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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.

Eternal God, our helper, we sing Your praises and will not keep silent. You clothe us with gladness, and Your favor is for a lifetime.

Bless our lawmakers and hear them when they pray. As our Senators lift their fervent prayers, empower them to meet the challenges of our time. May they always seek You while You may be found, calling upon You while You are near. Lord, when great waters overflow them, protect and preserve them with Your great strength. Be for them a hiding place, and surround them with songs of deliverance.

We pray in Your mighty 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 PRESIDING OFFICER (Mr. HELLER). The majority leader is recognized.

### INTERNET TAX FREEDOM FOREVER ACT

Mr. McCONNELL. Mr. President, the Internet is a resource used daily by Americans of all ages all across our country. Students use it to research school projects and papers. Entrepreneurs use it to help run their busi-

nesses and come up with new ideas. Families use it to manage their busy schedules and stay in touch with their relatives. It is important that they be able to do this without the worry that their Internet access is being taxed.

Congress first voted to ban taxes on Internet access back in 1998, but it was only a temporary ban. Congress has since held that vote eight additional times—eight extensions of the Internet tax moratorium over these years. Today we have an opportunity to make it permanent.

The Internet Tax Freedom Act is a commonsense, bipartisan piece of legislation with 51 cosponsors. I appreciate the diligent work by the Republican Senator from South Dakota and the Democratic Senator from Oregon and, of course, the many efforts of our colleague from Utah to move this legislation. I look forward to supporting it today.

### WAR ON TERROR

Mr. McCONNELL. Mr. President, yesterday the Senate joined together to overwhelmingly pass bipartisan legislation that will further isolate North Korea in response to its policy of aggression. It was necessary because our Nation faces a daunting array of threats and challenges from all across the globe. Our next Commander in Chief, regardless of political party, will face similar challenges upon taking office.

We see terrorist threats from the Islamic State in Iraq and the Levant, from Al Qaeda, and from both of their respective affiliates. For example, the terrorist group that grew from Al Qaeda in Iraq, ISIL, is now not only capable of launching infantry assaults, suicide bomber attacks, and raids initiated by the detonation of IEDs, it is also working hard to radicalize individuals over the Internet and is determined to keep attacking Westerners right here where they live.

We see threats to stability in Afghanistan from Taliban forces and the Haqqani Network. For example, just this week we learned that additional U.S. forces will be needed to reinforce the Afghan National Security Forces in Helmand Province. We have a determined partner in President Ghani, and General Campbell has testified that we need to maintain a sufficient force posture to both train and advise them and also conduct counterterrorism operations.

We see challenges from countries looking to aggressively expand their influence, such as China and Russia and Iran, while, of course, diminishing our influence. For example, Russia is rebuilding its conventional and nuclear forces while launching cyber attacks, conducting espionage, and propping up paramilitary forces like we see in Ukraine. China is rebuilding and modernizing its conventional and nuclear forces, as it masters the tactics of low-intensity conflict designed to coerce our allies without provoking an overwhelming response from us.

The challenges we face today are very great. They are likely to be even greater tomorrow. All of this comes at a time when America must rebuild both its conventional and nuclear forces.

Clearly, the next Commander in Chief is going to take office confronting a complex and varied array of threats. After 7 years of the Obama administration delaying action in the War on Terror, the next administration will need to return to the fight and to restore our role in the world. We want to work with our next President, regardless of party, to do the things we know are needed to help protect our country, but that incoming leader also needs our help now, and we should take action now in this year of transition.

The Secretary of Defense last week announced two aspects of this—first, a defense budget request that emphasizes the weapons systems needed to balance

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



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against China's anti-access and area denial weapons and plans and a regional security initiative designed to resist Russian encroachment in Eastern Europe.

General Dunford has talked about the acute threat represented by ISIL in Libya and the need to take action against this group. Other defense officials have recently focused on the need to rebuild the nuclear triad too.

It is clear what needs to be done. For instance, we know that our nuclear forces must be modernized to deter countries such as Russia, China, Iran, and North Korea. We know that our conventional forces must be modernized to both balance against and contain their regional aspirations. We know that our Special Operations and Marine expeditionary units must be maintained and equipped to conduct counterterrorism and regional response. That means providing sufficient sealift and naval platforms and carrier air wings to keep amphibious-ready groups and carrier battle groups on station rather than withdrawing our presence at the very moment allies are questioning our commitment to traditional alliances. It means that our regional combatant commanders need sufficient force levels to protect our interests.

We know the commander of Central Command must have the assets needed to assure our moderate Sunni allies, the United Arab Emirates, Jordan, and Saudi Arabia, and help them resist Iran's efforts to intimidate neighbors.

In the Pacific, we know we must undertake a sustained buildup of naval air and expeditionary capabilities and work closely with Japan, South Korea, and other regional partners if we want to lead within the region and deter China's belligerent policies.

We know that the authorities our intelligence and counterterror forces need to defeat ISIL must also be renewed and restored.

We know that we must return to capturing, interrogating, and targeting the enemy in a way that allows us to defeat terrorist networks.

It is clear that the Obama administration has failed to lead in sustaining the force and in meeting these strategic objectives. We have seen that the administration's efforts to employ Special Operations Forces to train and equip units in Yemen, Syria, and Iraq have proven insufficient to generate the combat power that is needed to defeat the enemy.

