr. President, I was necessarily absent for today's vote on the nomination of Robert McKinnon Califf to be Commissioner of Food and Drugs, Department of Health and Human Services.

I would have voted nay.●

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for February 2016. The report compares current law levels of spending and revenues with the amounts provided in the conference report to accompany S. Con. Res. 11, the budget resolution for fiscal year 2016. This information is necessary to determine whether budget points of order lie against pending legislation. It has been prepared by the Republican staff of the Senate Budget Committee and the Congressional Budget Office, CBO, pursuant to section 308(b) of the Congressional Budget Act, CBA.

This is the second scorekeeping report for this calendar year but the sixth report I have made since adoption of the fiscal year 2016 budget resolution on May 5, 2015. My last filing can be found in the CONGRESSIONAL RECORD on January 11, 2016. The information contained in this report is current through February 22, 2016.

Table 1 gives the amount by which each Senate authorizing committee is below or exceeds its allocation under the budget resolution. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. Over the fiscal year 2016–2025 period, which is the entire period covered by S. Con. Res. 11, Senate authorizing committees have spent $147.9 billion more than the budget resolution calls for.

Table 2 gives the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in section 312 and section 314 of the CBA. On December 18, 2015, the President signed H.R. 2029, the Consolidated Appropriations Act, 2016, P.L. 114–113, into law. This bill provided regular appropriations equal to the levels set in the Bipartisan Budget Act of 2015, P.L. 114–74, specifically $548.1 billion in budget authority for defense accounts, revised

security category, and $518.5 billion in budget authority for nondefense accounts, revised nonsecurity category.

Table 3 gives the amount by which the Senate Committee on Appropriations is below or exceeds its allocation for Overseas Contingency Operations/Global War on Terrorism, OCO/GWOT, spending. This separate allocation for OCO/GWOT was established in section 3102 of S. Con. Res. 11 and is enforced using section 302 of the CBA. The consolidated appropriations bill included $73.7 billion in budget authority and $32.1 billion in outlays for OCO/GWOT in fiscal year 2016. This level is equal to the revised OCO/GWOT levels that I filed in the RECORD on December 18, 2015.

The budget resolution established two new points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPS. Tables 4 and 5 show compliance with fiscal year 2016 limits for overall CHIMPS and the Crime Victims Fund CHIMP, respectively. This information is used for determining points of order under section 3103 and section 3104, respectively. Enacted CHIMPS are under both the broader CHIMPS limit, $1.3 billion less, and the Crime Victims Fund limit, $1.8 billion less.

In addition to the tables provided by the Senate Budget Committee Republican staff, I am submitting additional tables from CBO that I will use for enforcement of budget levels agreed to by the Congress.

For fiscal year 2016, CBO estimates that current law levels are $138.9 billion and $103.6 billion above the budget resolution levels for budget authority and outlays, respectively. Revenues are $155.2 billion below the level assumed in the budget resolution. Finally, Social Security outlays are at the levels assumed in the budget resolution for fiscal year 2016, while Social Security revenues are $23 million below assumed levels for the budget year.

CBO's report also provides information needed to enforce the Senate's pay-as-you-go rule. The Senate's pay-as-you-go scorecard currently shows deficit reduction of $20.4 billion over the fiscal year 2015–2020 period and $95.7 billion over the fiscal year 2015–2025 period. Over the initial 6-year period, Congress has enacted legislation that would increase revenues by $17 billion and decrease outlays by $3.3 billion. Over the 11-year period, Congress has enacted legislation that would increase revenues by $36.8 billion and decrease outlays by $59 billion. The Senate's pay-as-you-go rule is enforced by section 201 of S. Con. Res. 21, the fiscal year 2008 budget resolution.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

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

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (−) BUDGET RESOLUTIONS

(In millions of dollars)

	2016	2016–2020	2016–2025
Agriculture, Nutrition, and Forestry			
Budget Authority	0	0	0
Outlays	0	0	0
Armed Services			
Budget Authority	−66	−518	−1,117
Outlays	−50	−476	−1,099
Banking, Housing, and Urban Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Commerce, Science, and Transportation			
Budget Authority	130	650	1,300
Outlays	0	0	0
Energy and Natural Resources			
Budget Authority	0	0	0
Outlays	0	0	0
Environment and Public Works			
Budget Authority	2,880	19,432	9,459
Outlays	252	1,147	−8,801
Finance			
Budget Authority	365	41,116	152,815
Outlays	365	41,116	152,815
Foreign Relations			
Budget Authority	0	0	0
Outlays	0	0	0
Homeland Security and Governmental Affairs			
Budget Authority	0	0	0
Outlays	0	−1	0
Judiciary			
Budget Authority	−3,358	5,962	4,833
Outlays	1,713	5,862	4,082
Health, Education, Labor, and Pensions			
Budget Authority	0	208	278
Outlays	0	208	278
Rules and Administration			
Budget Authority	0	0	0
Outlays	0	0	0
Intelligence			
Budget Authority	0	0	0
Outlays	0	0	0
Veterans' Affairs			
Budget Authority	−2	−1	−1
Outlays	388	644	644
Indian Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Small Business			
Budget Authority	0	0	0
Outlays	1	2	2
Total			
Budget Authority	−51	66,849	167,567
Outlays	2,669	48,502	147,921

TABLE 2.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS [1]

(Budget authority, in millions of dollars)

	2016	
	Security [2]	Nonsecurity [2]
Statutory Discretionary Limits	548,091	518,491
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	21,750
Commerce, Justice, Science, and Related Agencies	5,101	50,621
Defense	514,000	136
Energy and Water Development	18,860	18,325
Financial Services and General Government	44	23,191
Homeland Security	1,705	39,250
Interior, Environment, and Related Agencies	0	32,159
Labor, Health and Human Services, Education and Related Agencies	0	162,127
Legislative Branch	0	4,363
Military Construction and Veterans Affairs, and Related Agencies	8,171	71,698
State Foreign Operations, and Related Programs	0	37,780
Transportation and Housing and Urban Development, and Related Agencies	210	57,091
Current Level Total	548,091	518,491
Total Enacted Above (+) or Below (−) Statutory Limits	0	0

[1] This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

[2] Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

TABLE 3.—SENATE APPROPRIATIONS COMMITTEE—ENACTED OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM DISCRETIONARY APPROPRIATIONS

(In millions of dollars)

	2016	
	BA	OT
OCO/GWOT Allocation [1]	73,693	32,079
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	0
Commerce, Justice, Science, and Related Agencies	0	0
Defense	58,638	27,354
Energy and Water Development	0	0
Financial Services and General Government	0	0
Homeland Security	160	128
Interior, Environment, and Related Agencies	0	0
Labor, Health and Human Services, Education and Related Agencies	0	0
Legislative Branch	0	0
Military Construction and Veterans Affairs, and Related Agencies	0	0
State Foreign Operations, and Related Programs	14,895	4,597
Transportation and Housing and Urban Development, and Related Agencies	0	0
Current Level Total	73,693	32,079
Total OCO/GWOT Spending vs. Budget Resolution	0	0

BA = Budget Authority; OT = Outlays

[1] This allocation may be adjusted by the Chairman of the Budget Committee to account for new information, pursuant to section 3102 of S. Con. Res. 11, the Concurrent Resolution of the Budget for Fiscal Year 2016.

TABLE 4.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

(Budget authority, millions of dollars)

	2016
CHIMPS Limit for Fiscal Year 2016	19,100
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies	600
Commerce, Justice, Science, and Related Agencies	9,458
Defense	0
Energy and Water Development	0
Financial Services and General Government	725
Homeland Security	176
Interior, Environment, and Related Agencies	28
Labor, Health and Human Services, Education and Related Agencies	6,799
Legislative Branch	0
Military Construction and Veterans Affairs, and Related Agencies	0
State Foreign Operations, and Related Programs	0
Transportation and Housing and Urban Development, and Related Agencies	0
Current Level Total	17,786
Total CHIMPS Above (+) or Below (−) Budget Resolution	−1,314

TABLE 5.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAM (CHIMP) TO THE CRIME VICTIMS FUND

(Budget authority, millions of dollars)

	2016
Crime Victims Fund (CVF) CHIMP Limit for Fiscal Year 2016	10,800
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies	0
Commerce, Justice, Science, and Related Agencies	9,000
Defense	0
Energy and Water Development	0
Financial Services and General Government	0
Homeland Security	0
Interior, Environment, and Related Agencies	0
Labor, Health and Human Services, Education and Related Agencies	0
Legislative Branch	0
Military Construction and Veterans Affairs, and Related Agencies	0
State Foreign Operations, and Related Programs	0
Transportation and Housing and Urban Development, and Related Agencies	0
Current Level Total	9,000
Total CVF CHIMP Above (+) or Below (−) Budget Resolution	−1,800

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 24, 2016.

Hon. MIKE ENZI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2016 budget and is current through February 22, 2016. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016.

Since our last letter dated January 11, 2016, the Congress has cleared for the President's signature the Trade Facilitation and Trade Enforcement Act of 2015 (H.R. 644). That act would affect budget authority, outlays, and revenues for fiscal year 2016.

Sincerely,

KEITH HALL,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2016, AS OF FEBRUARY 22, 2016

(In billions of dollars)

	Budget Resolution	Current Level [a]	Current Level Over/ Under (−) Resolution
On-Budget			
Budget Authority	3,069.8	3,208.7	138.9
Outlays	3,091.2	3,194.9	103.6
Revenues	2,676.0	2,520.7	−155.2
Off-Budget			
Social Security Outlays [b]	777.1	777.1	0.0
Social Security Revenues	794.0	794.0	0.0

Source: Congressional Budget Office.

a. Excludes emergency funding that was not designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

b. Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2016, AS OF FEBRUARY 22, 2016

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Previously Enacted [a]			
Revenues	n.a,	n.a.	2,676,733
Permanents and other spending legislation	1,968,496	1,902,345	n.a.
Appropriation legislation	0	500,825	n.a.
Offsetting receipts	−784,820	−784,879	n.a.
Total, Previously Enacted	1,183,676	1,618,291	2,676,733
Enacted Legislation:			
An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes (P.L. 114–25)	0	20	0
Defending Public Safety Employees' Retirement Act & Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L. 114–26)	0	0	5
Trade Preferences Extension Act of 2015 (P.L. 114–27)	445	175	−766
Steve Gleason Act of 2015 (P.L. 114–40)	5	5	0
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41) [b]	0	0	99
Continuing Appropriations Act, 2016 (P.L. 114–53)	700	775	0
Airport and Airway Extension Act of 2015 (P.L. 114–55)	130	0	0
Department of Veterans Affairs Expiring Authorities Act of 2015 (P.L. 114–58)	−2	368	0
Protecting Affordable Coverage for Employees Act (P.L. 114–60)	0	0	40
Bipartisan Budget Act of 2015 (P.L. 114–74)	3,424	4,870	269
Recovery Improvements for Small Entities After Disaster Act of 2015 (P.L. 114–88)	0	1	0
National Defense Authorization Act for Fiscal Year 2016 (P.L. 114–92)	−66	−50	0
Fixing America's Surface Transportation Act (P.L. 114–94)	2,880	252	471
Federal Perkins Loan Program Extension Act of 2015 (P.L. 114–105)	269	269	0
Consolidated Appropriations Act, 2016 (P.L. 114–113) [b]	2,008,016	1,563,177	−156,107
Patient Access and Medicare Protection Act (P.L. 114–115)	32	32	0
Total, Enacted Legislation	2,015,833	1,569,894	−155,989
Passed, Pending Signature:			
Trade Facilitation and Trade Enforcement Act of 2015 (H.R. 644)	20	20	−7
Entitlements and Mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	9,170	6,674	0
Total Current Level [c]	3,208,699	3,194,879	2,520,737
Total Senate Resolution [d]	3,069,829	3,091,246	2,675,967
Current Level Over Senate Resolution	138,870	103,633	n.a.
Current Level Under Senate Resolution	n.a.	n.a.	155,230
Memorandum:			
Revenues, 2016–2025:			
Senate Current Level	n.a.	n.a.	31,755,050
Senate Resolution	n.a.	n.a.	32,233,099
Current Level Over Senate Resolution	n.a.	n.a.	n.a.
Current Level Under Senate Resolution	n.a.	n.a.	478,049

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

a. Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016: the Terrorism Risk Insurance Program Reauthorization Act of 2014 (P.L. 114–1); the Department of Homeland Security Appropriations Act, 2015 (P.L. 114–4), and the Medicare Access and CHIP Reauthorization Act of 2015 (P.L. 114–10).

b. Emergency funding that was not designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not count for certain budgetary enforcement purposes. These amounts, which are not included in the current level totals, are as follows:

Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41)	0	917	0
Consolidated Appropriations Act, 2016 (P.L. 114–113)	−2	0	0
Total	−2	917	0

c. For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.

d. Periodically, the Senate Committee on the Budget revises the budgetary levels in S. Con. Res. 11, pursuant to various provisions of the resolution. The Initial Senate Resolution total below excludes $6,872 million in budget authority and $344 million in outlays assumed in S. Con. Res. 11 for disaster-related spending. The Revised Senate Resolution total below includes amounts for disaster-related spending:

Initial Senate Resolution:	3,032,343	3,091,098	2,676,733
Revisions:			
Pursuant to section 311 of the Congressional Budget Act of 1974 and section 4311 of S. Con. Res. 11	445	175	−766
Pursuant to section 311 of the Congressional Budget Act of 1974 and S. Con. Res. 11	700	700	0
Pursuant to section 311 of the Congressional Budget Act of 1974 and S. Con. Res. 11	0	1	0
Pursuant to section 311 of the Congressional Budget Act of 1974 and section 4313 of S. Con. Res. 11	269	269	0
Pursuant to section 311 of the Congressional Budget Act of 1974 and section 3404 of S. Con. Res. 11	36,072	−997	0
Revised Senate Resolution	3,069,829	3,091,246	2,675,967

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD FOR THE 114TH CONGRESS, AS OF FEBRUARY 22, 2016

(In millions of dollars)

	2015–2020	2015–2025
Beginning Balance [a]	0	0

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD FOR THE 114TH CONGRESS, AS OF FEBRUARY 22, 2016—Continued

(In millions of dollars)

	2015–2020	2015–2025
Enacted Legislation:[b c d]		
Iran Nuclear Agreement Review Act of 2015 (P.L. 114–17)	n.e.	n.e.
Construction Authorization and Choice Improvement Act (P.L. 114–19)	20	20
Justice for Victims of Trafficking Act of 2015 (P.L. 114–22)	1	2
Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (P.L. 114–23)	*	*
An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado (P.L. 114–25)	150	150
Defending Public Safety Employees' Retirement Act & Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (P.L. 114–26)	−1	5
Trade Preferences Extension Act of 2015 (P.L. 114–27)	−640	−52
Boys Town Centennial Commemorative Coin Act (P.L. 114–30)	0	0
Steve Gleason Act of 2015 (P.L. 114–40)	13	28
Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114–41)	−1,552	−6,924
Agriculture Reauthorizations Act of 2015 (P.L. 114–54)	*	*
Department of Veterans Affairs Expiring Authorities Act of 2015 (P.L. 114–58)	624	624
Protecting Affordable Coverage for Employees Act (P.L. 114–60)	−32	−2
Gold Star Fathers Act of 2015 (P.L. 114–62)	*	*
Ensuring Access to Clinical Trials Act of 2015 (P.L. 114–63)	*	*
Adoptive Family Relief Act (P.L. 114–70)	*	*
Surface Transportation Extension Act of 2015 (P.L. 114–73)	*	*
Bipartisan Budget Act of 2015 (P.L. 114–74)	−15,050	−71,315
Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (P.L. 114–81)	*	*
A bill to amend title XI of the Social Security Act to clarify waiver authority regarding programs for all-inclusive care for the elderly (PACE programs) (P.L. 114–85)	*	*
Recovery Improvements for Small Entities After Disaster Act of 2015 (P.L. 114–88)	2	2
Improving Regulatory Transparency for New Medical Therapies Act (P.L. 114–89)	*	*
National Defense Authorization Act for Fiscal Year 2016 (P.L. 114–92)	−194	−10
Equity in Government Compensation Act of 2015 (P.L. 114–93)	*	*
Fixing America's Surface Transportation Act (P.L. 114–94)[g]	−3,845	−18,144
Improving Access to Emergency Psychiatric Care Act (P.L. 114–97)	*	*
Breast Cancer Research Stamp Reauthorization Act of 2015 (P.L. 114–99)	−1	0
Hizballah International Financing Prevention Act of 2015 (P.L. 114–102)	*	*
Stem Cell Therapeutic and Research Reauthorization Act of 2015 (P.L. 114–104)	*	*
Federal Perkins Loan Program Extension Act of 2015 (P.L. 114–105)	−14	−13
Securing Fairness in Regulatory Timing Act of 2015 (P.L. 114–106)	*	*
National Guard and Reservist Debt Relief Extension Act of 2015 (P.L. 114–107)	*	*
Federal Improper Payments Coordination Act of 2015 (P.L. 114–109)	*	*
Consolidated Appropriations Act, 2016 (P.L. 114–113)[h]	2	4
Patient Access and Medicare Protection Act (P.L. 114–115)	36	−1
District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015 (P.L. 114–118)	*	*
International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (P.L. 114–119)	*	*
Coast Guard Authorization Act of 2015 (P.L. 114–120)	*	*
North Korea Sanctions and Policy Enhancement Act of 2016 (P.L. 114–122)	*	*
Trade Facilitation and Trade Enforcement Act of 2015 (H.R. 644)	104	−116
Judicial Redress Act of 2015 (H.R. 1428)	*	*
To revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Florida. (H.R. 890)	*	*
Current Balance	−20,377	−95,742
Memorandum:		
Changes to Revenues	17,037	36,750
Changes to Outlays	−3,340	−58,992

Source: Congressional Budget Office.
Notes: n.e. = not able to estimate; P.L. = Public Law.
* = between −$500,000 and $500,000.
[a] Pursuant to S. Con. Res. 11, the Senate Pay-As-You-Go Scorecard was reset to zero.
[b] The amounts shown represent the estimated impact of the public laws on the deficit. Negative numbers indicate an increase in the deficit; positive numbers indicate a decrease in the deficit.
[c] Excludes off-budget amounts.
[d] Excludes amounts designated as emergency requirements.
[e] P.L. 114–17 could affect direct spending and revenues, but such impacts would depend on future actions of the President that CBO cannot predict. (http://www.cbo.gov/sites/default/files/cbofiles/attachments/s615.pdf)
[f] P.L. 114–30 will cause a decrease in spending of $5 million in 2017 and an increase in spending of $5 million in 2019 for a net impact of zero over the six-year and eleven-year periods.
[g] The budgetary effects associated with the Federal Reserve Surplus Funds are excluded from the PAYGO Scorecard in P.L. 114–94 pursuant to section 232(b) of H.C. Res. 290, the Concurrent Budget Resolution for Fiscal Year 2001 (106th Congress).
[h] The budgetary effects of divisions M through Q are not reflected in the PAYGO Scorecard pursuant to section 1001(b) of Title X of Division O of P.L. 114–113.

ADDITIONAL STATEMENTS

REMEMBERING JUDGE DAN KEMP NALL

● Mr. BOOZMAN. Mr. President, today I wish to honor the life of Judge Dan Kemp Nall of Sheridan, AR, who passed away on Sunday, February 14, 2016.

Judge Nall was a beloved husband, brother, father, and grandfather. He was also a dedicated public servant, especially to his friends and neighbors in Grant County where he served as county judge for 10 terms after serving for 20 years on the Grant County Quorum Court. He was also active in many civic organizations, including the Jaycees and the Sheridan Rotary Club, further demonstrating his commitment to the people of his community. A graduate of the University of Arkansas, Judge Nall was a dedicated Razorback fan.

I admire his dedication to serving his lifelong home of Grant County. I know his leadership, dedication, and commitment to the community will be missed by many. I join with them in praying for comfort for Judge Nall's friends and loved ones. We will remember the valuable contributions he made which enriched the lives of those he served, and we honor his enduring legacy as a public servant.●

TRIBUTE TO TOM KUNTZ

● Mr. DAINES. Mr. President, today I wish to honor Tom Kuntz of Red Lodge, MT, for his company's generous donations to nonprofits throughout Carbon County.

Tom is the owner of local pizza shop Red Lodge Pizza Co., which contributed $11,700 of its profits to 20 various nonprofits to help support their goals and missions. His contributions make up the largest portion of $34,000 raised during this year's third annual charitable contribution program on behalf of the Red Lodge Area Community Foundation.

His generous giving is not just a one-time occurrence. Throughout his 20 years in business, Red Lodge Pizza Co. has made supporting community organizations a priority.

Some of the organizations profiting from Red Lodge Pizza Co.'s donations include Boys and Girls of Carbon County, Domestic & Sexual Violence Services, Red Lodge Public Schools Foundation, Beartooth Humane Alliance, and Bridger Community Food Bank.

Tom is also the Red Lodge fire chief and was gracious enough to give me a tour of an area fire discussing fuels reduction in August of 2013. I am grateful for Tom's dedication to his hometown, his generosity and selfless actions benefitting the people and organizations that make up his community. It's people like Tom that make me proud to call Montana home. I agree with Tom when he says ''it is great to give back to people that make this place so wonderful.''●

RECOGNIZING ROSECRANCE HEALTH NETWORK

● Mr. KIRK. Mr. President, today I wish to congratulate Rosecrance Health Network for providing 100 years of high-quality care for Illinois residents. As the Senate considers legislation to address the heroin and opioid epidemic, including S. 524, the Comprehensive Addiction and Recovery Act, which I was proud to introduce with Senators WHITEHOUSE, PORTMAN, KLOBUCHAR, AYOTTE, and COONS, we

should consider successful organizations like Rosecrance who have been treating individuals with addiction for decades.

Rosecrance Memorial Home for Children was established in 1916 to care for neglected and dependent children in New Milford, IL. In 1982, after moving to Rockford, IL, in the 1970s, they recognized growing substance abuse rates among teenagers and created a first-of-its-kind chemical dependency treatment program in northern Illinois specifically for this population. In 1992, this program expanded to serve adults as well.

Five years ago, they recognized the importance of integrating addiction and mental health treatment and merged with the Janet Wattles Center in Rockford. This has enabled them to treat individuals with co-occurring disorders that require behavioral health and addiction treatment more effectively. They now provide critical services for over 22,000 children, adolescents, adults, and families at over 40 locations in Illinois and Wisconsin annually.

I congratulate Rosecrance Health Network on a century of success and look forward to working with them to address substance abuse in my State.●

TRIBUTE TO BUFFALO GALS

● Mr. THUNE. Mr. President, I wish to recognize the Buffalo Gals, a monthly gathering of women in the Rapid City, SD, area that are hosts of the International Women's Day celebration starting on March 4, 2016, in Rapid City.

The Buffalo Gals are a motivated group of over 100 women who have gathered once a month in Rapid City over the past year. Their mission is to create a community of driven, like-minded women who share their experiences with one another and act as role models for people of all ages. This inspirational group spreads awareness of worthy causes and empowers its members to accomplish their goals, which benefits the community as a whole.

This year's theme for the International Women's Day celebration is ''Celebrate our Legacy.'' This exciting 2-day event will honor the accomplishments and promising futures of the Buffalo Gals and women everywhere, and it will feature guest speakers, meals, and a live concert that will inspire women to continue to be leaders that seek to address complex community and family challenges.

These remarkable women have achieved a great deal in the past year, and I am excited to see what they do in the future. I wish them continued success in the years to come.●

TRIBUTE TO JULIA BROECHER

● Mr. THUNE. Mr. President, today I wish to recognize Julia Broecher from my hometown of Murdo, SD, as she celebrates her 100th birthday. Julia was born in Kimball, SD, to Thomas and Sophia Lebeda. At the age of 3, her family moved to Murdo, where she has lived ever since. Julia is the oldest of 14 children, and five of her siblings are still living today.

Julia married Carroll Broecher in 1937. The couple had four children, three girls and one boy. Today, Julia has 15 grandchildren and numerous great- and great-great-grandchildren.

In her youth, Julia worked as a country school teacher for several years, and later in life, she was the head custodian for the Jones County courthouse and a well-known restaurant in Murdo.

Over the years, Julia has had a significant impact on the Murdo community and has been a fixture at school and community functions. She is a charter member of the Community Bible Church where she taught Sunday school to many children. One of those children was me. She was known in the area as being a master seamstress, making many wedding and prom dresses for young women, as well as teaching young women how to sew. Julia loves to fish and play cards and dominoes with family at the Murdo Senior Center.

Julia has always welcomed challenges with a loving and caring attitude and is the embodiment of the American values of faith, family, friends and freedom.

Happy birthday, Julia.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

REPORT ON THE MODIFICATION AND CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS, AS AMENDED—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I hereby report that I have issued a Proclamation to modify and continue the national emergency declared in Proclamations 6867 and 7757.

The Proclamation recognizes that certain descriptions of the national emergency set forth in Proclamations 6867 and 7757 no longer reflect the international relations of the United States related to Cuba. Further, the Proclamation recognizes the reestablishment of diplomatic relations between the United States and Cuba, and that the United States continues to pursue the progressive normalization of relations while aspiring toward a peaceful, prosperous, and democratic Cuba.

The Proclamation clarifies the national emergency related to Cuba and specifically provides the following statements related to U.S. national security and foreign policy:

● It is U.S. policy that a mass migration from Cuba would endanger the security of the United States by posing a disturbance or threatened disturbance of the international relations of the United States.

● The unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of U.S. law and contrary to U.S. policy.

● The unauthorized entry of U.S.-registered vessels into Cuban territorial waters is detrimental to U.S. foreign policy, and counter to the purpose of Executive Order 12807, which is to ensure, among other things, safe, orderly, and legal migration.

● The possibility of large-scale unauthorized entries of U.S.-registered vessels would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals.

I have directed the Secretary of Homeland Security (the ''Secretary'') to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and authorize and approve the Secretary's issuance of such rules and regulations, as authorized by the Act of June 15, 1917.

I am enclosing a copy of the Proclamation I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *February 24, 2016.*

MESSAGES FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2109. An act to direct the Administrator of the Federal Emergency Management Agency to develop an integrated plan to reduce administrative costs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 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. 3584. An act to authorize, streamline, and identify efficiencies within the Transportation Security Administration, and for other purposes.

H.R. 4398. An act to amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, and for other purposes.

H.R. 4402. An act to require a review of information regarding persons who have traveled or attempted to travel from the United States to support terrorist organizations in Syria and Iraq, and for other purposes.

H.R. 4408. An act to require the development of a national strategy to combat terrorist travel, and for other purposes.

The message further announced that the House has agreed to the following resolution:

H. Res. 620. Resolution relative to the death of the Honorable Antonin Scalia, Associate Justice of the Supreme Court of the United States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 113. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal collectively to the 65th Infantry Regiment, known as the ''Borinqueneers''.

ENROLLED BILLS SIGNED

At 12:56 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 bills:

H.R. 487. An act to allow the Miami Tribe of Oklahoma to lease or transfer certain lands.

H.R. 890. An act to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in Florida.

H.R. 3262. An act to provide for the conveyance of land of the Illiana Health Care System of the Department of Veterans Affairs in Danville, Illinois.

H.R. 4056. An act to direct the Secretary of Veterans Affairs to convey to the Florida Department of Veterans Affairs all right, title, and interest of the United States to the property known as ''The Community Living Center'' at the Lake Baldwin Veterans Affairs Outpatient Clinic, Orlando, Florida.

H.R. 4437. An act to extend the deadline for the submittal of the final report required by the Commission on Care.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3584. An act to authorize, streamline, and identify efficiencies within the Transportation Security Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4398. An act to amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4402. An act to require a review of information regarding persons who have traveled or attempted to travel from the United States to support terrorist organizations in Syria and Iraq, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4408. An act to require the development of a national strategy to combat terrorist travel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURE HELD AT THE DESK

The following resolution was ordered held at the desk, by unanimous consent:

S. Res. 374. Resolution relating to the death of Antonin Scalia, Associate Justice of the Supreme Court of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4455. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerances'' (FRL No. 9941–38–OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4456. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triclopyr; Pesticide Tolerances'' (FRL No. 9941–87–OCSPP) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4457. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's proposed fiscal year 2017 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4458. A communication from the Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General John W. Nicholson, Jr., United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4459. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–4460. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Libya declared in Executive Order 13566; to the Committee on Banking, Housing, and Urban Affairs.

EC–4461. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustment'' (RIN2590–AA77) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–4462. A communication from the Director, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bank Enterprise Award Program'' ((RIN1505–AA91) (12 CFR Part 1806)) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–4463. A communication from the Director, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Community Development Financial Institutions Program'' ((RIN1505–AA92) (12 CFR Part 1805)) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–4464. A communication from the Director, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capital Magnet Fund'' (RIN1559–AA00) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Banking, Housing, and Urban Affairs.

EC–4465. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Annual Update of Filing Fees'' ((RIN1902–AF17) (Docket No. RM16–2–000)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Energy and Natural Resources.

EC–4466. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Review of New Sources and Modifications in Indian Country: Extension of Permitting and Registration Deadlines for True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country'' ((RIN2060–AS27) (FRL No. 9942–64–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Environment and Public Works.

EC–4467. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regulation to Limit Nitrogen Oxides Emissions from Large Non-Electric Generating Units'' (FRL No. 9942–59–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Environment and Public Works.

EC–4468. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Pollution Transport Requirements for the 2010 Nitrogen Dioxide Standards'' (FRL No. 9942–58–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Environment and Public Works.

EC–4469. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Wisconsin; Revision to the Milwaukee-Racine-Waukesha 2006 24-Hour Particulate Matter Maintenance Plan'' (FRL No. 9942–56–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Environment and Public Works.

EC–4470. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Indiana; Particulate Matter Emissions Limits Revision'' (FRL No. 9942–54–Region 5) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Environment and Public Works.

EC–4471. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Requirements for Method 303 Certification Training'' ((RIN2060–AR97) (FRL No. 9940–76–OAR)) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Environment and Public Works.

EC–4472. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Missouri; Emissions Inventory and Emissions Statement for the Missouri Portion of the St. Louis-MO–IL Ozone Nonattainment Area'' (FRL No. 9942–76–Region 7) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Environment and Public Works.

EC–4473. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval and Air Quality Designation; GA; Redesignation of the Atlanta, GA, 1997 Annual PM2.5 Nonattainment Area to Attainment'' (FRL No. 9942–61–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Environment and Public Works.

EC–4474. A communication from the Acting Unified Listing Chief, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; 4(d) Rule for the Northern Long-Eared Bat'' (RIN1018–AY98) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Environment and Public Works.

EC–4475. A communication from the Acting Unified Listing Chief, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Listing Endangered and Threatened Species and Designating Critical Habitat; Implementing Changes to the Regulations for Designating Critical Habitat'' (RIN1018–AX86 and RIN0648–BB79) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Environment and Public Works.

EC–4476. A communication from the Acting Unified Listing Chief, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Consolea Corallicola (Florida Semaphore Cactus) and Harrisia aboriginum (Aboriginal Prickly-apple)'' (RIN1018–AZ92) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Environment and Public Works.

EC–4477. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Licensee Actions in Receipt of Enforcement Discretion Per Enforcement Guidance Memorandum EGM 15–002, 'Enforcement Discretion for Tornado-Generated Missile Protection Noncompliance' '' (DSS–ISG–2016–01) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Environment and Public Works.

EC–4478. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Bogue Banks project in Carteret County, North Carolina; to the Committee on Environment and Public Works.

EC–4479. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project for Flagler County, Florida; to the Committee on Environment and Public Works.

EC–4480. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a project for Edisto Beach, Colleton County, South Carolina; to the Committee on Environment and Public Works.

EC–4481. A communication from the Chief of the Branch of Recovery and State Grants, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife; Technical Corrections for Eight Wildlife Species on the List of Endangered and Threatened Wildlife'' (RIN1018–BB28) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Environment and Public Works.

EC–4482. A communication from the Chief of the Branch of Recovery and State Grants, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Reclassifying Hesperocyparis abramsiana (=Cupressus abramsiana) as Threatened'' (RIN1018–AY77) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Environment and Public Works.

EC–4483. A communication from the Senior Counsel for Regulatory Affairs, Office of Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Department of the Treasury Regulations for the Gulf Coast Restoration Trust Fund'' ((RIN1505–AC44) (31 CFR Part 34)) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Finance.

EC–4484. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Maximum Vehicle Values for 2016 for Use With Vehicle Cents-Per-Mile and Fleet-Average Valuation Rules'' (Notice 2016–12) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Finance.

EC–4485. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2015 Inflation Adjustment Factor for the Indian Coal Production Credit'' (Notice 2016–11) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Finance.

EC–4486. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Timing of Submitting Preexisting Accounts and Periodic Certifications'' (Notice 2016–08) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Finance.

EC–4487. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2016 Cost-of-Living Adjustment for Certain Items Resulting from the Protecting Americans from Tax Hikes Act of 2015'' (Rev. Proc. 2016–14) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Finance.

EC–4488. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transition Relief for Certain Section 529 Qualified Tuition Programs Required to File Form 1099–Q'' (Notice 2016–13) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Finance.

EC–4489. A communication from the Senior Counsel for Regulatory Affairs, Office of the Assistant Secretary for Management, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Department of the Treasury Employee Rules of Conduct'' (31 CFR Part 0) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Finance.