The economy of force strategy set forth in the President's West Point speech has failed. National security policies that were for too long focused on campaign promises made back in 2008, such as the effort to close Guantanamo, to withdraw from Iraq and Afghanistan based on arbitrary deadlines, and to end the War on Terror and take away the CIA's detention and interrogation capabilities and remake it into a Cold War clandestine service, are finally giving way to geopolitical reality today.

The fact that current members of the Obama administration are now recognizing the threat and the need to rebuild the force should inspire all of us to get started now—this year, not next year. I think we should be doing all we can today to ready the force for the challenges ahead and to lay the groundwork for the next President regardless of party. Passing the North Korea Sanctions and Policy Enhancement Act yesterday was a positive step, but we must also ensure that the United States does not withdraw from our alliance and forward presence.

With sustained bipartisan cooperation, we can pass a national defense authorization act at levels that will allow us to modernize the force and execute current operations against ISIL and in Afghanistan while meeting our commitments to keep the force ready. With sustained bipartisan cooperation, we can pass Defense appropriations at adequate levels to train and equip and sustain the best military in the world. Doing what is required will necessitate a sustained effort, but we can begin now, if colleagues are willing to work with us in this year of transition. Let's work together to keep our country safe.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### CUSTOMS BILL

Mr. REID. Mr. President, the Customs bill is another in a series of missed opportunities and half-measures that have characterized this Congress. The legislation we are going to vote on today, the conference report on Customs, misses the opportunity to take strong action against currency manipulation. The bill we sent out of here had strong currency manipulation language in it; it is not there anymore.

It throws up unnecessary hurdles to agreements on climate change. It basically says that any agreements the United States makes cannot take climate into consideration—on any of those agreements.

No one that I know of opposes the legislation that is stuck inside this Customs conference report dealing with taxation on the Internet. We all support that. But the sad part about this is the manipulation to get it in this bill. It did not start in either House; it was just airdropped into the conference report. The reason it was done that way is everyone knew that if this matter was brought up—the Internet Tax Fairness Act—as part of it, we always had marketplace fairness. That was part of the deal. They went together. But the manipulation took place.

This most important piece of legislation dealing with helping States—States are struggling. It does not matter which States they are, they are

struggling. What we have are the brick-and-mortar places that can't compete with online merchandising. Someone who has a brick-and-mortar store—someone will walk in, see something they like, and then they will walk out, go to the computer, and buy it online. They pay no taxes. That is unfair to the brick-and-mortar stores and small businesses across America. It would help States remarkably if people who buy on the Internet would have to pay the same taxes as someone who buys in a brick-and-mortar store.

But in an effort to protect a number of Senators—one in particular—this matter was stuck in this bill. We have just a few States that don't have a sales tax. One of those Senators is up for reelection. She has a very tough election, and anyone who understands politics a little bit understands that this was done as a result of trying to protect her.

But as Senator DURBIN, the person who has pushed this marketplace fairness more than anyone else—except perhaps for Senator ENZI and LAMAR ALEXANDER—knows, what has been done is unfair. But they have been told this matter will be brought up before the end of the year. So I don't know what solace that should give the Senator who is worried about the marketplace fairness passing because it would seem to me that the vote we had here earlier was 69 votes, and it will pass again. The Speaker has told me that he is going to bring up marketplace fairness on the House side. So we are going to vote on it before the end of the year. It is going to be the law anyway.

It is too bad small businesses have to wait again for 6 months or 8 months to get this done.

The Customs bill does not do enough to enforce our trade agreements or protect American workers, and I will oppose it.

#### BUDGET AND DEFENSE

Mr. REID. Mr. President, I wish to make a few comments on the statements of the Republican leader, my friend. It is obvious that he has been reading the press and perhaps talking to some people on the House side. These people have created so many problems.

This right, right, rightwing in the House of Representatives is now saying that what we did, having a 2-year budget, they want to change. They want to take money away from the middle class and give it to defense.

I supported the North Korea sanctions. It is a good piece of legislation. I supported what we did in December. It was good legislation. But we decided that the military, as strong as it is, should remain strong but that we should give some equal footing to the middle class, and we did that.

Now my friend the Republican leader is obviously trying to pave the way to increase defense funding and go against the middle class.

Deportation means death to some of these people, and I am not being overly dramatic. A study documents 83 people who had been deported from this Northern Triangle who were subsequently murdered—83. Given the life-

and-death consequences of deportation in this region, we must ensure that we are not putting asylum-seeking women and children in harm's way. We can do this by making sure that these desperate women and children have a lawyer.

The humanitarian crisis at our doorstep demands that we, as Americans, affirm our fundamental values of protection and due process, especially for children. The Fair Day in Court for Kids Act will uphold these most basic American virtues and values which we hold dear.

Protecting children—children like Angela—isn't a partisan issue. This is something I hope we can all agree on.

So I urge my colleagues, Democrats and Republicans, to support this legislation.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 644, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 644, a bill to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. will be equally divided between the two leaders or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, today the Senate is poised to take a major step forward in advancing a robust agenda for international trade that better reflects the realities of the 21st century global economy. It provides real benefits for our country.

Later today, the Senate will vote on and hopefully pass the conference report for H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015, legislation that we originally passed last May.

Mr. President, I ask unanimous consent that Senator WYDEN follow my remarks in this matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I am coauthor of this legislation, and many of the provisions in this conference report have been in the works for several years. I also chaired the conference committee that was charged with reconciling the differences between the Senate-passed and House-passed versions of this bill.

In my view, the committee was a huge success. I believe our report represents a strong bipartisan, bicameral

agreement to address a number of trade policy priorities.