EC–4490. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2016–0164); to the Committee on Foreign Relations.

EC–4491. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2016–0112); to the Committee on Foreign Relations.

EC–4492. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2016–0167); to the Committee on Foreign Relations.

EC–4493. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2016–0111); to the Committee on Foreign Relations.

EC–4494. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–123); to the Committee on Foreign Relations.

EC–4495. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period August 1, 2015 through September 30, 2015; to the Committee on Foreign Relations.

EC–4496. A communication from the President of the United States, transmitting, pursuant to law, the Economic Report of the President together with the 2016 Annual Report of the Council of Economic Advisers; to the Joint Economic Committee.

EC–4497. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Removal of Review and Reclassification Procedures for Biological Products Licensed Prior to July 1, 1972'' (Docket No. FDA–2015–N–2103) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–4498. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's (FDA) annual report on Drug Shortages for Calendar Year 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–4499. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2014 Report on the Preventive Medicine and Public Health Training Grant and Integrative Medicine Programs''; to the Committee on Health, Education, Labor, and Pensions.

EC–4500. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''Implementation of the Short-Time Compensation (STC) Program Provisions in the Middle Class Tax Relief and Job Creation Act of 2012''; to the Committee on Health, Education, Labor, and Pensions.

EC–4501. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3374–EM in the State of Missouri having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–4502. A communication from the Secretary of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, a report relative to the Postal Accountability and Enhancement Act of 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–4503. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''The Durability of Police Reform: The Metropolitan Police Department Use of Force: 2008–2015'' ; to the Committee on Homeland Security and Governmental Affairs.

EC–4504. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the semi-annual reports of the Attorney General relative to enforcement actions taken by the Department of Justice under the Lobbying Disclosure Act for the periods beginning on January 1, 2012; July 1, 2012; January 1, 2013; July 1, 2013; January 1, 2014; July 1, 2014; and January 1, 2015; to the Committee on the Judiciary.

EC–4505. A communication from the Assistant Attorney General, transmitting, pursuant to law, a report relative to grants made under the Paul Coverdell National Forensic Science Improvement Grants Program; to the Committee on the Judiciary.

EC–4506. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Inflation Adjustments to Monetary Based Size Standards'' (RIN3245–AG60) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Small Business and Entrepreneurship.

EC–4507. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Industries With Employee Based Size Standards Not Part of Manufacturing, Wholesale Trade, or Retail Trade'' (RIN3245–AG51) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Small Business and Entrepreneurship.

EC–4508. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards for Manufacturing'' (RIN3245–AG50) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Small Business and Entrepreneurship.

EC–4509. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: Employee Based Size Standards in Wholesale Trade and Retail Trade'' (RIN3245–AG49) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Small Business and Entrepreneurship.

EC–4510. A communication from the Deputy General Counsel, Office of Grants Management, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' (RIN3245–AG62) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2016; to the Committee on Small Business and Entrepreneurship.

EC–4511. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report of a rule entitled ''Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records'' (RIN3147–AA11) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4512. A communication from the Federal Register and Regulatory Liaison Officer, Office of Diversity and Equal Opportunity, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Discrimination on the Basis of Disability in Federally Assisted and Federally Conducted Programs and Activities'' (RIN2700–AD85) received during adjournment of the Senate in the Office of the President of the Senate on February 16, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4513. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf, and South Atlantic; Aquaculture'' (RIN0648–AS65) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4514. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Pelagic Fisheries; Exemption for Large U.S. Longline Vessels To Fish in Portions of the American Samoa Large Vessel Prohibited Area'' (RIN0648–BF22) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4515. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program'' (RIN0648–BF68) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4516. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustment for the Common Pool Fishery'' (RIN0648–XE398) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4517. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for South Atlantic Greater Amberjack'' (RIN0648–XE397) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4518. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XE420) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4519. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Directed Fishing With Trawl Gear by Fisheries Act Catcher Processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE429) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4520. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Pot Catcher/Processors in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE418) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4521. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2016 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts'' (RIN0648–XE367) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4522. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2015–2016 Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–BF63) received in the Office of the President of the Senate on February 22, 2016; to the Committee on Commerce, Science, and Transportation.

EC–4523. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2016 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts'' (RIN0648–XE367) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2016; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2276. A bill to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes (Rept. No. 114–209).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 659. A bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes (Rept. No. 114–210).

S. 1024. A bill to authorize the Great Lakes Restoration Initiative , and for other purposes (Rept. No. 114–211).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1674. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship (Rept. No. 114–212).

S. 2143. A bill to provide for the authority for the successors and assigns of the Starr-Camargo Bridge Company to maintain and operate a toll bridge across the Rio Grande near Rio Grande City, Texas, and for other purposes (Rept. No. 114–213).

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. PORTMAN:

S. 2570. A bill to amend the Unfunded Mandates Reform Act of 1995 to provide for regulatory impact analyses for certain rules and consideration of the least burdensome regulatory alternative, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PETERS (for himself, Mr. COTTON, and Mrs. ERNST):

S. 2571. A bill to provide for the eligibility for airport development grants of airports that enter into certain leases with components of the Armed Forces; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself, Ms. STABENOW, Mr. REED, and Mr. PETERS):

S. 2572. A bill to make demonstration grants to eligible local educational agencies or consortia of eligible local educational agencies for the purpose of increasing the numbers of school nurses in public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. CASEY):

S. 2573. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for taxpayers who remove lead-based hazards; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, Mr. FRANKEN, and Mr. PETERS):

S. 2574. A bill to amend title IV of the Social Security Act to require States to adopt a centralized electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across State lines, and to provide grants to aid States in developing such a system, and for other purposes; to the Committee on Finance.

By Mr. MURPHY:

S. 2575. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove hazards relating to lead, asbestos, and radon; to the Committee on Finance.

By Ms. AYOTTE:

S. 2576. A bill to permit the Attorney General to authorize a temporary transfer of funds from Department of Justice accounts in the amount necessary to restore Department of Justice Asset Forfeiture Program equitable sharing payments to participating law enforcement agencies; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. LEAHY, Ms. AYOTTE, and Mr. DURBIN):

S. 2577. A bill 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; to the Committee on the Judiciary.

By Ms. WARREN (for herself and Mrs. CAPITO):

S. 2578. A bill to amend the Controlled Substances Act to permit certain partial fillings of prescriptions; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. INHOFE, Mr. PETERS, Mr. PORTMAN, Mr. BROWN, Mr. KIRK, Mr. REED, Mr. BURR, Mr. DURBIN, and Mrs. BOXER):

S. 2579. A bill to provide additional support to ensure safe drinking water; to the Committee on Energy and Natural Resources.

By Mr. PAUL:

S.J. Res. 30. A joint resolution relating to the disapproval of the proposed foreign military sale to the Government of Pakistan of F–16 Block 52 aircraft; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND (for herself, Mr. COCHRAN, Mr. REID, Mr. BROWN, Mrs. MCCASKILL, Mrs. MURRAY, Mr. CASEY, Mr. WYDEN, Mr. COONS, Mr. PORTMAN, Mr. WICKER, Ms. KLOBUCHAR, Mr. WARNER, Mr. BOOKER, Mr. CARPER, Mrs. SHAHEEN, Mr. SANDERS, Mr. DURBIN, Mr. REED, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. MERKLEY, Mr. NELSON, Mr. KAINE, Ms. WARREN, Mrs. BOXER, Mr. CARDIN, Mr. BENNET, Ms. STABENOW, Mr. MARKEY, Ms. AYOTTE, Mr. PERDUE, Mr. BURR, Mr. MORAN, Ms. MURKOWSKI, Mr. PAUL, Mr. SCHUMER, Mr. PETERS, Mr. SCOTT, Mr. TILLIS, Mr. MURPHY, Mr. SESSIONS, Mr. ISAKSON, and Mr. LEAHY):

S. Res. 372. A resolution celebrating Black History Month; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mr. REID, Mr. DURBIN, Mr. LEAHY, Ms. BALDWIN, Mr. BROWN, Mr. BLUMENTHAL, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. PETERS, Mr. SCHATZ, Ms. MIKULSKI, Mr. MURPHY, Mr. MARKEY, and Mr. WYDEN):

S. Res. 373. A resolution recognizing the historical significance of Executive Order 9066 and expressing the sense of the Senate that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be a repetition of the mistakes of Executive Order 9066 and contrary to the values of the United States; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mr. REID, Mr. GRASSLEY, Mr. LEAHY, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS,

Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 374. A resolution relating to the death of Antonin Scalia, Associate Justice of the Supreme Court of the United States; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 239

At the request of Mr. ENZI, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 239, a bill to amend title 49, United States Code, with respect to apportionments under the Airport Improvement Program, and for other purposes.

S. 353

At the request of Mr. PAUL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 353, a bill to amend title 18, United States Code, to prevent unjust and irrational criminal punishments.

S. 441

At the request of Mr. NELSON, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 441, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 524

At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

At the request of Mr. PORTMAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 524, supra.

S. 578

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1131

At the request of Mr. FRANKEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to reduce the incidence of diabetes among Medicare beneficiaries, and for other purposes.

S. 1358

At the request of Ms. MURKOWSKI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1358, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era.

S. 1555

At the request of Ms. HIRONO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1874

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 1874, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1890

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1890, a bill to amend chapter 90 of title 18, United States Code, to provide Federal jurisdiction for the theft of trade secrets, and for other purposes.

S. 1913

At the request of Mr. TOOMEY, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1913, a bill to amend title XVIII of the Social Security Act to establish programs to prevent prescription drug abuse under the Medicare program, and for other purposes.

S. 2041

At the request of Mr. CASEY, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 2041, a bill to promote the development of safe drugs for neonates.

S. 2185

At the request of Ms. HEITKAMP, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2185, a bill to require the Secretary of the Treasury to mint coins in recognition of the fight against breast cancer.

S. 2268

At the request of Mr. CORNYN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2268, a bill to award a Congressional Gold Medal to the United States Army Dust Off crews of the Vietnam War, collectively, in recognition of their extraordinary heroism and lifesaving actions in Vietnam.

S. 2276

At the request of Mrs. FISCHER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2276, a bill to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

S. 2426

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2426, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

S. 2427

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2427, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 2455

At the request of Mr. VITTER, his name was added as a cosponsor of S. 2455, a bill to expand school choice in the District of Columbia.

S. 2474

At the request of Mr. COTTON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2474, a bill to allow for additional markings, including the words ''Israel'' and ''Product in Israel,'' to be used for country of origin marking requirements for goods made in the geographical areas known as the West Bank and Gaza Strip.

S. 2512

At the request of Mr. FRANKEN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 2512, a bill to expand the tropical disease product priority review voucher program to encourage treatments for Zika virus.

S. 2531

At the request of Mr. KIRK, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2531, a bill to authorize State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 2540

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2540, a bill to provide access to counsel for unaccompanied children and other vulnerable populations.

S. 2558

At the request of Mr. NELSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2558, a bill to expand the prohibition on misleading or inaccurate caller identification information, and for other purposes.

S. 2559

At the request of Mr. BURR, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. MORAN), the Senator from North Carolina (Mr. TILLIS), the Senator from

West Virginia (Mrs. CAPITO) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 2559, a bill to prohibit the modification, termination, abandonment, or transfer of the lease by which the United States acquired the land and waters containing Naval Station, Guantanamo Bay, Cuba.

S. 2563

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2563, a bill to affirm the importance of the land forces of the United States Armed Forces and to authorize fiscal year 2016 end-strength minimum levels for the active and reserve components of such land forces, and for other purposes.

S.J. RES. 21

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 4

At the request of Mr. BARRASSO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 346

At the request of Mr. FLAKE, his name was added as a cosponsor of S. Res. 346, a resolution expressing opposition to the European Commission interpretive notice regarding labeling Israeli products and goods manufactured in the West Bank and other areas, as such actions undermine the Israeli-Palestinian peace process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. LEAHY, Ms. AYOTTE, and Mr. DURBIN):

S. 2577. A bill 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; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2577

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 ''Justice for All Reauthorization Act of 2016''.

SEC. 2. CRIME VICTIMS' RIGHTS.

(a) RESTITUTION DURING SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended in the first sentence by inserting '', that the defendant make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution,'' after ''supervision''.

(b) COLLECTION OF RESTITUTION FROM DEFENDANT'S ESTATE.—Section 3613(b) of title 18, United States Code, is amended by adding at the end the following: ''The liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person ordered to pay restitution. In the event of the death of the person ordered to pay restitution, the individual's estate will be held responsible for any unpaid balance of the restitution amount, and the lien provided in subsection (c) of this section shall continue until the estate receives a written release of that liability.''.

(c) VICTIM INTERPRETERS.—Rule 28 of the Federal Rules of Criminal Procedure is amended in the first sentence by inserting before the period at the end the following: '', including an interpreter for the victim''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(2) in paragraph (2), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(3) in paragraph (3), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021'';

(4) in paragraph (4), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''; and

(5) in paragraph (5), by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021''.

(b) CRIME VICTIMS NOTIFICATION GRANTS.—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking ''2006, 2007, 2008, and 2009'' and inserting ''2017 through 2021.''.

SEC. 4. REDUCING THE RAPE KIT BACKLOG.

Of the amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading ''STATE AND LOCAL LAW ENFORCEMENT'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''DEPARTMENT OF JUSTICE'' in a fiscal year—

(1) not less than 75 percent of such amounts shall be provided for grants for direct testing activities described under paragraphs (1), (2), and (3) of section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)); and

(2) not less than 5 percent of such amounts shall be provided for grants for law enforcement agencies to conduct audits of their backlogged rape kits, including through the creation of a tracking system, under section 2(a)(7) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(7)), and to prioritize testing in those cases in which the statute of limitation will soon expire.

SEC. 5. SEXUAL ASSAULT NURSE EXAMINERS.

Section 304 of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) PREFERENCE.—

''(1) IN GENERAL.—In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

''(A) operate or expand forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 4002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925);

''(B) hire full-time forensic nurse examiners to conduct activities under subsection (a); or

''(C) sustain or establish a training program for forensic nurse examiners.

''(2) DIRECTIVE TO THE ATTORNEY GENERAL.—Not later than 120 days after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall coordinate with the Secretary of Health and Human Services to inform Federal Qualified Health Centers, Community Health Centers, hospitals, colleges and universities, and other appropriate health-related entities about the role of forensic nurses and existing resources available within the Department of Justice and the Department of Health and Human Services to train or employ forensic nurses to address the needs of communities dealing with sexual assault, domestic violence, and elder abuse. The Attorney General shall collaborate on this effort with nongovernmental organizations representing forensic nurses.''.

SEC. 6. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.

Section 8(e)(1)(A) of the Prison Rape Elimination Act of 2003 (42 U.S. 15607(e)(1)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(iii) the program is not administered by the Office on Violence Against Women of the Department of Justice.''.

SEC. 7. CLARIFICATION OF VIOLENCE AGAINST WOMEN ACT HOUSING PROTECTIONS.

Section 41411(b)(3)(B)(ii) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–11(b)(3)(B)(ii)) is amended—

(1) in the first sentence, by inserting ''or resident'' after ''any remaining tenant''; and

(2) in the second sentence, by inserting ''or resident'' after ''tenant'' each place it appears.

SEC. 8. STRENGTHENING THE PRISON RAPE ELIMINATION ACT.

The Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.) is amended—

(1) in section 6(d)(2) (42 U.S.C. 15605(d)(2)), by striking subparagraph (A) and inserting the following:

''(A)(i) include the certification of the chief executive that the State receiving such grant has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this Act; or

''(ii) demonstrate to the Attorney General, in such manner as the Attorney General shall require, that the State receiving such grant is actively working to adopt and achieve full compliance with the national

prison rape standards described in clause (i);''; and

(2) in section 8(e) (42 U.S.C. 15607(e))—

(A) by striking paragraph (2) and inserting the following:

''(2) ADOPTION OF NATIONAL STANDARDS.—

''(A) IN GENERAL.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive officer of the State submits to the Attorney General proof of compliance with this Act through—

''(i) a certification that the State has adopted, and is in full compliance with, the national standards described in subsection (a); or

''(ii) an assurance that the State intends to adopt and achieve full compliance with those national standards so as to ensure that a certification under clause (i) may be submitted in future years, which includes—

''(I) a commitment that not less than 5 percent of such amount shall be used for this purpose; or

''(II) a request that the Attorney General hold 5 percent of such amount in abeyance pursuant to the requirements of subparagraph (E).

''(B) RULES FOR CERTIFICATION.—

''(i) IN GENERAL.—A chief executive officer of a State who submits a certification under this paragraph shall also provide the Attorney General with—

''(I) a list of the prisons under the operational control of the executive branch of the State;

''(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

''(III) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year; and

''(IV) a proposed schedule for completing an audit of all the prisons listed under subclause (I) during the following 3 audit years.

''(ii) AUDIT APPEAL EXCEPTION.—Beginning on the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State may submit a certification that the State is in full compliance pursuant to subparagraph (A)(i) even if a prison under the operational control of the executive branch of the State has an audit appeal pending.

''(C) RULES FOR ASSURANCES.—

''(i) IN GENERAL.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii) shall also provide the Attorney General with—

''(I) a list of the prisons under the operational control of the executive branch of the State;

''(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;

''(III) an explanation of any barriers the State faces to completing required audits;

''(IV) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year;

''(V) a proposed schedule for completing an audit of all prisons under the operational control of the executive branch of the State during the following 3 audit years; and

''(VI) an explanation of the State's current degree of implementation of the national standards.

''(ii) ADDITIONAL REQUIREMENT.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, before receiving the applicable funds described in subparagraph (A)(ii)(I), also provide the Attorney General with a proposed plan for the expenditure of the funds during the applicable grant period.

''(iii) ACCOUNTING OF FUNDS.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, in a manner consistent with the applicable grant reporting requirements, submit to the Attorney General a detailed accounting of how the funds described in subparagraph (A) were used.

''(D) SUNSET OF ASSURANCE OPTION.—

''(i) IN GENERAL.—On the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, subclause (II) of subparagraph (A)(ii) shall cease to have effect.

''(ii) ADDITIONAL SUNSET.—On the date that is 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, clause (ii) of subparagraph (A) shall cease to have effect.

''(iii) EMERGENCY ASSURANCES.—

''(I) REQUEST.—Notwithstanding clause (ii), during the 2-year period beginning 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State who certifies that the State has audited not less than 90 percent of prisons under the operational control of the executive branch of the State may request that the Attorney General allow the chief executive officer to submit an emergency assurance in accordance with subparagraph (A)(ii) as in effect on the day before the date on which that subparagraph ceased to have effect under clause (ii) of this subparagraph.

''(II) GRANT OF REQUEST.—The Attorney General shall grant a request submitted under subclause (I) within 60 days upon a showing of good cause.

''(E) DISPOSITION OF FUNDS HELD IN ABEYANCE.—

''(i) IN GENERAL.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) subsequently submits a certification under subparagraph (A)(i) during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General will release all funds held in abeyance under subparagraph (A)(ii)(II) to be used by the State in accordance with the conditions of the grant program for which the funds were provided.

''(ii) RELEASE OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, but does assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall release all of the funds of the State held in abeyance to be used in adopting and achieving full compliance with the national standards, if the State agrees to comply with the applicable requirements in clauses (ii) and (iii) of subparagraph (C).

''(iii) REDISTRIBUTION OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016 and does not assure the Attorney General that ⅔ of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall redistribute the funds of the State held in abeyance to other States to be used in accordance with the conditions of the grant program for which the funds were provided.

''(F) PUBLICATION OF AUDIT RESULTS.—Not later than 1 year after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall request from each State, and make available on an appropriate Internet website, all final audit reports completed to date for prisons under the operational control of the executive branch of each State. The Attorney General shall update such website annually with reports received from States under subparagraphs (B)(i) and (C)(i).

''(G) REPORT ON IMPLEMENTATION OF NATIONAL STANDARDS.—Not later than 2 years after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall issue a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status of implementation of the national standards and the steps the Department, in conjunction with the States and other key stakeholders, is taking to address any unresolved implementation issues.''; and

(B) by adding at the end the following:

''(8) BACKGROUND CHECKS FOR AUDITORS.—An individual seeking certification by the Department of Justice to serve as an auditor of prison compliance with the national standards described in subsection (a) shall, upon request, submit fingerprints in the manner determined by the Attorney General for criminal history record checks of the applicable State and Federal Bureau of Investigation repositories.''.

SEC. 9. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking ''$15,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$5,000,000 for each of fiscal years 2017 through 2021''.

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2275) is amended by striking ''$42,100,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2017 through 2021''.

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2017 through 2021''.

SEC. 10. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

(a) GRANTS.—Part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j) is amended—

(1) in section 2802(2) (42 U.S.C. 3797k(2)), by inserting after ''bodies'' the following: ''and is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement, or attests, in a manner that is legally binding and enforceable, to use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under section 2801'';

(2) in section 2803(a) (42 U.S.C. 3797l(a))—

(A) in paragraph (1)—

(i) by striking ''Seventy-five percent'' and inserting ''Eighty-five percent''; and

(ii) by striking ''75 percent'' and inserting ''85 percent'';

(B) in paragraph (2), by striking ''Twenty-five percent'' and inserting ''Fifteen percent''; and

(C) in paragraph (3), by striking ''0.6 percent'' and inserting ''1 percent'';

(3) in section 2804(a) (42 U.S.C. 3797m(a)) is amended—

(A) in paragraph (2)—

(i) by inserting ''impression evidence,'' after ''latent prints,''; and

(ii) by inserting ''digital evidence, fire evidence,'' after ''toxicology,'';

(B) in paragraph (3), by inserting ''and medicolegal death investigators'' after ''laboratory personnel''; and

(C) by inserting at the end the following:

''(4) To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).

''(5) To educate and train forensic pathologists in the United States.

''(6) To work with the States and units of local government to direct funding to medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators.''; and

(4) in section 2806(a) (42 U.S.C. 3797o(a))—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) the progress of any unaccredited forensic science service provider receiving grant funds toward obtaining accreditation; and''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) $25,000,000 for each of fiscal years 2017 through 2021.''.

SEC. 11. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking ''$75,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$30,000,000 for each of fiscal years 2017 through 2021''; and

(2) in subsection (b), by inserting before the period at the end the following: '', or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422''.

SEC. 12. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) by striking ''under a sentence of'' in each place it appears and inserting ''sentenced to'';

(2) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking ''death''; and

(B) in paragraph (3)(A), by striking ''and the applicant did not—'' and all that follows through ''knowingly fail to request'' and inserting ''and the applicant did not knowingly fail to request'';

(3) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) order the Government to—

''(i) prepare an inventory of the evidence related to the case; and

''(ii) issue a copy of the inventory to the court, the applicant, and the Government.'';

(4) in subsection (e)—

(A) by amending paragraph (1) to read as follows:

''(1) RESULTS.—

''(A) IN GENERAL.—The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.

''(B) RESULTS EXCLUDE APPLICANT.—

''(i) IN GENERAL.—If a DNA profile is obtained through testing that excludes the applicant as the source and the DNA complies with the Federal Bureau of Investigation's requirements for the uploading of crime scene profiles to the National DNA Index System (referred to in this subsection as 'NDIS'), the court shall order that the law enforcement entity with direct or conveyed statutory jurisdiction that has access to the NDIS submit the DNA profile obtained from probative biological material from crime scene evidence to determine whether the DNA profile matches a profile of a known individual or a profile from an unsolved crime.

''(ii) NDIS SEARCH.—The results of a search under clause (i) shall be simultaneously disclosed to the court, the applicant, and the Government.''; and

(B) in paragraph (2), by striking ''the National DNA Index System (referred to in this subsection as 'NDIS')'' and inserting ''NDIS''; and

(5) in subsection (g)(2)(B), by striking ''death''.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''under a sentence of'' and inserting ''sentenced to''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

SEC. 13. KIRK BLOODSWORTH POST-CONVICTION DNA TESTING PROGRAM.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal years 2005 through 2009'' and inserting ''fiscal years 2017 through 2021''; and

(2) by striking paragraph (2) and inserting the following:

''(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

''(A) provides DNA testing of specified evidence under a State statute or a State or local rule or regulation to persons sentenced to imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases and, if the results of the testing exclude the applicant as the source of the DNA, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

''(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of, at a minimum, murder, nonnegligent manslaughter and sexual offenses.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended by striking ''$5,000,000 for each of fiscal years 2005 through 2009'' and inserting ''$10,000,000 for each of fiscal years 2017 through 2021''.

SEC. 14. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2278) is amended by adding at the end the following:

''SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.

''(a) IN GENERAL.—The Director of the National Institute of Justice, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall—

''(1) establish best practices for evidence retention to focus on the preservation of forensic evidence; and

''(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

''(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

''(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

''Sec. 414. Establishment of best practices for evidence retention.''.

SEC. 15. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the ''Effective Administration of Criminal Justice Act of 2015''.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To request a grant''; and

(2) by adding at the end the following:

''(6) A comprehensive Statewide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

''(A) be designed in consultation with local governments, and representatives of all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

''(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions;

''(D) describe the barriers at the State and local level for accessing data and implementing evidence-based approaches to preventing and reducing crime and recidivism; and

''(E) be updated every 5 years, with annual progress reports that—

''(i) address changing circumstances in the State, if any;

''(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

''(iii) provide an ongoing assessment of need;

''(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

''(v) reflect how the plan influenced funding decisions in the previous year.

''(b) TECHNICAL ASSISTANCE.—

''(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

''(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

''(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

''(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2017 through 2021 to carry out this subsection.''.

(c) APPLICABILITY.—The requirement to submit a strategic plan under section 501(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (b), shall apply to any application submitted under such section 501 for a grant for any fiscal year beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 16. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2016, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term ''unresolved audit finding'' means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

SEC. 17. NEEDS ASSESSMENT OF FORENSIC LABORATORIES.

(a) STUDY AND REPORT.—Not later than October 1, 2018, the Attorney General shall conduct a study and submit a report to the Committee of the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status and needs of the forensic science community.

(b) REQUIREMENTS.—The report required under subsection (a) shall—

(1) examine the status of current workload, backlog, personnel, equipment, and equipment needs of public crime laboratories and medical examiner and coroner offices;

(2) include an overview of academic forensic science resources and needs, from a broad forensic science perspective, including nontraditional crime laboratory disciplines such as forensic anthropology, forensic entomology, and others as determined appropriate by the Attorney General;

(3) consider—

(A) the National Institute of Justice study, Forensic Sciences: Review of Status and Needs, published in 1999;

(B) the Bureau of Justice Statistics census reports on Publicly Funded Forensic Crime Laboratories, published in 2002, 2005, 2009, and 2014;

(C) the National Academy of Sciences report, Strengthening Forensic Science: A Path Forward, published in 2009; and

(D) the Bureau of Justice Statistics survey of forensic providers recommended by the National Commission of Forensic Science and approved by the Attorney General on September 8, 2014;

(4) provide Congress with a comprehensive view of the infrastructure, equipment, and personnel needs of the broad forensic science community; and

(5) be made available to the public.

SEC. 18. SENSE OF CONGRESS.

It is the Sense of Congress that—

(1) the authority of the Director of the Office of Victims of Crime under section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) includes funding ongoing projects that provide services to victims of crime on a nationwide basis or Americans abroad who are victims of crimes committed outside of the United States; and

(2) the proposed rule entitled ''VOCA Victim Assistance Program'' published by the Office of Victims of Crime of the Department of Justice in the Federal Register on August 27, 2013 (78 Fed. Reg. 52877) is consistent with section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603).

Mr. LEAHY. Mr. President, today, I am proud to introduce the Justice for All Reauthorization Act of 2016 with Senator CORNYN. The Justice for All Act, originally enacted in 2004, was an unprecedented bipartisan piece of criminal justice legislation. It has improved many aspects of our criminal justice system, and this reauthorization includes critical updates to ensure public confidence in the integrity of the American justice system.

The bill builds on the work I began in 2000, when I introduced the Innocence Protection Act. That measure was designed to ensure that defendants receive competent representation in

criminal cases and have access to post-conviction DNA testing in those cases where the system got it wrong. The Innocence Protection Act became a key component of the Justice for All Act, and is reauthorized in the bill we introduce today.

We know our justice system is imperfect and that innocent people are sometimes convicted, and even sentenced to death. There were 149 people exonerated just last year, the highest number on record. They spent an average of 15 years in prison before their names were cleared. There have been 337 post-conviction DNA exonerations in the United States since 1989. Twenty of them were sentenced to death.

The first person exonerated from a death row crime by DNA evidence was a man named Kirk Bloodsworth. Kirk was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. Now the Kirk Bloodsworth Post Conviction DNA Testing Grant Program is a cornerstone of the Justice for All Act. This program provides grants to States for testing in cases like Kirk's where someone has been convicted, but where significant DNA evidence was not tested.

This bill expands access to post-conviction DNA testing so that more innocent people will have a chance at the redemption they deserve. For example, this reauthorization will permit individuals to access DNA testing even if they previously waived their right to testing as part of a guilty plea. This change is critical because we know that people sometimes pled guilty or confess to crimes they did not commit. In fact, of the 337 people who have been freed based on DNA evidence, 88 falsely confessed or pled guilty. That is almost 30 percent of DNA exonerations. Had it not been for DNA testing, they would likely still be behind bars, or worse.

The bill also takes steps to encourage prosecutors to search for additional leads when the DNA evidence tested excludes an individual. Under the legislation, the government must run that DNA through the national database to see if it matches someone else in the system who might be the actual perpetrator. Unfortunately, this is not always done. This commonsense measure will increase public safety by getting the true criminals off the street.

Even in cases that do not involve DNA, it is imperative that every criminal defendant, including those who cannot afford a lawyer, receive effective representation. This bill requires the Department of Justice to assist states in developing a proficient system of indigent defense. I know as a former prosecutor, that the system only works as it should when each side is well represented by competent and well-trained counsel. This helps prevent wrongful convictions in the first place.

The Justice for All Reauthorization Act also increases resources for public forensic laboratories. Prosecutors and police officers depend on the efficient and accurate testing of evidence to solve cases. Putting more resources into forensic testing will also help reduce rape kit backlogs and ensure that survivors of this terrible crime are able to see their cases prosecuted and begin to feel safe again.

This bill further addresses the needs of sexual assault survivors by directing grants to forensic exam programs, prioritizing those that operate in rural areas or provide assistance to underserved populations. Timely access to forensic exams is a critical first step in ensuring perpetrators are held accountable and taken off the streets. We must also ensure that the evidence collected from these exams in the form of rape kits are processed quickly. To help with that effort, the bill also provides support for law enforcement to create evidence tracking systems for rape kits, so their processing can be monitored and accounted for.

Finally, we must ensure that law enforcement and victim services programs have the resources they need to move these cases through our justice system and assist these survivors.

This bill also strengthens some key provisions of the Prison Rape Elimination Act, a bill I strongly supported when it was enacted in 2003. Specifically, changes imposed by this bill will require that states comply with regulations designed to prevent sexual assaults in our jails and prisons or lose Federal grant money. The Department of Justice will work with the states to assist them, but ultimately states will be penalized if they do not act. This bill imposes the true accountability required to eradicate this awful crime.

This reauthorization also expands rights for victims of all crime. It builds upon the success of the Crime Victims' Rights Act by making it easier for crime victims to have an interpreter present during court proceedings and to obtain court-ordered restitution.

I firmly believe that improving our criminal justice system is a priority and a place we should not be afraid to invest additional resources. There are parts of this legislation that I would like to see receive more funding, but this bill, like most legislation, is a compromise. As a result, this bill does reduce the total authorized funding under the Justice for All Act, but I believe it does so responsibly. I also believe that many of the changes advanced by this legislation will help states, communities, and the federal government save money in the long term.

The programs created by the Justice for All Act have had an enormous impact, and it is crucial that we reauthorize and improve them. It has been 12 years since this law was updated, and we must work together to address the challenges currently facing our Nation's justice system.

I thank the many law enforcement and criminal justice organizations that have helped to pinpoint the needed improvements that this law attempts to solve and I appreciate their ongoing support in seeing it passed.