I want to talk about some of the specifics of this legislation, which most of us generally refer to as the "Customs bill." Once this bill is signed into law—and I hope it will be in short order—it will enact policies designed to achieve three main goals.

The first goal is to facilitate and streamline the flow of legitimate trade into and out of the United States. The bill makes a number of changes to reduce bureaucracy and improve consultation among executive agencies, Congress, and the private sector. These changes will facilitate trade and improve our competitiveness by reducing unnecessary burdens and delays created by our overly bureaucratic system, which, in turn, will help create jobs and grow our economy.

The second major goal of the Customs bill is to improve enforcement of our trade laws. It does so in a number of ways. For example, the bill establishes a new, improved process at CBP for dealing with evasion of our anti-dumping and countervailing duties laws and provides clear direction and robust rules for identifying and addressing currency manipulation on the part of our trading partners. It also includes dramatic improvements to better protect U.S. intellectual property rights. This has been a high priority for me, as most of my colleagues know, and it is a high priority for my people in the State of Utah, whose economy is highly dependent on strong intellectual property rights. Combined, these enforcement provisions will provide greater protection for American workers and consumers and help ensure that foreign competitors will not have unfair advantages in the global marketplace.

The third major goal of the Customs conference report is to strengthen the trade promotion authority statute that we enacted last year, reflecting various priorities and concerns from Members of both parties. For example, the bill clearly and strongly reaffirms that trade agreements should not include—and TPA procedures should not be used dealing with respect to—immigration policy or greenhouse gas emissions. It also creates a new negotiating objective to remove barriers facing American fishermen who export into foreign markets, and it provides important procedures related to the reporting of human trafficking.

While this Customs bill was specifically designed to address these three policy goals, it goes further to address other priorities as well. For example, the bill will combat politically motivated boycotts, divestments, and sanctions against Israel, bolstering our already strong economic ties with one of our most important strategic allies. And it provides trade preferences for Nepal in order to provide economic recovery in the aftermath of the devastating earthquake last year.

Before I conclude, I do want to note that a number of my colleagues, as

well as businesses and job creators around the country, were hoping that the conference report on the Customs bill would include a reauthorization of the miscellaneous tariff bills, or MTBs. I want to make clear that I support MTBs and want to get them passed. That is why they were included in the original Senate-passed version of the Customs bill. There are, of course, some procedural concerns that complicate the MTBs, particularly over in the House, which have made it difficult to reach a workable compromise. However, the conference report does include a strong sense-of-Congress statement reaffirming our shared commitment to advancing MTB legislation in a process that provides robust consultation and is consistent with both House and Senate rules.

I also want to reaffirm my personal commitment as chairman of the Senate Finance Committee to work with my colleagues to find a path forward on MTBs that will work for those on both sides of the Capitol. Needless to say, I am very pleased with how this conference report turned out.

I have many people I want to thank, and I will thank them once the bill gets done. For now, I specifically want to thank the vice chair of the conference committee, Chairman KEVIN BRADY, for his work on both the committee itself and on the substance of the report.

I also want to thank the ranking member of the Finance Committee, Senator WYDEN, for his efforts to ensure passage of this conference report. It is a pleasure to work with Senator WYDEN, and we have very much been able to work in a bipartisan way as we worked on this committee together.

Last spring, Republicans and Democrats on the Finance Committee came together to draft and report four major pieces of legislation, three of which have already been signed into law. That, of course, included our TPA bill, a bill to renew important trade preferences programs, and another bill to reauthorize the Trade Adjustment Assistance program. The fourth was our Customs bill, the one we will hopefully pass today.

These four bills represented the priorities of Members throughout the Senate and on both sides of the aisle. Collectively, they will shape the policy landscape on trade—not just here in the United States but around the world as well—for years to come. Perhaps more importantly, they also represent what is possible when Members of both parties work together to achieve common goals.

Of those four bills, the Customs bill is the only one that hasn't been enacted into law. I am cautiously optimistic that we will rectify that later today. I am hoping that, just like the three other trade bills, the Customs bill will pass with broad, bipartisan support.

I urge all of my colleagues to vote later today to advance the Customs bill

to the President's desk and to put in place these much-needed reforms.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of supporters of the Trade Facilitation and Trade Enforcement Act of 2015.

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

TRADE FACILITATION AND TRADE  
ENFORCEMENT ACT OF 2015  
LIST OF SUPPORTERS

Airforwarders Association, Alliance to End Slavery and Trafficking, Aluminum Extruders Council (AEC), American Apparel & Footwear Association, American Association of Exporters and Importers, American Cable Association, American Chemistry Council, American Commitment, American Consumer Institute, American Honey Producers Association, American Iron and Steel Institute (AISI), American Petroleum Institute, American Trucking Association, American Wire Producers Association, Americans for Tax Reform, Association of Global Automakers, BACM, California Fresh Garlic Producers Association, Canadian/American Border Trade Alliance, Cargo Airline Association, Christopher Ranch, Center for Freedom and Prosperity, Center for Individual Freedom, Citizens Against Government Waste, Coalition to Enforce Antidumping & Countervailing Duty Orders, Coalition of Services Industries, Committee to Support U.S. Trade Laws, Competitive Carriers Association, Competitive Enterprise Institute.