Today, we rededicate ourselves to building a criminal justice system in which the innocent remain free, the guilty are punished, and all sides have the resources they need to advance justice. Americans deserve a criminal justice system which keeps us safe, ensures fairness, and fulfills the promise of our constitution. This bill will bring us closer to that goal.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 372—CELEBRATING BLACK HISTORY MONTH

Mrs. GILLIBRAND (for herself, Mr. COCHRAN, Mr. REID, Mr. BROWN, Mrs. MCCASKILL, Mrs. MURRAY, Mr. CASEY, Mr. WYDEN, Mr. COONS, Mr. PORTMAN, Mr. WICKER, Ms. KLOBUCHAR, Mr. WARNER, Mr. BOOKER, Mr. CARPER, Mrs. SHAHEEN, Mr. SANDERS, Mr. DURBIN, Mr. REED, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. MERKLEY, Mr. NELSON, Mr. KAINE, Ms. WARREN, Mrs. BOXER, Mr. CARDIN, Mr. BENNET, Ms. STABENOW, Mr. MARKEY, Ms. AYOTTE, Mr. PERDUE, Mr. BURR, Mr. MORAN, Ms. MURKOWSKI, Mr. PAUL, Mr. SCHUMER, Mr. PETERS, Mr. SCOTT, Mr. TILLIS, Mr. MURPHY, Mr. SESSIONS, Mr. ISAKSON, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 372

Whereas in 1776, people envisioned the United States as a new nation dedicated to the proposition stated in the Declaration of Independence that ''all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness . . .'';

Whereas Africans were first brought involuntarily to the shores of America as early as the 17th century;

Whereas African Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation, and denial of the basic and fundamental rights of citizenship;

Whereas in 2016, inequalities and injustices in the society of the United States continue to exist;

Whereas in the face of injustices, people of good will and of all races in the United States have distinguished themselves with a commitment to the noble ideals on which the United States was founded and have fought courageously for the rights and freedom of African Americans and others;

Whereas African Americans, such as Lieutenant Colonel Allen Allensworth, Maya Angelou, Arthur Ashe Jr., James Baldwin, James Beckwourth, Clara Brown, Blanche Bruce, Ralph Bunche, Shirley Chisholm, Holt Collier, Frederick Douglass, W. E. B. Du Bois, Ralph Ellison, Medgar Evers, Alex Haley, Dorothy Height, Lena Horne, Charles Hamilton Houston, Mahalia Jackson, Stephanie Tubbs Jones, B.B. King, Martin Luther King, Jr., Thurgood Marshall, Constance Baker Motley, Rosa Parks, Walter Payton, Bill Pickett, Homer Plessy, Bass Reeves,

Hiram Revels, Amelia Platts Boynton Robinson, Jackie Robinson, Aaron Shirley, Sojourner Truth, Harriet Tubman, Booker T. Washington, the Greensboro Four, and the Tuskegee Airmen, along with many others, worked against racism to achieve success and to make significant contributions to the economic, educational, political, artistic, athletic, literary, scientific, and technological advancements of the United States;

Whereas the contributions of African Americans from all walks of life throughout the history of the United States reflect the greatness of the United States;

Whereas many African Americans lived, toiled, and died in obscurity, never achieving the recognition they deserved, and yet paved the way for future generations to succeed;

Whereas African Americans continue to serve the United States at the highest levels of business, government, and the military;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of the efforts of Dr. Carter G. Woodson, the ''Father of Black History'', to enhance knowledge of Black history through the Journal of Negro History, published by the Association for the Study of African American Life and History, which was founded by Dr. Carter G. Woodson and Jesse E. Moorland;

Whereas Black History Month, celebrated during the month of February, originated in 1926 when Dr. Carter G. Woodson set aside a special period in February to recognize the heritage and achievement of Black people of the United States;

Whereas Dr. Carter G. Woodson stated: ''We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, 'You are not worthy to enjoy the blessings of democracy or anything else.' '';

Whereas since the founding of the United States, the Nation has imperfectly progressed toward noble goals; and

Whereas the history of the United States is the story of people regularly affirming high ideals, striving to reach those ideals but often failing, and then struggling to come to terms with the disappointment of that failure, before committing to trying again: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that all people of the United States are the recipients of the wealth of history provided by Black culture;

(2) recognizes the importance of Black History Month as an opportunity to reflect on the complex history of the United States, while remaining hopeful and confident about the path ahead;

(3) acknowledges the significance of Black History Month as an important opportunity to commemorate the tremendous contributions of African Americans to the history of the United States;

(4) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from the past and understand the experiences that have shaped the United States; and

(5) agrees that, while the United States began as a divided country, the United States must—

(A) honor the contribution of all pioneers in the United States who have helped to ensure the legacy of the great United States; and

(B) move forward with purpose, united tirelessly as a nation ''indivisible, with liberty and justice for all.''.

SENATE RESOLUTION 373—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF EXECUTIVE ORDER 9066 AND EXPRESSING THE SENSE OF THE SENATE THAT POLICIES THAT DISCRIMINATE AGAINST ANY INDIVIDUAL BASED ON THE ACTUAL OR PERCEIVED RACE, ETHNICITY, NATIONAL ORIGIN, OR RELIGION OF THAT INDIVIDUAL WOULD BE A REPETITION OF THE MISTAKES OF EXECUTIVE ORDER 9066 AND CONTRARY TO THE VALUES OF THE UNITED STATES

Ms. HIRONO (for herself, Mr. REID, Mr. DURBIN, Mr. LEAHY, Ms. BALDWIN, Mr. BROWN, Mr. BLUMENTHAL, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. PETERS, Mr. SCHATZ, Ms. MIKULSKI, Mr. MURPHY, Mr. MARKEY, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 373

Whereas on December 7, 1941, the Imperial Japanese Navy launched a surprise attack against the United States naval base at Pearl Harbor, Hawaii, which led to—

(1) increased prejudice and suspicion toward Japanese Americans; and

(2) calls from civilians and public officials to remove Japanese Americans from the west coast of the United States;

Whereas on February 19, 1942, President Franklin Delano Roosevelt signed Executive Order 9066 (7 Fed. Reg. 1407; relating to authorizing the Secretary of War to prescribe military areas) (referred to in this preamble as ''Executive Order 9066''), which led to—

(1) the exclusion of 120,000 Japanese Americans and legal resident aliens from the west coast of the United States; and

(2) the incarceration of United States citizens and lawful permanent residents of Japanese ancestry in incarceration camps during World War II;

Whereas President Gerald Ford formally rescinded Executive Order 9066 in Presidential Proclamation 4417, dated February 19, 1976 (41 Fed. Reg. 7741) (referred to in this preamble as ''Presidential Proclamation 4417'');

Whereas Presidential Proclamation 4417—

(1) states that Japanese Americans were and are loyal people of the United States who have contributed to the well-being and security of the United States;

(2) states that the issuance of Executive Order 9066 was a grave mistake in United States history; and

(3) resolves that actions such as the actions authorized by Executive Order 9066 shall never happen again;

Whereas in 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to investigate the circumstances surrounding the issuance of Executive Order 9066;

Whereas in 1983, the Commission on Wartime Relocation and Internment of Civilians issued a report entitled ''Personal Justice Denied'' in which the Commission on Wartime Relocation and Internment of Civilians concluded that—

(1) the promulgation of Executive Order 9066 was not justified by military necessity; and

(2) the decision to issue Executive Order 9066 was shaped by ''race prejudice, war hysteria, and a failure of political leadership'';

Whereas on August 10, 1988, the Civil Liberties Act of 1988 (Public Law 100–383; 102 Stat. 903) was enacted—

(1) to apologize for ''fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry''; and

(2) to establish the Civil Liberties Public Education Fund, to ensure that ''the events surrounding the exclusion, forced removal, and incarceration of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood'';

Whereas the terrorist attacks carried out in the United States on September 11, 2001, have led to heightened levels of suspicion and hate crimes, xenophobia, and bigotry directed toward the Arab, Middle Eastern, South Asian, Muslim, Sikh, and Hindu American communities, including—

(1) on August 5, 2012, an attack on the Sikh Temple of Wisconsin in Oak Creek, Wisconsin, which led to several injuries and the death of 6 Sikh Americans; and

(2) on February 10, 2015, the execution-style shooting of 3 Muslim American students in Chapel Hill, North Carolina;

Whereas the terrorist attacks carried out in Paris, France, on November 5, 2015, have led to renewed calls from public officials and figures to register Muslim Americans and bar millions from entering the United States based solely on the religion of those individuals, repeating the mistakes of 1942: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical significance of February 19, 1942, as the date on which President Franklin Delano Roosevelt signed Executive Order 9066 (7 Fed. Reg. 1407; relating to authorizing the Secretary of War to prescribe military areas) (referred to in this resolving clause as ''Executive Order 9066''), which restricted the freedom of Japanese Americans;

(2) recognizes the historical significance of February 19, 1976, as the date on which President Gerald Ford issued Presidential Proclamation 4417 (41 Fed. Reg. 7741), which formally terminated Executive Order 9066;

(3) supports the goals of the Japanese American community in recognizing a National Day of Remembrance to increase public awareness about the unjust measures taken to restrict the freedom of Japanese Americans during World War II;

(4) expresses the sense that the National Day of Remembrance is an opportunity—

(A) to reflect on the importance of upholding justice and civil liberties for all people of the United States; and

(B) to oppose hate, xenophobia, and bigotry;

(5) recognizes the positive contributions that people of the United States of every race, ethnicity, religion, and national origin have made to the United States;

(6) steadfastly confirms the dedication of the Senate to the rights and dignity of all people of the United States; and

(7) expresses the sense that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be—

(A) a repetition of the mistakes of Executive Order 9066; and

(B) contrary to the values of the United States.

Ms. HIRONO. Mr. President, 74 years ago, President Roosevelt signed Executive Order 9066. That order led to the mass internment of nearly 120,000 Japanese Americans. Executive Order 9066 is an example of what can happen when a government acts out of fear.

Today I am submitting a resolution that recognizes this dark chapter and calls for the Senate and all Americans to uphold the lessons learned from the issuance of Executive Order 9066.

In the wake of the bombing of Pearl Harbor in 1941, Americans of Japanese ancestry living in the United States became a target of paranoia, suspicion, and fear. Without any evidence of subterfuge, the government classified Japanese Americans as ''enemy aliens'' based purely on race and removed Japanese families from the west coast in the name of national security. These were families like yours and mine—farmers, students, shop owners, Buddhist priests, and teachers, parents and grandparents working toward the American dream of giving their children a better future. The majority were American citizens. These families were forced to abandon or sell for a pittance homes and businesses they had spent decades building. Many destroyed family treasures that could link them to Japan.

Thousands of college students had their educations cut short when they were forced to leave school for the internment camps.

One University of Washington student who was forced to leave school, Gordon Hirabayashi, would go on to challenge the legality of the internment all the way to the U.S. Supreme Court. Gordon's parents had emigrated from Japan and settled in Washington State, where they were farmers.

Upon the signing of Executive Order 9066 and subsequent orders, the Hirabayashi family and tens of thousands of other Japanese American families were forced to pack up only what they could carry for a long train ride to unknown destinations. Upon arriving at barren and isolated internment camps, including Honouliuli Internment Camp in Waipahu, Oahu, these families passed through barbed-wire fences and armed guards. They settled in cramped, hastily constructed shanties that let in the elements. There was little privacy. And until these internment camps were built, many families were forced to live in horse stalls. The shame and humiliation were extreme. Nearly 120,000 men, women, and children did the best they could under harsh circumstances, persevering through what at the time seemed unbearable.

Despite this treatment at the hands of their own government, the time came when many joined the war effort. From behind barbed wire, these young Japanese American men fought for their country and in the process, in doing so, proved their loyalty to the United States.

The Army agreed to form the segregated 442nd Regimental Combat Team, the 100th Battalion, and the Military Intelligence Service. Thousands of men in Hawaii and across the internment camps, including our late colleague Senator Daniel K. Inouye, volunteered to take on the most dangerous missions in Europe. Today, the 442nd and the 100th Battalion remain the most decorated units in the Army's history. These units, as well as the Military Intelligence Service, were awarded the Congressional Gold Medal in 2011.

After the war ended, for all of the sacrifice Japanese Americans were forced to make, for all they had to give up, each internee was then given $25 and a train ticket to their prewar residences. Many of them never returned to their homes because there was nothing to return to.

It was not until 34 years later, due to the work of the Japanese American Citizens League and other individuals and groups, that President Gerald Ford issued Proclamation 1447, which formally terminated the authority of Executive Order 9066. The Ford proclamation read, in part, ''I call upon the American people to affirm with me this American Promise . . . to treasure liberty and justice for each individual American, and resolve that this kind of action shall never again be repeated.''

While the internment is now recognized as one of the darkest periods in our Nation's history, we must not forget that Executive Order 9066 had widespread support at the time. The fight for formal recognition of these injustices has been a long and challenging road that continues to this day.

I wish to recognize the efforts of three Japanese Americans—Gordon Hirabayashi, Minoru Yasui, and Fred Korematsu—who were convicted and imprisoned while bravely challenging the constitutionality of internment during the war. They were right, but it took decades of work to achieve justice for these individuals who took their cases all the way to the Supreme Court.

In the majority opinion of Korematsu v. U.S. in 1944, the Supreme Court found that the internment was justified during a time of war—a ruling that further underscores what can only be characterized as the rampant fear and racism at the time.

I had the privilege of meeting Fred Korematsu and his family several times before his passing in 2005. After the war, he, Gordon, and Minoru continued to fight for others' civil rights their whole lives. Fred's work is carried on by his daughter, Karen Korematsu, through the Korematsu Institute. These three individuals were years later awarded the Presidential Medal of Freedom, and in Minoru Yasui's case, only last year.

It was not until the 1980s—almost 40 years after internment ended—that a new generation of attorneys and scholars took up their fight. They uncovered evidence that the government hid information that proved that Japanese Americans were not a threat to the United States. Gordon, Minoru, and Fred appealed their earlier convictions, and the Ninth Circuit Court vacated all of their convictions in the 1980s.

Gordon said after the Ninth Circuit overturned his earlier conviction:

There was a time when I felt that the Constitution failed me. But with the reversal in the courts and in public statements from the government, I feel that our country has proven that the Constitution is worth upholding. The U.S. Government admitted it made a mistake. A country that can do that is a strong country. I have more faith and allegiance to the Constitution than I ever had before.

Today, I call upon all of my colleagues to uphold Gordon's faith in our Constitution.

Undoubtedly, the U.S. Government must keep people safe. However, as we learned with the internment, a government gripped by fear and hysteria can make terrible mistakes. Not one American of Japanese ancestry who was interned has ever been found guilty of sabotage or espionage.

Focusing on the most vulnerable of targets—usually a minority group—does not make our Nation safe or more secure. Actions like the internment betray our values and undermine our strength as a people.

We are often reminded to learn from history. That presumes we are aware of the relevant history. The story of internment remains one still unfamiliar to many Americans—for instance, Mayor David Bowers of Roanoke, VA, who used the internment as justification to suspend assistance to Syrian refugees. He later apologized. More recently, George Takei's play ''Allegiance,'' which just ended its Broadway run, depicted the shock, humiliation, anger, and resolve of one family—the Kimuras—who were interned in Heart Mountain, WY. Their internment was like that of thousands of other Japanese Americans, and, like too many others, the internment didn't end for the Kimuras when World War II ended. Their family relations were irreparably damaged.

Yet, despite efforts to educate a new generation of Americans through efforts like ''Allegiance,'' today we hear echoes of the sentiments of 1942 directed toward members of the South Asian, Muslim, Sikh, Hindu, Arab, and Middle Eastern communities. There are reports of children from these communities beaten up in schools, families being threatened in their homes, and houses of worship vandalized and set on fire. We hear calls from public figures and officials to racially profile and conduct surveillance on Muslim Americans, as well as to bar their entry into our country.

While the security of the American people is a top priority, divisive proposals to ban all Muslims, for example, from entering the United States do nothing to make us safer; rather, they take us back to a time when our policies were guided by fear, stereotypes, and mistrust.

Now is not the time to turn on one another. Now is the time to stand together against the hate and fear that divides our country.

In affirming our commitment to liberty and justice for all, let us remember that the United States is a diverse

country in which individuals of all backgrounds have and continue to make positive contributions to the well-being and security of our Nation. It is important to speak out against hateful rhetoric and divisive policy proposals that prey on people's fears and instead promote our American values that are rooted in compassion, respect for others, justice, and equality.

I am joined today in the Gallery by advocates from the Asian American and Pacific Islander and Muslim communities. Mahalo to all of you for the work you do every day to advance equality, liberty, and justice for all. These values are the strength of America.

Let's stand together in solidarity, that in this new century, we will not give in to old fears, old prejudices, and unjustified actions.

SENATE RESOLUTION 374—RELATING TO THE DEATH OF ANTONIN SCALIA, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. MCCONNELL (for himself, Mr. REID, Mr. GRASSLEY, Mr. LEAHY, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was ordered held at the desk:

S. RES. 374

Whereas Antonin Scalia, the late Associate Justice of the Supreme Court of the United States, was born in Trenton, New Jersey, to Salvatore Eugene Scalia and Catherine Panaro Scalia and raised in Queens, New York;

Whereas Antonin Scalia enrolled in Georgetown University, where he graduated valedictorian and summa cum laude and earned a bachelor's degree in history;

Whereas Antonin Scalia graduated magna cum laude from Harvard Law School, where he was a notes editor for the Harvard Law Review;

Whereas Antonin Scalia married Maureen McCarthy, with whom he raised 9 children, Ann, Eugene, John, Catherine, Mary Claire, Paul, Matthew, Christopher, and Margaret;

Whereas Antonin Scalia was an accomplished attorney in Cleveland, Ohio, and a law professor at the University of Virginia and the University of Chicago;

Whereas President Richard Nixon selected Antonin Scalia to be General Counsel for the Office of Telecommunications Policy;

Whereas Antonin Scalia served as chairman of the Administrative Conference of the United States;

Whereas President Richard Nixon selected Antonin Scalia to be Assistant Attorney General for the Office of Legal Counsel of the Department of Justice, and President Gerald Ford resubmitted the nomination of Antonin Scalia to serve in that position;

Whereas President Ronald Reagan nominated Antonin Scalia to be a judge of the United States Court of Appeals for the District of Columbia Circuit;

Whereas President Ronald Reagan nominated Antonin Scalia to serve as an Associate Justice of the Supreme Court of the United States;

Whereas Antonin Scalia had a profound love for hunting and the arts, in particular opera;

Whereas Antonin Scalia was a man of enormous intellect, incisive analytical skill, and tremendous wit, a combination reflected in the clarity of his judicial opinions;

Whereas the record of Antonin Scalia illustrates a belief in judicial restraint, judicial independence, and the rule of law;

Whereas Antonin Scalia moved public discussion toward a greater appreciation of the text and original meaning of the Constitution as a basis for interpreting the terms of the Constitution;

Whereas Antonin Scalia enforced the separation of powers contained in the Constitution as a bulwark for individual freedom;

Whereas Antonin Scalia raised the level of the quality of oral argument and judicial decisionmaking;

Whereas Antonin Scalia was highly regarded by each of his colleagues, including colleagues with a judicial philosophy that differed from his own;

Whereas Antonin Scalia served with distinction on the Supreme Court for more than 29 years;

Whereas Antonin Scalia was 1 of the most influential and memorable Justices of the Supreme Court of the United States;

Whereas Antonin Scalia was the embodiment of each of the ideal qualities of a judge: fairness, openmindedness, and above all commitment to intellectual rigor in application of the Constitution and the rule of law;

Whereas Antonin Scalia will be remembered as 1 of the great Justices of the Supreme Court of the United States;

Whereas Antonin Scalia passed away on February 13, 2016; and

Whereas the nation is deeply indebted to Antonin Scalia, a truly distinguished individual of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) extends heartfelt sympathy to the family and friends of Antonin Scalia;

(2) acknowledges the lifetime of service of Antonin Scalia to the United States as a talented attorney, a learned law professor, a dedicated public servant, a brilliant jurist, and 1 of the great Justices of the Supreme Court of the United States; and

(3) commends Antonin Scalia for the 29-year tenure on the Supreme Court of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3312. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table.

SA 3313. Ms. CANTWELL (for herself, Mr. GRAHAM, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3314. Mr. KIRK (for himself, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3315. Ms. COLLINS (for herself, Mr. COONS, Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3316. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3317. Mr. HEINRICH (for himself, Mr. UDALL, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3318. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3319. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3320. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3321. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3322. Mr. BROWN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, supra; which was ordered to lie on the table.

SA 3323. Ms. STABENOW (for herself, Mr. INHOFE, Mr. PETERS, Mr. PORTMAN, Mr. BROWN, Mr. KIRK, Mr. REED, Mr. BURR, Mr. DURBIN, Mrs. BOXER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4470, to amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3312. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms.

MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY VICTORY BONDS.

(a) IN GENERAL.—Not later than July 1, 2016, the Secretary of the Treasury, in coordination with the Secretary of Energy and the Secretary of Defense, shall submit a report to Congress that provides recommendations for the establishment, issuance, and promotion of Clean Energy Victory Bonds by the Department of the Treasury (referred to in this section as the ''Clean Energy Victory Bonds Program'').

(b) REQUIREMENTS.—For purposes of subsection (a), the Clean Energy Victory Bonds Program shall be designed to—

(1) ensure that any available proceeds from the issuance of Clean Energy Victory Bonds are used to finance clean energy projects (as defined in subsection (c)) at the Federal, State, and local level, which may include—

(A) providing additional support to existing Federal financing programs available to States for energy efficiency upgrades and clean energy deployment, and

(B) providing funding for clean energy investments by the Department of Defense and other Federal agencies,

(2) provide for payment of interest to persons holding Clean Energy Victory Bonds through such methods as are determined appropriate by the Secretary of the Treasury, including amounts—

(A) recaptured from savings achieved through reduced energy spending by entities receiving any funding or financial assistance described in paragraph (1), and

(B) collected as interest on loans financed or guaranteed under the Clean Energy Victory Bonds Program,

(3) issue bonds in denominations of not less than $25 or such amount as is determined appropriate by the Secretary of the Treasury to make them generally accessible to the public, and

(4) collect not more than $50,000,000,000 in revenue from the issuance of Clean Energy Victory Bonds for purposes of financing clean energy projects described in paragraph (1).

(c) CLEAN ENERGY PROJECT.—The term ''clean energy project'' means a project which provides—

(1) performance-based energy efficiency improvements, or

(2) clean energy improvements, including—

(A) electricity generated from solar, wind, geothermal, hydropower, and hydrokinetic energy sources,

(B) fuel cells using non-fossil fuel sources,

(C) advanced batteries,

(D) next generation biofuels from non-food feedstocks, and

(E) electric vehicle infrastructure.

SA 3313. Ms. CANTWELL (for herself, Mr. GRAHAM, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

SEC. 42___. SENSE OF THE SENATE ON ACCELERATING ENERGY INNOVATION.

It is the sense of the Senate that—

(1) although important progress has been made in cost reduction and deployment of clean energy technologies, accelerating clean energy innovation will help meet critical competitiveness, energy security, and environmental goals;

(2) accelerating the pace of clean energy innovation in the United States calls for—

(A) supporting existing research and development programs at the Department and the world-class National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); and

(B) exploring and developing new pathways for innovators, investors, and decision-makers to leverage the resources of the Department for addressing the challenges and comparative strengths of geographic regions;

(3) the energy supply, demand, policies, markets, and resource options of the United States vary by geographic region;

(4) a regional approach to innovation can bridge the gaps between local talent, institutions, and industries to identify opportunities and convert United States investment into domestic companies; and

(5) Congress and the Secretary should advance efforts that promote international, domestic, and regional cooperation on the research and development of energy innovations that—

(A) provide clean, affordable, and reliable energy for everyone;

(B) promote economic growth; and

(C) are critical for energy security.

SA 3314. Mr. KIRK (for himself, Mr. COONS, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, strike line 7 and insert the following:

SEC. 4204. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF NATIONAL LABORATORY.—In this section:

(1) IN GENERAL.—The term ''National Laboratory'' means a nonmilitary national laboratory owned by the Department.

(2) INCLUSIONS.—The term ''National Laboratory'' includes—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, with respect to the civilian energy activities conducted at the laboratory.

(b) AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this subsection.

(2) TERMS.—Each agreement entered into pursuant to the pilot program referred to in paragraph (1) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, indemnification, payment structures, performance guarantees, and multiparty collaborations.

(3) ELIGIBILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including regulations), any National Laboratory may enter into an agreement pursuant to the pilot program referred to in paragraph (1).

(B) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out subparagraph (A) and subject to subparagraph (C), the Secretary shall permit the directors of the National Laboratories to execute agreements with non-Federal entities, including non-Federal entities already receiving Federal funding that will be used to support activities under agreements executed pursuant to subparagraph (A).

(C) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'') shall apply if—

(i) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(ii) at least 1 of the parties to the funding agreement is eligible to receive rights under that chapter.

(4) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this subsection—

(A) a summary of information relating to the relevant project;

(B) the total estimated costs of the project;

(C) estimated commencement and completion dates of the project; and

(D) other documentation determined to be appropriate by the Secretary.

(5) CERTIFICATION.—The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this subsection—

(A) is not in direct competition with the private sector; and

(B) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this subsection.

(6) EXTENSION.—The pilot program referred to in paragraph (1) shall be extended for a term of 3 years after the date of enactment of this Act.

(7) REPORTS.—

(A) INITIAL REPORT.—Not later than 60 days after the date described in paragraph (6), the Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(i) assesses the overall effectiveness of the pilot program referred to in paragraph (1);

(ii) identifies opportunities to improve the effectiveness of the pilot program;

(iii) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(iv) provides a recommendation regarding the future of the pilot program.

(B) ANNUAL REPORTS.—Annually, the Secretary, in coordination with the directors of the National Laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on

Science, Space, and Technology of the House of Representatives a report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements entered into under this subsection.

(c) SAVINGS CLAUSE.—Nothing in this section abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

SEC. 4205. MICROLAB TECHNOLOGY COMMERCIALIZATION.

SA 3315. Ms. COLLINS (for herself, Mr. COONS, Mr. REED, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, lines 3 and 4, strike ''not less than''.

SA 3316. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 23___. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADDITIONAL SERVICES.—The term ''additional services'' means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) WASTE HEAT TO POWER SYSTEM.—

(A) IN GENERAL.—The term ''waste heat to power system'' means a system that generates electricity through the recovery of waste energy.

(B) EXCLUSION.—The term ''waste heat to power system'' does not include a system that generates electricity through the recovery of a heat resource from a process the primary purpose of which is the generation of electricity using a fossil fuel.

(3) OTHER TERMS.—

(A) PURPA.—The terms ''electric consumer'', ''electric utility'', ''interconnection service'', ''nonregulated electric utility'', and ''State regulatory authority'' have the meanings given those terms in the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), within the meaning of title I of that Act (16 U.S.C. 2611 et seq.).

(B) EPCA.—The terms ''combined heat and power system'' and ''waste energy'' have the meanings given those terms in section 371 of the Energy Policy and Conservation Act (42 U.S.C. 6341).

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall review existing rules and procedures relating to interconnection service and additional services throughout the United States for electric generation with nameplate capacity up to 20 megawatts to identify barriers to the deployment of combined heat and power systems and waste heat to power systems.

(2) INCLUSION.—The review under this subsection shall include a review of existing rules and procedures relating to—

(A) determining and assigning costs of interconnection service and additional services; and

(B) ensuring adequate cost recovery by an electric utility for interconnection service and additional services.

(c) MODEL GUIDANCE.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate entities, shall issue model guidance for interconnection service and additional services for use by State regulatory authorities and nonregulated electric utilities to reduce the barriers identified under subsection (b)(1).

(2) CURRENT BEST PRACTICES.—The model guidance issued under this subsection shall reflect, to the maximum extent practicable, current best practices to encourage the deployment of combined heat and power systems and waste heat to power systems while ensuring the safety and reliability of the interconnected units and the distribution and transmission networks to which the units connect, including—

(A) relevant current standards developed by the Institute of Electrical and Electronic Engineers; and

(B) model codes and rules adopted by—

(i) States; or

(ii) associations of State regulatory agencies.

(3) FACTORS FOR CONSIDERATION.—In establishing the model guidance under this subsection, the Secretary shall take into consideration—

(A) the appropriateness of using standards or procedures for interconnection service that vary based on unit size, fuel type, or other relevant characteristics;

(B) the appropriateness of establishing fast-track procedures for interconnection service;

(C) the value of consistency with Federal interconnection rules established by the Federal Energy Regulatory Commission as of the date of enactment of this Act;

(D) the best practices used to model outage assumptions and contingencies to determine fees or rates for additional services;

(E) the appropriate duration, magnitude, or usage of demand charge ratchets;

(F) potential alternative arrangements with respect to the procurement of additional services, including—

(i) contracts tailored to individual electric consumers for additional services;

(ii) procurement of additional services by an electric utility from a competitive market; and

(iii) waivers of fees or rates for additional services for small electric consumers; and

(G) outcomes such as increased electric reliability, fuel diversification, enhanced power quality, and reduced electric losses that may result from increased use of combined heat and power systems and waste heat to power systems.

SA 3317. Mr. HEINRICH (for himself, Mr. UDALL, Mr. GARDNER, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

SEC. 42___. RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.

The Secretary shall ensure that laboratory operating contractors do not allocate costs of general and administrative overhead to laboratory directed research and development.

SA 3318. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IV, add the following:

SEC. 42___. RESTORATION OF LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.

The Secretary shall ensure that the laboratory operating contractors for Lawrence Livermore National Laboratory, Los Alamos National Laboratory, and Sandia National Laboratories do not allocate costs of general and administrative overhead to laboratory directed research and development.

SA 3319. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3017 and insert the following:

SEC. 3017. WOODY BIO-POWER.

Section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''this section'' and inserting ''paragraph (5)'';

(B) in paragraph (2), by striking ''this section'' and inserting ''this subsection''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''or to receive any form of Federal assistance under subsection (c)'' after ''paragraph (1)''; and

(ii) in subparagraph (A), by striking ''a grant under this section'' and inserting ''a grant under this subsection or any form of Federal assistance under subsection (c)'';

(2) by redesignating subsection (c) as paragraph (5), and indenting appropriately;

(3) in paragraph (5) (as so redesignated), by striking ''this section'' and inserting ''this subsection''; and

(4) by adding at the end the following:

''(c) WOODY BIO-POWER.—

''(1) DEFINITIONS.—In this subsection:

''(A) WOODY BIOMASS.—The term 'woody biomass' means any material derived from trees and brush in forest ecosystems that is considered to be biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))).

''(B) WOODY BIOMASS-DERIVED THERMAL ENERGY.—The term 'woody biomass-derived thermal energy' means the use of woody biomass—

''(i) to generate heat; or

''(ii) for cooling purposes.

''(C) WOODY BIO-POWER.—The term 'woody bio-power' means the use of woody biomass to generate electricity.

''(2) WOODY BIO-POWER AND WOODY BIOMASS-DERIVED THERMAL ENERGY.—The Secretary shall coordinate research and development

activities relating to woody bio-power and woody biomass-derived thermal energy projects with other departments and agencies of the Federal Government.

''(3) WOODY BIO-POWER AND WOODY BIOMASS-DERIVED THERMAL ENERGY GRANTS.—

''(A) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish a program under which the Secretary shall provide grants to support innovation, market development, and expansion for woody bio-power and woody biomass-derived thermal energy in the commercial, institutional, industrial, and residential bioenergy sectors.

''(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, the owner or operator of a relevant project shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) ALLOCATION.—Of the amounts appropriated each fiscal year to carry out this paragraph, the Secretary shall not provide more than—

''(i) $15,000,000 for projects that develop innovative techniques to preprocess woody biomass for use in woody bio-powered and woody biomass-derived thermal energy and for lowering the costs of—

''(I) distributed preprocessing technologies, including technologies designed to promote densification, torrefaction, and the broader commoditization of bioenergy feedstocks; and

''(II) transportation;

''(ii) $15,000,000 for woody bio-power and woody biomass-derived thermal development projects, including—

''(I) district energy projects;

''(II) combined heat and power;

''(III) small-scale gasification;

''(IV) innovation in the transportation of woody biomass; and

''(V) projects addressing the challenges of retrofitting existing electricity generation facilities, including coal-fired facilities, to use biomass; and

''(iii) $5,000,000 for research and development of residential wood heaters towards meeting all targets established by the most recent standards of performance established by the Administrator of the Environmental Protection Agency under section 111 of the Clean Air Act (42 U.S.C. 7411).

''(D) REGIONAL DISTRIBUTION.—In selecting projects to receive grants under this paragraph, the Secretary shall ensure, to the maximum extent practicable, diverse geographical distribution among the projects.

''(E) COST SHARE.—The Federal share of the cost of a project carried out using a grant under this paragraph shall be 50 percent.

''(F) DUTIES OF RECIPIENTS.—As a condition of receiving a grant under this paragraph, the owner or operator of a relevant project shall—

''(i) participate in the applicable working group under subparagraph (G);

''(ii) submit to the Secretary a report that includes—

''(I) a description of the project and any relevant findings; and

''(II) such other information as the Secretary determines to be necessary to complete the report of the Secretary under subparagraph (H); and

''(iii) carry out such other activities as the Secretary determines to be necessary.

''(G) WORKING GROUPS.—The Secretary shall establish 3 working groups to share best practices and collaborate in project implementation, of which—

''(i) 1 shall be comprised of representatives of projects that receive grants under subparagraph (C)(i);

''(ii) 1 shall be comprised of representatives of projects that receive grants under subparagraph (C)(ii); and

''(iii) 1 shall be comprised of representatives of projects that receive grants under subparagraph (C)(iii).

''(H) REPORTS.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing—

''(i) each project for which a grant has been provided under this paragraph;

''(ii) any findings as a result of those projects; and

''(iii) the state of market and technology development, including market barriers and opportunities.

''(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $35,000,000 for each of fiscal years 2017 through 2026, to remain available until expended.

''(4) PROMOTING BIOENERGY IN FEDERAL FACILITIES.—

''(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to fund woody bio-power and woody biomass-derived thermal energy system installations for new or existing Federal facilities $20,000,000, to remain available until expended.

''(B) CONSULTATION REQUIRED.—The Secretary and the Administrator of General Services shall consult regularly to ensure optimal success of the activities described in subparagraph (A).