COMPTEL, Computing Technology Industry Association, Consumer Action, Copper & Brass Fabricators Council, Council for Citizens Against Government Waste, Crawfish Processors Alliance, CTIA—The Wireless Association, Digital Liberty, Discovery Institute, Etsy, Express Delivery and Logistics Association, Fashion Accessories Shippers Association, Footwear Distributors & Retailers of America, Foreign Trade Association, Freedom Works, The Garlic Company, Garment Association Nepal, Gemini Shippers Association, Global Automakers, Heartland Institute, Hispanic Heritage Foundation, Hispanic Leadership Fund, Hispanic Technology & Telecommunications Council, Independent Women's Forum, Independent Women's Voice, Information Technology & Innovation Foundation, Institute for Policy Innovation, Institute of Makers of Explosives, International Trade Surety Association, The Internet Association.

ITTA—The Voice of Mid-Size Communications Companies, Jeffersonian Project, Latino Coalition, Leggett & Platt Inc., LessGovernment.org, LULAC, Madery Bridge Associates, Media Freedom, Monterey Mushrooms, Inc., Multicultural Media, Telecom and Internet Council, Municipal Castings Association, National Association of Black County Officials, National Association of Chemical Distributors, National Association of Foreign-Trade Zones, National Association of Manufacturers, National Association of Neighborhoods, National Black Caucus of State Legislators, National Black Chamber of Commerce, National Cable & Telecommunications Association, National Cattlemen's Beef Association, National Caucus of the Black Aged, National Coalition for Black Civic Participation, National Customs Brokers and Forwarders Association of America, National Foreign Trade Council, National Hispanic Council on Aging, National Industrial Transportation League, National Organization of Black County Officials, National Puerto Rican Coalition, National Retail Federation, National Tank Truck Carriers, National Taxpayers Union.

NOBEL Women, Nucor Corporation, Outdoor Industry Association, R Street Institute, Reusable Industrial Packaging Association, Semiconductor Industry Association, SER—Jobs for Progress, Sioux Honey Association, Small Business and Entrepreneurship Council, Spice World, Inc./Valley Garlic, Taxpayers Protection Alliance, TechFreedom, Technology Councils of North America, Travel Goods Association, United Spinal Association, U.S. Black Chamber, U.S. Chamber of Commerce, U.S. Fashion Industry Association, U.S. Hispanic Chamber of Commerce, U.S. Hispanic Leadership Institute, U.S. Internet Service Provider Association, United States Council for International Business, United States Telecom Association, University of British Columbia Fisheries Centre, UPS, Vessey & Company, Women Impacting Public Policy.

Mr. HATCH. Mr. President, I yield the floor to the distinguished Senator from Oregon.

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

Mr. WYDEN. Mr. President, I thank Chairman HATCH for his good work and his very gracious comments.

I note our colleagues have been very patient, so I ask unanimous consent that following my remarks, Senator ALEXANDER be recognized for 7 minutes and, immediately after Senator ALEXANDER, Senator STABENOW be recognized for up to 10 minutes.

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

Mr. WYDEN. Colleagues, this bill is about coming down hard on the trade cheats who are ripping off American jobs.

The truth is, past trade policies were often too old, too slow, or too weak for our country to fight back. This legislation says those days are over. The legislation ushers in a new day and a fresh, modern approach—a tougher approach—to enforcing trade laws that start moving our Nation to a policy that I call getting trade done right. It is about creating tough trade enforcement policies, seeing them through, and standing up to anybody who tries to get around them. No matter how a Senator chooses to vote on a particular new trade agreement, I hope that stronger trade enforcement and fighting back against the trade cheats would be a priority for every Senator.

The reality is, the amount of cheating that is going on is staggering. It takes your breath away. We saw it a couple of years ago when we set up a sting operation and in effect invited the cheaters to have at it. We were deluged with those who wanted to skirt the laws, use shell games, sophisticated schemes, and fraudulent records to evade duties. You would smile at some of the inventiveness involved if we didn't see how painful it was for the American companies getting ripped off this way.

One of the most common schemes—one of the biggest loopholes involves something called merchandise laundering. In effect, when a company gets busted for violating the trade laws, the countervailing duty laws, in effect they go to another country and slap a label

on it and are able to skirt the laws. Because his companies that make honey were victims of this, at one point Senator SCHUMER, my colleague on the Finance Committee, said: What is going on is honey laundering, but it is not very sweet for the people who are getting ripped off. That is what we seek to change.

I could thank a lot of colleagues of both political parties for their good work here, but I just want to single out a few on our side. I know Senator HATCH is going to say more about colleagues on his side.

I particularly want to praise Senator BROWN. Senator BROWN led the fight repeatedly to close outlandish loopholes that allow products made with slave and child labor to be imported into the United States. What the old law basically says is that economics trumped human rights—that if there was an economic reason for using slave and child labor, you could do it. We have closed that loophole. There was bipartisan support for it, and I commend Senator BROWN for this.

Senator STABENOW made a successful effort to have a more coordinated approach so that the left hand and the right hand would know what was being done in terms of trade enforcement. We now have a trade enforcement center that is going to do that.

Senator CANTWELL worked to ensure that we have an important new trust fund—a trust fund for trade enforcement. It ought to be a priority to lock in all of the funds necessary to help protect our workers and businesses.

Senator SHAHEEN led the fight in order to ensure that smaller businesses had a bigger seat at the table in terms of the effort to reach new markets. I commend her for it.

Senator BENNET in particular did very good work with respect to trade enforcement in the environmental area. The package directs the trade negotiators to act against illegal fishing and the trade of stolen timber—something the Senator from Arkansas and I know a great deal about. I am also very pleased because Senator BENNET and others worked hard to ensure that this legislation goes further than ever before to fight the currency manipulators and stop them from undercutting our workers and our businesses.