''(5) DOE CHP TECHNICAL ASSISTANCE PARTNERSHIPS.—There is authorized to be appropriated to the Secretary to carry out the Combined Heat and Power Technical Assistance Partnerships of the Department $5,000,000 to increase the capacity and expertise of the Department to provide technical and other assistance for combined heat and power systems that use wood as a fuel source.

''(6) DOE RESEARCH ON SMALL GASIFIER SYSTEMS.—There is authorized to be appropriated to the Secretary $5,000,000 to assess and develop market opportunities for small gasifiers, turbines, and other small-scale thermal energy and combined heat and power systems that use wood as a fuel source.

''(7) WOOD ENERGY WORKS PROGRAM.—

''(A) IN GENERAL.—Of the amounts appropriated to carry out this paragraph, the Secretary shall grant funding to a non-Federal organization to create and deliver an initiative for the purpose of providing free assistance from the design phase through the construction phase for wood energy projects and education, training, and resources related to the design of wood energy systems for a wide range of building types including mid-rise, multi-residential, commercial, institutional, and industrial buildings.

''(B) REPORTS.—

''(i) IN GENERAL.—A non-Federal organization described in subparagraph (A) shall report quarterly to the Secretary on the progress and accomplishments of the initiative.

''(ii) REPORT TO CONGRESS.—For each fiscal year in which funding is appropriated to carry out this paragraph, the Secretary shall submit to Congress a report on the progress and accomplishments of the funded initiatives.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph—

''(i) $2,000,000 for fiscal year 2017; and

''(ii) $5,000,000 for each of fiscal years 2018 through 2027.

''(8) COORDINATION OF EFFORTS TO CREATE INTERAGENCY WOOD ENERGY POLICY REPORT.—

''(A) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection Agency, in consultation with other relevant Federal agencies, shall conduct an evaluation of Federal policies as of the date of enactment of this subsection and make recommendations on how Congress can better support the industrial, commercial, and residential wood energy sectors in the United States.

''(B) REPORT.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to Congress a report on the evaluation conducted and recommendations made under subparagraph (A).

''(C) FUNDING.—There is authorized to be appropriated to carry out this paragraph $1,000,000.

''(9) REGIONAL TECHNICAL ASSISTANCE PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a regional woody biomass energy program that provides technical assistance to install woody bio-power or woody biomass-derived thermal energy systems for heating, cooling, or electricity at new or existing facilities.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $75,000,000 for the period of fiscal years 2017 through 2026.

''(10) STRATEGIC ANALYSIS AND RESEARCH.—

''(A) IN GENERAL.—The Secretary, acting jointly with the Administrator of the Environmental Protection Agency, shall establish a woody biomass thermal and woody bio-power research program—

''(i) the costs of which shall be divided equally between the Department and the Environmental Protection Agency;

''(ii) to carry out projects and activities to advance research and analysis on the environmental, social, and economic impacts of the United States woody bio-power and woody biomass-derived thermal energy industries, including—

''(I) full accounting of greenhouse gas emissions;

''(II) net energy analysis; and

''(III) advanced modeling of future climate impacts coupled with land use changes on future forest health and biomass production;

''(iii) to provide recommendations for policy and investment in those areas; and

''(iv) to identify and assess, through a joint effort between the Secretary and the regional combined heat and power groups of the Department and the Environmental Protection Agency, the feasibility of thermally led district wood energy opportunities in all regions, including by conducting—

''(I) broad regional assessments; and

''(II) feasibility studies and preliminary engineering assessments for individual facilities.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and the Administrator of the Environmental Protection Agency—

''(i) $2,000,000 to carry out clauses (ii) and (iii) of subparagraph (A); and

''(ii) $1,000,000 to carry out subparagraph (A)(iv).''.

SA 3320. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3009 and insert the following:

SEC. 3009. LARGE-SCALE GEOTHERMAL ENERGY.

Section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''this section'' and inserting ''paragraph (5)'';

(B) in paragraph (2), by striking ''this section'' and inserting ''this subsection''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''or to receive a grant under subsection (c)'' after ''paragraph (1)''; and

(ii) in subparagraph (A), by striking ''a grant under this section'' and inserting ''a grant under this subsection or subsection (c)'';

(2) by redesignating subsection (c) as paragraph (5), and indenting appropriately;

(3) in paragraph (5) (as so redesignated), by striking ''this section'' and inserting ''this subsection''; and

(4) by adding at the end the following:

''(c) LARGE-SCALE GEOTHERMAL ENERGY.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to improve the components, processes, and systems used for geothermal heat pumps and the direct use of geothermal energy; and

''(B) to increase the energy efficiency, lower the cost, increase the use, and improve and demonstrate the applicability of geothermal heat pumps to, and the direct use of geothermal energy in, large buildings, commercial districts, residential communities, and large municipal, agricultural, or industrial projects.

''(2) DEFINITIONS.—In this subsection:

''(A) DIRECT USE OF GEOTHERMAL ENERGY.—The term 'direct use of geothermal energy' means systems that use water that is at a temperature between approximately 38 degrees Celsius and 149 degrees Celsius directly or through a heat exchanger to provide—

''(i) heating to buildings; or

''(ii) heat required for industrial processes, agriculture, aquaculture, and other facilities.

''(B) GEOTHERMAL HEAT PUMP.—The term 'geothermal heat pump' means a system that provides heating and cooling by exchanging heat from shallow ground or surface water using—

''(i) a closed loop system, which transfers heat by way of buried or immersed pipes that contain a mix of water and working fluid; or

''(ii) an open loop system, which circulates ground or surface water directly into the building and returns the water to the same aquifer or surface water source.

''(C) LARGE-SCALE APPLICATION.—The term 'large-scale application' means an application for space or process heating or cooling for large entities with a name-plate capacity, expected resource, or rating of 10 or more megawatts, such as a large building, commercial district, residential community, or a large municipal, agricultural, or industrial project.

''(3) PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program of research, development, and demonstration for geothermal heat pumps and the direct use of geothermal energy.

''(B) AREAS.—The program may include research, development, demonstration, and commercial application of—

''(i) geothermal ground loop efficiency improvements through more efficient heat transfer fluids;

''(ii) geothermal ground loop efficiency improvements through more efficient thermal grouts for wells and trenches;

''(iii) geothermal ground loop installation cost reduction through—

''(I) improved drilling methods;

''(II) improvements in drilling equipment;

''(III) improvements in design methodology and energy analysis procedures; and

''(IV) improved methods for determination of ground thermal properties and ground temperatures;

''(iv) installing geothermal ground loops near the foundation walls of new construction to take advantage of existing structures;

''(v) using gray or black wastewater as a method of heat exchange;

''(vi) improving geothermal heat pump system economics through integration of geothermal systems with other building systems, including providing hot and cold water and rejecting or circulating industrial process heat through refrigeration heat rejection and waste heat recovery;

''(vii) advanced geothermal systems using variable pumping rates to increase efficiency;

''(viii) geothermal heat pump efficiency improvements;

''(ix) use of hot water found in mines and mine shafts and other surface waters as the heat exchange medium;

''(x) heating of districts, neighborhoods, communities, large commercial or public buildings (including office, retail, educational, government, and institutional buildings and multifamily residential buildings and campuses), and industrial and manufacturing facilities;

''(xi) geothermal system integration with solar thermal water heating or cool roofs and solar-regenerated desiccants to balance loads and use building hot water to store geothermal energy;

''(xii) use of hot water coproduced from oil and gas recovery;

''(xiii) use of water sources at a temperature of less than 150 degrees Celsius for direct use;

''(xiv) system integration of direct use with geothermal electricity production; and

''(xv) coproduction of heat and power, including on-site use.

''(C) ENVIRONMENTAL IMPACTS.—In carrying out the program, the Secretary shall identify and mitigate potential environmental impacts in accordance with section 614(c).

''(4) GRANTS.—

''(A) IN GENERAL.—The Secretary shall make grants available to State and local governments, institutions of higher education, nonprofit entities, utilities, and for-profit companies (including manufacturers of heat-pump and direct-use components and systems) to promote the development of geothermal heat pumps and the direct use of geothermal energy.

''(B) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to proposals that apply to large buildings (including office, retail, educational, government, institutional, and multifamily residential buildings and campuses and industrial and manufacturing facilities), commercial districts, and residential communities.

''(C) NATIONAL SOLICITATION.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall conduct a national solicitation for applications for grants under this paragraph.

''(5) REPORTS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on progress made and results obtained under this subsection to develop geothermal heat pumps and direct use of geothermal energy.

''(B) AREAS.—Each of the reports required under this paragraph shall include—

''(i) an analysis of progress made in each of the areas described in paragraph (3)(B); and

''(ii)(I) a description of any relevant recommendations made during a review of the program; and

''(II) any plans to address the recommendations under subclause (I).''.

SA 3321. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—SPORTSMEN AND WILDLIFE

SEC. 601. TARGET PRACTICE AND MARKSMANSHIP.

(a) PURPOSE.—The purpose of this section is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

(b) DEFINITION OF PUBLIC TARGET RANGE.—In this section, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

(c) AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(A) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(2) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(A) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(B) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(C) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(D) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(E) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(3) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(A) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(B) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(C) in subsection (c)(1)—

(i) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(ii) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

(d) SENSE OF CONGRESS REGARDING COOPERATION.—It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

SEC. 602. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) in paragraph (4), by striking ''and'';

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $50,000,000 for each of fiscal years 2016 through 2021.''.

SEC. 603. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION.

(a) REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking ''2007 through 2012'' and inserting ''2016 through 2020''.

(b) REAUTHORIZATION OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking ''2007 through 2012'' and inserting ''2016 through 2020''.

(c) REAUTHORIZATION OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking ''2007 through 2012'' and inserting ''2016 through 2020''.

(d) AMENDMENT AND REAUTHORIZATION OF GREAT APE CONSERVATION ACT OF 2000.—The Great Ape Conservation Act of 2000 is amended as follows:

(1) MULTIYEAR GRANTS.—In section 4 (16 U.S.C. 6303), by adding at the end the following new subsections:

''(j) MULTIYEAR GRANTS.—

''(1) IN GENERAL.—The Secretary may award a multiyear grant under this section to a person who is otherwise eligible for a grant under this section, to carry out a project that the person demonstrates is an effective, long-term conservation strategy for great apes and their habitats.

''(2) ANNUAL GRANTS NOT AFFECTED.—This subsection shall not be construed as precluding the Secretary from awarding grants on an annual basis.''.

(2) PANEL OF EXPERTS.—In section 4(i) (16 U.S.C. 6303(i))—

(A) in paragraph (1), by—

(i) striking ''Every 2 years'' and inserting ''Within one year after the date of the enactment of the Energy Policy Modernization Act of 2016, and every 5 years thereafter'';

(ii) striking ''may convene'' and inserting ''shall convene'';

(iii) inserting ''and priorities'' after ''needs''; and

(iv) adding at the end the following new sentence: ''The panel shall, to the extent practicable, include representatives from foreign range states with expertise in great ape conservation.''; and

(B) by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following new paragraphs:

''(2) In identifying conservation needs and priorities under paragraph (1), the panel shall consider relevant great ape conservation plans or strategies including scientific research and findings related to—

''(A) the conservation needs and priorities of great apes;

''(B) regional or species-specific action plans or strategies;

''(C) applicable strategies developed or initiated by the Secretary; and

''(D) any other applicable conservation plan or strategy.

''(3) The Secretary, subject to the availability of appropriations, may pay expenses of convening and facilitating meetings of the panel.''.

(3) ADMINISTRATIVE EXPENSES LIMITATION.—In section 5(b)(2) (16 U.S.C. 6304(b)(2)), by striking ''$100,000'' and inserting ''$150,000''.

(4) AUTHORIZATION OF APPROPRIATIONS.—In section 6 (16 U.S.C. 6305), by striking ''2006 through 2010'' and inserting ''2016 through 2020''.

(e) AMENDMENT AND REAUTHORIZATION OF MARINE TURTLE CONSERVATION ACT OF 2004.—

(1) IN GENERAL.—The Marine Turtle Conservation Act of 2004 is amended—

(A) in sections 2(b) and 3(2) (16 U.S.C. 6601(b), 6602(2)), by inserting ''and territories of the United States'' after ''foreign countries'' each place it occurs;

(B) in section 3 (16 U.S.C. 6602) by adding at the end the following:

''(7) TERRITORY OF THE UNITED STATES.—The term 'territory of the United States' means each of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.''; and

(C) in section 4 (16 U.S.C. 6603)—

(i) in subsection (b)(1)(A), by inserting ''or territory of the United States'' after ''foreign country''; and

(ii) in subsection (d) by inserting ''and territories of the United States'' after ''foreign countries''.

(2) ADMINISTRATIVE EXPENSES LIMITATION.—Section 5(b)(2) of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6604(b)(2)) is amended by striking ''$80,000'' and inserting ''$150,000''.

(3) REAUTHORIZATION.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking ''each of fiscal years 2005 through 2009'' and inserting ''each of fiscal years 2016 through 2020''.

SEC. 604. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

''(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

''(A) be knowledgeable and experienced in matters relating to the conservation of fish, wildlife, or other natural resources; and

''(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.''; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking ''(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers'' and inserting the following:

''(A) IN GENERAL.—Officers''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

''(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

''(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.''.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking ''Secretary of the Board'' and inserting ''Executive Director of the Board''.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking ''(c) POWERS.—To carry out its purposes under'' and inserting the following:

''(c) POWERS.—

''(1) IN GENERAL.—To carry out the purposes described in'';

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''that are insured by an agency or instrumentality of the United States'' and inserting ''at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation'';

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking ''paragraph (3) or (4)'' and inserting ''subparagraph (C) or (D)'';

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking ''; and'' and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

''(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from

legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

''(L) to do acts necessary to carry out the purposes of the Foundation.''; and

(G) by striking the undesignated matter at the end and inserting the following:

''(2) TREATMENT OF REAL PROPERTY.—

''(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

''(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

''(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.'';

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2016 through 2021—

''(A) $15,000,000 to the Secretary of the Interior;

''(B) $5,000,000 to the Secretary of Agriculture; and

''(C) $5,000,000 to the Secretary of Commerce.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) AMOUNTS FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide Federal funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

''(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

''(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''FUNDS'' and inserting ''AMOUNTS'';

(ii) by striking ''shall be used'' and inserting ''may be used''; and

(iii) by striking ''and State and local government agencies'' and inserting '', State and local government agencies, and other entities''; and

(C) by adding at the end the following:

''(3) ADMINISTRATION OF AMOUNTS.—

''(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process applicable to the department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

''(i) to address an environmental emergency resulting from a natural or other disaster; or

''(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

''(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.''; and

(3) by adding at the end the following:

''(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.''.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting ''exclusive'' before ''authority''.

SEC. 605. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

''SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $6,500,000 for each of fiscal years 2016 through 2021.

''(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.''.

TITLE VII—NATIONAL FISH HABITAT CONSERVATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''National Fish Habitat Conservation Through Partnerships Act''.

SEC. 702. PURPOSE.

The purpose of this title is to encourage partnerships among public agencies and other interested parties to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

(A) improving ecological conditions;

(B) restoring natural processes; or

(C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

(A) increasing fishing opportunities;

(B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

(A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

SEC. 703. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) BOARD.—The term ''Board'' means the National Fish Habitat Board established by section 704(a)(1).

(3) DIRECTOR.—The term ''Director'' means the Director of the United States Fish and Wildlife Service.

(4) EPA ASSISTANT ADMINISTRATOR.—The term ''EPA Assistant Administrator'' means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NOAA ASSISTANT ADMINISTRATOR.—The term ''NOAA Assistant Administrator'' means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) PARTNERSHIP.—The term ''Partnership'' means a self-governed entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 705(a).

(8) REAL PROPERTY INTEREST.—The term ''real property interest'' means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) STATE.—The term ''State'' means each of the several States.

(11) STATE AGENCY.—The term ''State agency'' means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or sustains the habitat for those fishery resources of the State pursuant to State law or the constitution of the State.

SEC. 704. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) FISH HABITAT BOARD.—There is established a board, to be known as the ''National Fish Habitat Board'', whose duties are—

(A) to promote, oversee, and coordinate the implementation of this title;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to approve Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 25 members, of whom—

(A) 1 shall be a representative of the Department of the Interior;

(B) 1 shall be a representative of the United States Geological Survey;

(C) 1 shall be a representative of the Department of Commerce;

(D) 1 shall be a representative of the Department of Agriculture;

(E) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(F) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(G) 1 shall be a representative of either—

(i) Indian tribes in the State of Alaska; or

(ii) Indian tribes in States other than the State of Alaska;

(H) 1 shall be a representative of either—

(i) the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852); or

(ii) a representative of the Marine Fisheries Commissions, which is composed of—

(I) the Atlantic States Marine Fisheries Commission;

(II) the Gulf States Marine Fisheries Commission; and

(III) the Pacific States Marine Fisheries Commission;

(I) 1 shall be a representative of the Sportfishing and Boating Partnership Council;

(J) 7 shall be representatives selected from each of—

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) 1 shall be a representative of a national private landowner organization;

(L) 1 shall be a representative of an agricultural production organization;

(M) 1 shall be a representative of local government interests involved in fish habitat restoration;

(N) 2 shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

(iii) industries with an interest in fish and fish habitat conservation; and

(O) 1 shall be a leadership private sector or landowner representative of an active partnership.

(3) COMPENSATION.—A member of the Board shall serve without compensation.

(4) TRAVEL EXPENSES.—A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) APPOINTMENT AND TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (F) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—The initial Board will consist of representatives as described in subparagraphs (A) through (F) of subsection (a)(2).

(B) REMAINING MEMBERS.—Not later than 60 days after the date of enactment of this Act, the representatives of the initial Board pursuant to subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (N) of subsection (a)(2).

(C) TRIBAL REPRESENTATIVES.—Not later than 60 days after the enactment of this Act, the Secretary shall provide to the Board a recommendation of not fewer than 3 tribal representatives, from which the Board shall appoint 1 representative pursuant to subparagraph (G) of subsection (a)(2).

(3) TRANSITIONAL TERMS.—Of the members described in subsection (a)(2)(J) initially appointed to the Board—

(A) 2 shall be appointed for a term of 1 year;

(B) 2 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy of a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) TRIBAL REPRESENTATIVES.—Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than 3 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) CONTINUATION OF SERVICE.—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) REMOVAL.—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) CHAIRPERSON.—

(1) IN GENERAL.—The representative of the Association of Fish and Wildlife Agencies appointed pursuant to subsection (a)(2)(E) shall serve as Chairperson of the Board.

(2) TERM.—The Chairperson of the Board shall serve for a term of 3 years.

(d) MEETINGS.—

(1) IN GENERAL.—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) PUBLIC ACCESS.—All meetings of the Board shall be open to the public.

(e) PROCEDURES.—

(1) IN GENERAL.—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of ⅔ of all members;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this title;

(D) procedures for designating Partnerships under section 705; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 705. FISH HABITAT PARTNERSHIPS.

(a) AUTHORITY TO APPROVE.—The Board may approve and designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish and fish habitats;

(2) to engage local and regional communities to build support for fish habitat conservation;

(3) to involve diverse groups of public and private partners;

(4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(5) to leverage funding from sources that support local and regional partnerships;

(6) to use adaptive management principles, including evaluation of project success and functionality;

(7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(8) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(c) CRITERIA FOR APPROVAL.—An entity seeking to be designated as a Partnership shall—

(1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(2) demonstrate to the Board that the entity has—

(A) a focus on promoting the health of important fish and fish habitats;

(B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(E) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(F) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the decline in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(7) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

SEC. 706. FISH HABITAT CONSERVATION PROJECTS.

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this title.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a priority list of fish habitat conservation projects that includes the description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this title for the following fiscal year.

(c) CRITERIA FOR PROJECT SELECTION.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

(1) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(2) The capabilities and experience of project proponents to implement successfully the proposed project.

(3) The extent to which the fish habitat conservation project —

(A) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this title;

(B) addresses the national priorities established by the Board;

(C) is supported by the findings of the Habitat Assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(E) provides a well-defined budget linked to deliverables and outcomes;

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

(H) includes an outreach or education component that includes the local or regional community.

(4) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(5) The extent to which the local or regional fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(D) advances the conservation of fish and wildlife species that have been identified by the States as species of greatest conservation need;

(E) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing fish populations, recreational fishing opportunities and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION AUTHORITIES.—

(A) IN GENERAL.—A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this title if the acquisition ensures 1 of—

(i) public access for compatible fish and wildlife-dependent recreation; or

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(B) STATE AGENCY APPROVAL.—

(i) IN GENERAL.—All real property interest acquisition projects funded under this title are required to be approved by the State agency in the State in which the project is occurring.

(ii) PROHIBITION.—The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(C) ASSESSMENT OF OTHER AUTHORITIES.—The Fish Habitat Partnership shall conduct a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(D) RESTRICTIONS.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity, unless—

(i) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(ii) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a partnership.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this title unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from another Federal grant program; but

(B) may include in-kind contributions and cash.

(3) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this title may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under subsection (b), subject to the limitations of subsection (d), and based, to the maximum extent practicable, on the criteria described in subsection (c), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(2) FUNDING.—If the Secretary approves a fish habitat conservation project under paragraph (1), the Secretary shall use amounts made available to carry out this title to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary rejects any fish habitat conservation project recommended by the Board under subsection (b), not later than 180 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

SEC. 707. TECHNICAL AND SCIENTIFIC ASSISTANCE.

(a) IN GENERAL.—The Director, the NOAA Assistant Administrator, the EPA Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, may provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) INCLUSIONS.—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to assist in conducting scientifically based

evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure state agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

SEC. 708. COORDINATION WITH STATES AND INDIAN TRIBES.

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this title, including notification, by not later than 30 days before the date on which the activity is implemented.

SEC. 709. INTERAGENCY OPERATIONAL PLAN.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the NOAA Assistant Administrator, the EPA Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this title; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

SEC. 710. ACCOUNTABILITY AND REPORTING.

(a) REPORTING.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this title.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by partnerships of Federal, State, or local governments, Indian tribes, or other entities in the United States during the 5-year period ending on the date of submission of the report;

(B) a description of the public access to fish habitats established or improved during that 5-year period;

(C) a description of the improved opportunities for public recreational fishing; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this title during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 706(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 706(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 706(b) that was based on a factor other than the criteria described in section 706(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) STATUS AND TRENDS REPORT.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report that includes—

(1) a status of all Partnerships approved under this title;

(2) a description of the status of fish habitats in the United States as identified by established Partnerships; and

(3) enhancements or reductions in public access as a result of—

(A) the activities of the Partnerships; or

(B) any other activities carried out pursuant to this title.

(c) REVISIONS.—Not later than December 31, 2016, and every 5 years thereafter, the Board shall consider revising the goals of the Board, after consideration of each report required by subsection (b).

SEC. 711. EFFECT OF TITLE.

(a) WATER RIGHTS.—Nothing in this title—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) AUTHORITY TO ACQUIRE WATER RIGHTS OR RIGHTS TO PROPERTY.—Under this title, only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property.

(c) STATE AUTHORITY.—Nothing in this title—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) EFFECT ON INDIAN TRIBES.—Nothing in this title abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) ADJUDICATION OF WATER RIGHTS.—Nothing in this title diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(f) DEPARTMENT OF COMMERCE AUTHORITY.—Nothing in this title affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) EFFECT ON OTHER AUTHORITIES.—

(1) PRIVATE PROPERTY PROTECTION.—Nothing in this title permits the use of funds made available to carry out this title to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(2) MITIGATION.—Nothing in this title permits the use of funds made available to carry out this title for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) CLEAN WATER ACT.—Nothing in this title affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

SEC. 712. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

SEC. 713. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISH HABITAT CONSERVATION PROJECTS.—There is authorized to be appropriated to the Secretary $7,200,000 for each of fiscal years 2016 through 2021 to provide funds for fish habitat conservation projects approved under section 706(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes.

(2) ADMINISTRATIVE AND PLANNING EXPENSES.—There is authorized to be appropriated to the Secretary for each of fiscal years 2016 through 2021 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

(A) for administrative and planning expenses; and

(B) to carry out section 210.

(3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—There is authorized to be appropriated for each of fiscal years 2016 through 2021 to carry out, and provide technical and scientific assistance under, section 707—

(A) $500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) $500,000 to the NOAA Assistant Administrator for use by the National Oceanic and Atmospheric Administration;

(C) $500,000 to the EPA Assistant Administrator for use by the Environmental Protection Agency; and

(D) $500,000 to the Secretary for use by the United States Geological Survey.

(b) AGREEMENTS AND GRANTS.—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106–107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this title; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this title.

(c) DONATIONS.—

(1) IN GENERAL.—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this title; and

(B) accept donations of funds, property, and services to carry out the purposes of this title.

(2) TREATMENT.—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

SA 3322. Mr. BROWN (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2953 proposed by Ms. MURKOWSKI to the bill S. 2012, to provide for the modernization of the energy policy of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5_____. U.S. CIVIL RIGHTS NETWORK PROGRAM.

(a) IN GENERAL.—Subdivision 1 of Division B of subtitle III of title 54, United States Code, is amended by inserting after chapter 3083 the following:

''CHAPTER 3084—U.S. CIVIL RIGHTS NETWORK

''§ 308401. Definition of Network

''In this chapter, the term 'Network' means the U.S. Civil Rights Network established under section 308402(a).

''§ 308402. U.S. Civil Rights Network

''(a) IN GENERAL.—The Secretary shall establish, within the Service, a program to be known as the 'U.S. Civil Rights Network'.

''(b) DUTIES OF SECRETARY.—In carrying out the Network, the Secretary shall—

''(1) review studies and reports to complement and not duplicate studies of the historical importance of the African American civil rights movement that may be underway or completed, such as the Civil Rights Framework Study;

''(2) produce and disseminate appropriate educational materials relating to the African American civil rights movement, such as handbooks, maps, interpretive guides, or electronic information;

''(3) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

''(4)(A) create and adopt an official, uniform symbol or device for the Network; and

''(B) issue regulations for the use of the symbol or device adopted under subparagraph (A).

''(c) ELEMENTS.—The Network shall encompass the following elements:

''(1) All units and programs of the Service that are determined by the Secretary to relate to the African American civil rights movement during the period from 1939 through 1968.

''(2) Other Federal, State, local, and privately owned properties that—

''(A) relate to the African American civil rights movement;

''(B) have a verifiable connection to the African American civil rights movement; and

''(C) are included in, or determined by the Secretary to be eligible for inclusion in, the National Register of Historic Places.

''(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the African American civil rights movement.

''§ 308403. Cooperative agreements and memoranda of understanding

''To achieve the purposes of this chapter and to ensure effective coordination of the Federal and non-Federal elements of the Network described in section 308402(c) with System units and programs of the Service, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to the heads of other Federal agencies, States, units of local government, regional governmental bodies, and private entities.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 54, United States Code, is amended by inserting after the item relating to chapter 3083 the following:

''3084. U.S. Civil Rights Network.''.

SA 3323. Ms. STABENOW (for herself, Mr. INHOFE, Mr. PETERS, Mr. PORTMAN, Mr. BROWN, Mr. KIRK, Mr. REED, Mr. BURR, Mr. DURBIN, Mrs. BOXER, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 4470, to amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes; which was ordered to lie on the table; as follows:

Strike out all after the enacting clause, and insert the following:

TITLE _____—PREVENTION OF AND PROTECTION FROM LEAD EXPOSURE

SEC. ___01. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(3) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that is the subject of an emergency declaration referred to in paragraph (2).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (e)(1)(A), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (e)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (e)(2)(A), the Administrator may make a secured loan under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) to—

(i) an eligible State to carry out a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905) to address lead or other contaminants in drinking water in an eligible system, including repair and replacement of public and private drinking water infrastructure; and

(ii) any eligible entity under section 5025 of that Act (33 U.S.C. 3904) for a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905).

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A)(i) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(e) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator a total of $100,000,000 to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to be available during the period of fiscal years 2016 and 2017 for the purposes described in subsection (b)(2).

(B) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under subparagraph (A), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 18 months after the date on which the amounts are made available shall be available to provide additional grants to States to capitalize State loan funds as provided under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Secretary of the Treasury shall make available to the Administrator $70,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) with a goal of providing secured loans totaling at least $700,000,000.

(B) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities described in subsection (c)(1)(A).

(3) APPLICABILITY.—Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(f) HEALTH EFFECTS EVALUATION.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

SEC. ___02. LOAN FORGIVENESS.

The matter under the heading ''STATE AND TRIBAL ASSISTANCE GRANTS'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. ___03. DISCLOSURE OF PUBLIC HEALTH THREATS FROM LEAD EXPOSURE.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of being notified by the primary agency of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity or any other level of lead determined by the Administrator to warrant notice, either on a case-specific or more general basis, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.

''(C) PRIVACY.—Notice to the public shall protect the privacy of individual customer information.''.

(b) CONFORMING AMENDMENTS.—Section 1414 (c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (3)(B), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. ___04. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means a city exposed to lead contamination in the local drinking water system.

(2) COMMITTEE.—The term ''Committee'' means the Advisory Committee established under subsection (c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) LEAD EXPOSURE REGISTRY.—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or another relevant agency at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall establish an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

(i) an epidemiologist;

(ii) a toxicologist;

(iii) a mental health professional;

(iv) a pediatrician;

(v) an early childhood education expert;

(vi) a special education expert;

(vii) a dietician; and

(viii) an environmental health expert.

(B) REQUIREMENTS.—Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

(2) CHAIR.—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) TERMS.—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) APPLICATION OF FACA.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) RESPONSIBILITIES.—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) REPORT.—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to healthcare, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) MANDATORY FUNDING.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to be available during the period of fiscal years 2016 through 2020—

(A) $17,500,000 to carry out subsection (b); and

(B) $2,500,000 to carry out subsection (c).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsections (b) and (c) the funds transferred under subparagraphs (A) and (B) of paragraph (1), respectively, without further appropriation.

SEC. ___05. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD HEALTH PROGRAMS.

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Director of the Centers for Disease Control and Prevention, to be available during the period of fiscal years 2017 and 2018, $10,000,000 for the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1).

(2) RECEIPT AND ACCEPTANCE.—The Director of the Centers for Disease Control and Prevention shall be entitled to receive, shall accept, and shall use to carry out the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1) the funds transferred under paragraph (1), without further appropriation.

(b) HEALTHY HOMES PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development, to be available during the period of fiscal years 2017 and 2018, $10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Housing and Urban Development shall be entitled to receive, shall accept, and shall use to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development the funds transferred under paragraph (1), without further appropriation.

(c) HEALTHY START PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Health Resources and Services Administration, to be available during the period of fiscal years 2017 and 2018, $10,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c-8).

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Health Resources and Services Administration shall be entitled to receive, shall accept, and shall use to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c-8) the funds transferred under paragraph (1), without further appropriation.

SEC. ___06. REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

SEC. ___07. OFFSET.

None of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Renewable Fuel Standard.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., to conduct a hearing entitled ''Ending Modern Slavery: Now is the Time.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Zika Virus: Addressing the Growing Public Health Threat.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on February 24, 2016, at 10 a.m., in room SH–216 of the Hart Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. CORNYN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on February 24, 2016, at 2:30 p.m., in room SD–562 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Opioid Use Among Seniors: Issues and Emerging Trends.''

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on February 24, 2016, at 2:30 p.m.

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

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Regulatory Affairs and Federal Management of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 24, 2016, at 10:30 a.m., to conduct a hearing entitled ''The Unfunded Mandates Reform Act: Opportunities for Improvement to Support State and Local Governments.''

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

PRIVILEGES OF THE FLOOR

Ms. HIRONO. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Manisha Gupta, a fellow on my staff for the remainder of the 114th Congress.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Bayley Sandy, be granted privileges of the floor for the remainder of the day.

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

UNANIMOUS CONSENT AGREEMENT—S. RES. 374

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 1:45 p.m. tomorrow, Thursday, February 25, the Senate proceed to consideration of S. Res. 374, which is at the desk, and I ask that it be held, and that the Senate then vote on the resolution, and that if the resolution is agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

ORDER FOR PRINTING OF TRIBUTES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senators be permitted to submit tributes to Justice Scalia for the RECORD until March

10, 2016, and that all tributes be printed as a Senate document.

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

ORDERS FOR THURSDAY, FEBRUARY 25, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, February 25; 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.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. 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 6:22 p.m., adjourned until Thursday, February 25, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

LIBRARY OF CONGRESS

CARLA D. HAYDEN, OF MARYLAND, TO BE LIBRARIAN OF CONGRESS FOR A TERM OF TEN YEARS, VICE JAMES H. BILLINGTON.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL K. NAGATA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. TODD T. SEMONITE

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271(D):

To be rear admiral

REAR ADM. (LH) MEREDITH L. AUSTIN
REAR ADM. (LH) PETER W. GAUTIER
REAR ADM. (LH) MICHAEL J. HAYCOCK
REAR ADM. (LH) JAMES M. HEINZ
REAR ADM. (LH) KEVIN E. LUNDAY
REAR ADM. (LH) TODD A. SOKALZUK
REAR ADM. (LH) PAUL F. THOMAS

CONFIRMATION

Executive nomination confirmed by the Senate February 24, 2016:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT MCKINNON CALIFF, OF SOUTH CAROLINA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.