At the end of the day, Democrats and Republicans came together. There were spirited debates about trade agreements and whether to pass new ones. What this is all about is just the opposite—just the opposite—of a new trade agreement. This is about making sure we get tough and enforce the laws on the books for what we already have. There shouldn't be any dispute about that, and, certainly in the Finance Committee, Democrats and Republicans were united.

Finally, I want to make one last point. I am glad the distinguished Senator from Tennessee is on the floor. I am very pleased that there has been an agreement with the majority leader,

the Senator from Tennessee, and the senior Senator from Illinois so that the ideas Senator ALEXANDER wants are going to get heard on the floor of the Senate. His interests are going to be heard and discussed fully. I want to assure him that there aren't going to be any kind of procedural delays and objections when that is done. He is going to have a chance to have his concerns heard and a vote on them, based on what I have been told about the agreement with the majority leader.

In this bill, there is a chance for the Congress to finish the job of something I think is also important, and that is to say on a permanent basis—a permanent basis—we are not going to have regressive taxes on Internet access and discrimination, particularly against working families for whom, if there were regressive taxes on working families who rely on Internet access to get information about education and employment opportunities, we would harm those families at a time when they are already walking on an economic tightrope, balancing their food bill against their fuel bills and rent bill against energy costs. We shouldn't have regressive taxes on Internet access. With this legislation, we can ensure that will not happen. It has been a bipartisan effort for nearly 20 years, and with this we can say no to those regressive taxes as a result of the work that was done. As I noted, the concerns Senator ALEXANDER wishes to raise are going to be heard in the future as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Oregon for his courtesy this morning. I appreciate the senator's remarks on allowing our different points of view to come to the floor and let's vote on it. He is speaking, of course, about the Marketplace Fairness Act, which is a 12-page bill which represents a two-word issue: States' rights.

The Majority Leader has said we'll have the ability to vote on that sometime before the end of the year. It is a bipartisan bill. It passed the Senate 2 years ago with 69 votes. It recognizes that States have the right to decide for themselves whether to collect their State sales taxes from all of the people who owe the taxes or some of the people who owe the taxes. It would allow States to do that if they simplify tax administration and exempt small online sellers from collection requirements. It would create a pathway for States and localities across the country to begin collecting an estimated \$23 billion annually in uncollected taxes—taxes that are already owed. They can then use that money to balance their budget, to reduce other taxes, to pay for vital services.

I don't think Tennessee or any other State should have to play “Mother, may I?” with the Federal Government when deciding whether to collect, or not collect, a State tax that is already owed.

I can say to our friends on both sides of the aisle, the States are not going to put up with this for very much longer. If Congress continues to be an obstacle to States making their own decisions about their tax structures, governors are going to be suing companies around the country and say, if you are going to sell in our State, you are going to collect the tax that everybody owes. At that point, all those businesses are going to run to us and say: Please pass the Marketplace Fairness Act.

I don't think we get any wiser about flying to Washington—one hour in my case—every week than the Governor and the legislature about what our tax structure ought to be. We don't like an income tax in Tennessee, so we have a sales tax. We don't need any incentives from Washington to force us to pass an income tax in Tennessee.

Let me say a word about the vote today. I ask the chair, since I noticed the Senator from Michigan is on the floor, to please let me know when all but 30 seconds has expired.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. As far as the vote today goes, this distinguished body seems to have developed a case of amnesia. We seem to have forgotten what happened in 1994. 300 Republicans stood on the steps of the Capitol with the Contract with America and said: If we break our contract, throw us out.

One goal of that contract was to stop Washington from imposing unfunded mandates on States. One of my most vivid memories is Senator Bob Dole running around the country with a copy of the Constitution and reading the Tenth Amendment to Governors. The Tenth Amendment says: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States. . . .”

He said that. I was there. We were both running for President at the time. The Tenth Amendment was the heart and soul of the Contract with America. Senator Dole was good to his word. The first bill in the Senate after the Republican Revolution in 1994 was a bill prohibiting unfunded mandates. Republicans opposed unfunded mandates then. They should oppose them today. According to the Republican conference rules, “The Senate Republican Conference believes that Congress should not create new federal unfunded mandates on state and local governments.”

However, today the vote we are about to cast breaks that promise. The Customs bill has a provision that permanently extends the so-called Internet Tax Freedom Act. It prohibits State and local governments from taxing access to the Internet. It tells seven States that are currently collecting a tax that they can't continue to collect. These seven States will lose \$100 million in 2020 and several hundred million each year after that.

This was not even considered by the House or the Senate when they passed

the bill. It was airdropped in violation of rule XXVIII, so the vote we are casting today, a “yes” vote, violates the Contract with America, violates the Senate Republican rules, and violates the Senate's rules.

I will agree there may be a Federal interest in not taxing Internet access. I agreed with that in the 1990s. Maybe for the first three years there should have been a moratorium when the Internet came along, but where will it end? If you tell States they can't tax access to the Internet, you can also tell them they can't tax access to telephones or food or gas because all of those are important to interstate commerce. It is wrong for Washington to be telling States what their tax structure ought to be. We are not any wiser than the Governor of Tennessee. We're not any wiser than the State legislature in Tennessee. We should leave those decisions to them.

That is my objection to the bill today. Instead of voting to oppose another unfunded mandate that tells States what not to do, Congress should consider passing the Marketplace Fairness Act later this year. We should not fall into this bad habit that existed before the Republican revolution of 1994, of assuming that just because we were elected to come to Washington, suddenly we are wiser than all the Governors and all of the legislatures. They are not quite as wise, we are saying. We ought not to be telling them what to do about their tax structure. We ought to leave that to them as the Senate Republican rules say, as the Contract with America said, and as the Tenth Amendment to the Constitution says. Let States do their job, and let us do our job.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Michigan.

FLINT, MICHIGAN, WATER CRISIS

Ms. STABENOW. Mr. President, first, I commend my friend and colleague from Tennessee and share his feelings about passing the Marketplace Fairness Act. I hope we are going to see that happen as soon as possible.

I am joined on the floor by my dear friend and colleague from Michigan. We are united in speaking out about the urgent crisis in Flint.

If you will let me know when I have consumed 6 minutes, please.

The PRESIDING OFFICER. The Senator will be so notified.

Ms. STABENOW. Over the last couple of weeks, we have been negotiating and negotiating with the chair of the Energy Committee, the ranking member, and with other colleagues on the other side of the aisle. I want to particularly thank our ranking member who has stood with us day after day in the effort to make sure we can get some help for the children and the families of Flint. I thank our colleagues on this side of the aisle for standing with us as well.

We have been looking for an opportunity, a way to come together to help



The fact that we are not coming together to do this is why people have such disdain for this body—the Senate and the House—because they think

that in times of crisis, we pick and choose whom we help. Let's not pick and choose whom we help. Let's help everybody. Let's help the people of Flint. Let's help the children of Flint and show that we are a compassionate country and that we do not pick and choose. Everybody should get our support.

I hope we can come together and compromise. We need to take some of these pay-fors and do what is necessary to address this issue.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, if the Senator will yield for a question, I wish to ask the Senators from Michigan whether they were aware that the Governor has made a request of the Michigan Legislature for at least \$195 million to help the families and the community of Flint?

The PRESIDING OFFICER. All time for debate has expired.

Mr. CORNYN. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority whip.

Mr. CORNYN. Mr. President, I just want to ask the Senators from Michigan whether they are aware of the request that the Governor has made to address the crisis that they have identified in Flint and whether they feel like that money, the \$195 million, would be applied to the same problem they have identified.

Ms. STABENOW. Mr. President, if I may respond to that.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. The Governor of Michigan sent a letter to the President asking for close to \$800 million in disaster assistance to deal with all of the issues we are talking about. What we have been working to do is ask for Federal help for about 25 percent of that, with the balance of it being paid for by the State of Michigan.

The State of Michigan certainly has incredible culpability related to this matter. We understand they are addressing this issue, and it is about time that they did that. It does not take the place of our helping the people of Flint and helping to solve this issue as much as any other issue we have talked about today.

Mr. CORNYN. Mr. President, I know all time has expired. I yield the floor, and we will continue this discussion at some other time.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 644, an act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

Mitch McConnell, David Perdue, Pat Roberts, Roy Blunt, Chuck Grassley, Shelley Moore Capito, Richard Burr, Mike Crapo, Thad Cochran, John Thune, John Hoeven, Tim Scott, Lisa Murkowski, Rob Portman, Kelly Ayotte, Tom Cotton, Orrin G. Hatch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 644, an act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mr. SULLIVAN).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 73, nays 22, as follows:

#### [Rollcall Vote No. 21 Leg.]

#### YEAS—73

Ayotte	Feinstein	Murphy
Barrasso	Fischer	Murray
Bennet	Flake	Nelson
Blumenthal	Gardner	Paul
Blunt	Grassley	Perdue
Booker	Hatch	Peters
Boozman	Heitkamp	Portman
Burr	Heller	Risch
Cantwell	Hoeven	Roberts
Capito	Inhofe	Sasse
Cardin	Isakson	Scott
Carper	Johnson	Sessions
Casey	Kaine	Shaheen
Cassidy	King	Shelby
Coats	Kirk	Stabenow
Cochran	Klobuchar	Tester
Collins	Lankford	Thune
Coons	Leahy	Tillis
Corker	Lee	Toomey
Cornyn	Manchin	Vitter
Cotton	McCain	Warner
Crapo	McConnell	Wicker
Daines	Merkley	Wyden
Donnelly	Moran	
Ernst	Murkowski	

#### NAYS—22

Alexander	Heinrich	Rounds
Baldwin	Hirono	Schatz
Boxer	Markey	Schumer
Brown	McCaskill	Udall
Durbin	Menendez	Warren
Enzi	Mikulski	Whitehouse
Franken	Reed	
Gillibrand	Reid	

#### NOT VOTING—5

Cruz	Rubio	Sullivan
Graham	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 22.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. McCONNELL. Madam President, I would like to announce for our colleagues that we expect the Chair to put the question to the body on adoption of the conference report once we are finished with speakers, which will be around noon; then there will be another vote at 1:45 p.m. this afternoon on an Iowa district judge before leaving for the recess.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Thank you, Madam President, for your recognition.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 365; that the Senate proceed to vote without intervening action or debate on the nomination and, if confirmed, the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. On behalf of Senator RUBIO, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL. Madam President, this is about the nomination of Roberta Jacobson to be Ambassador to Mexico. This is one of the critical positions with one of our Nation's largest trading partners. It has now been vacant for over half a year.

Important work is left undone. We also have in this individual, Roberta Jacobson, a highly qualified career nominee. She is ready to serve. She has solid support on both sides of the aisle. There is no doubt in this Senator's mind—and I think many Senators' minds—that we need a strong Ambassador in Mexico City to represent our interests.

Mexico is working with us to stop those who cross our southern border illegally. Mexico is our third largest trading partner. One million American citizens live in Mexico. It is our top tourist destination with millions of U.S. visitors going to Mexico every year. There is a lot of work to be done on combatting illegal drug trade, including the trafficking of illegal opioids, reforming the judiciary, and creating economic opportunities on both sides of the border. That is something we are working on together, and we are working together to address immigration issues while cracking down on deadly border violence.

In New Mexico, we know the importance of this position and this partnership with Mexico. My State shares a border with Mexico; we also share a cultural heritage and trade that grow with Mexico every year. Exports from New Mexico to Mexico have soared from over \$70 million 15 years ago to \$1.5 billion a year now. Over 36,000 jobs



Last but certainly not least, I want to point out that this conference report includes provisions strongly in support of our ally, the State of Israel. Unfortunately, we have seen a disturbing

trend in recent years where some nations are attempting to discriminate against Israeli-made goods for political reasons. This legislation creates a new principal trade-negotiating objective under trade promotion authority designed to discourage these unfair practices against Israel. Once this conference report becomes law, if a foreign nation proposes a new trade agreement with the United States, that nation will need to demonstrate that it does not have politically motivated discriminatory policies in place against our strongest ally in the Middle East.

I commend Senator CARDIN and others who worked diligently to update our trade laws with respect to harmful actions against the State of Israel. I am pleased that we are finally seeing these efforts come to fruition.

Enactment of this legislation into law will represent a win for American manufacturers and farmers, a win for American producers, who have been harmed by unfairly traded Chinese goods, a win for small business owners looking to engage in global commerce, a win for consumers who depend upon Internet access that is accessible and affordable, and a win for those of us who want to stand up and support the State of Israel when that nation is being unfairly targeted. But all of that will be at risk if we do not pass this conference report. The House of Representatives has been very clear that it will not take up this bill again. All the good things in this bill that I mentioned will die. They will not become law if we do not pass the conference report as it is. The House approved this conference report over a month and a half ago. It is past time that we do the same. Let's get this done today and send this bill to the President for his signature. Let's continue to work together on other issues that still need to be addressed.

I thank Finance Committee Chairman HATCH and Ranking Member WYDEN for all of their hard work in getting us to this point. I hope the Senate will go on record—and I urge my colleagues to support this important trade enforcement legislation—in what I hope will be a very big and decisive vote.

This legislation is good for America. It demonstrates once again that the Senate takes seriously its responsibility to get results and get things done for the American people. It is good for our economy, it is good for jobs, and it is good for the overall health and vitality of our country.

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

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

Mr. ENZI. Madam President, I rise today to express my concerns with the

Customs conference report. While I support the Customs provisions in this conference report, as well as the Internet tax moratorium, I cannot support the way these issues were merged in conference.

I have said for years that the Internet Tax Freedom Act should be paired with e-fairness legislation because I think it is reasonable to tell the States that when we take away their ability to tax Internet access, we are giving them the ability to collect the State and local sales and use taxes already owed on remote sales. It is beyond time for Congress to give States that right. Congress's failure to act has created a burden on our States and local governments, which are losing billions in tax revenue that they need for local responsibilities.

As a former mayor and State legislator, I understand how important sales tax revenue is to State and local governments for maintaining schools, fixing roads, and supporting local law enforcement, fire departments, and emergency management crews.

Congress's inaction on e-fairness legislation implicitly blesses a situation in which States may be forced to raise other taxes, such as income or property taxes, to offset the growing loss of sales tax revenue. In December, in-store sales were about the same as the year before, but Internet sales grew by about 40 percent.

To be clear, we are talking about a substantial loss in revenue. In 2012, States missed out on an estimated \$23 billion in uncollected but owed use taxes from all remote sales. About \$61 million of that would have gone to my home State of Wyoming. Those numbers increase every year as online sales increase. States missed the opportunity to collect an estimated \$26 billion in remote sales and use taxes in 2013. Wyoming lost an estimated \$81.2 million, so \$61 million to \$81 million.

Congress's failure to act is also hurting our local stores, which hire local people who support local events and help out in the community. The same stores that are required to collect State and local sales and use taxes while their online and catalog competitors are not.

As a former small business owner, I believe it is important to level the playing field for all retailers—in-store, catalog, and online—so an outdated rule for sales tax collection does not adversely impact small businesses and Main Street retailers. I have given the example before of a friend in Sheridan who has a camera store. He has people come in and look at some very expensive cameras and get all of the instructions and find out about all of the accessories. Then they just take a little picture of the bar code on that and order it online. The difference in price? The sales tax. He provides the service, but loses the sale, and it is because the sales tax is not collected online. That is not fair. I used to have a shoe store. The same thing is true. They can get

the fit they need, the adjustments they need, and know exactly the shoe they want. Check the bar code online. What is the difference? The sales tax. It really hurts if they order it in front of you. Televisions, bicycles—there are all kinds of examples of this same sort of thing happening.

This issue also affects online stores. More and more States are successfully implementing their own laws to ensure they can collect these remote sales and use taxes. They are doing it piecemeal. This will create a patchwork of complicated, uniquely tailored, and incongruent laws for all businesses to comply with.

For many years I have worked with all interested parties to find a mutually agreeable way to solve this problem. But instead of taking up legislation that prevents taxation of Internet access and also helps State and local governments and businesses, we have a conference report before us that includes the Internet Tax Freedom Act, which was just dropped in without any separate vote or debate. The Senate has not considered it in the committee nor on the floor.

Instead of considering this inserted issue now, we should have combined it with legislation that restores States' sovereign right to enforce State and local sales and use tax laws. What I am proposing is not a tax on the Internet. I am opposed to that. Rather, e-fairness legislation would give States the option to collect their sales and use taxes already due on all purchases.

Unlike this airdropped Internet Tax Freedom Act provision, the Senate has overwhelmingly voted in support of e-fairness with a bipartisan group of 69 Senators supporting the Marketplace Fairness Act in the last Congress, and we were not even able to get a vote on our amendment.

I thank my colleagues who have worked so hard on this issue, especially Senators DURBIN, ALEXANDER, and HEITKAMP. I thank the businesses, the trade groups, the State and local governments, and all of the other stakeholders who have helped us educate offices about this issue. I thank the leader for listening to our concerns about this conference report. But ultimately I oppose the conference report because, while Congress should pass the Customs bill and this provision this year, Congress should also pass e-fairness legislation this year that allows States to collect the sales and use taxes they are owed for remote sales already.

I yield the floor.

AMENDING 19 U.S.C., SECTION 1501

Mr. HATCH. Madam President, the bill we will be voting on shortly contains a provision amending 19 U.S.C., section 1501, which relates to the liquidation of entries into the U.S. The provision in the conference report amending section 1501 is intended to ensure in cases where liquidation occurs by operation of law, the 90-day timeframe for the voluntary reliquidation of an entry by Customs and Border

Protection begins on the date of the original liquidation.

I would ask my colleague, Senator WYDEN, the ranking member of the Finance Committee, if that is his understanding of this provision as well.

Mr. WYDEN. Madam President, I agree with Senator HATCH. That is the intent of the provision amending 19 U.S.C., section 1501.

Mr. THUNE. Madam President, I am pleased to have been one of the conferees to H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015.

There are many important provisions in this legislation, some of which I helped to draft.

There is one such provision that I particularly want to highlight. Honey producers in my State of South Dakota as well as producers of honey, crawfish, garlic, and mushrooms around the country, have suffered for 15 years because of unfair dumping from China. Senator WYDEN and I have worked together for 5 years to ensure that the trade laws were enforced in these cases.

Unfortunately, the latest struggles have been more with U.S. Customs and Border Protection, CBP, than with Chinese dumpers.

Duties collected on dumped imports and all interest on those duties from 2000 and 2007 were to be paid to the injured domestic producers to allow them to reinvest and rebuild. For reasons that defy simple explanation, CBP ignored the direction of the statute to pay all interest to producers and instead deducted some types of interest from payments to producers.

In effect, this practice amounted to forcing South Dakota honey producers to pay for the delays caused by Chinese dumpers, the U.S. insurance companies that posted bond for the duties, and in some cases of CBP itself. This practice defies the plain language of the statute and cost domestic producers tens of millions of dollars over the years.

During the Finance Committee markup of this legislation, Senator GRASSLEY, Senator NELSON, and I offered an amendment which is included in this conference report that corrects CBP's misreading of the law. This is an important victory for honey, crawfish, garlic, and mushroom that have suffered from Chinese dumping and CBP's unfounded practice.

Mrs. SHAHEEN. Madam President, I wish to support the trade enforcement conference report—legislation that will level the playing field for American businesses and help them reach foreign markets.

This bill is aimed at supporting American businesses in an increasingly global economy. It makes sure our economic competitors play by the rules and helps our small businesses sell their products to new markets overseas.

This bill passed the Senate 78–20 last March, with every single Member of the Democratic Caucus supporting it.

While I recognize that there were changes made in the conference com-

mittee, this legislation still contains critical mechanisms to ensure fair trade for American businesses and workers.

I believe that the United States can out-compete and out-innovate any economy in the world, but to do that, we need a level playing field, and that means making sure our competitors are playing by the rules.

This legislation contains some of the strongest trade enforcement provisions that we have seen in decades. It gives Federal authorities the tools they need to enforce U.S. trade laws at the border and hold our trading partners accountable. It includes the ENFORCE Act, a critical measure to ensure that businesses and workers harmed by unfair trade can have their claims investigated and resolved quickly. And it strengthens the Treasury Department's ability to address currency manipulation.

This bill also contains language I authored that makes sure that our small businesses are able to take advantage of new trade opportunities and reach new markets. Even though 95 percent of the world's customers live overseas, less than 1 percent of small- and medium-sized businesses in the United States sell to global markets. By comparison, more than 40 percent of large businesses sell their products overseas.

The conference report includes my small business trade amendment, which would help narrow that gap by reauthorizing the successful State Trade and Export Promotion grant program, better known as the STEP program. STEP was created as a pilot program to help States work with small businesses to reach in the international marketplace, and just a few years in, it has been a great success. Already, the STEP Program has helped small businesses reach 85 country markets, resulting in over \$1.1 billion in export sales for a return on Federal taxpayer investment of 19:1. In reauthorizing this program, we are giving small businesses a real chance to expand their markets, grow their businesses, and create new jobs.

I want to thank Senate Finance Committee Chairman HATCH and Ranking Member WYDEN for working with me to include my small business trade amendment in the final bill.

The conference report before us today will keep American companies competitive. It will help small businesses sell overseas. And it will help drive innovation online.

I urge my colleagues to support this bill and oppose efforts to prevent it from moving forward today.

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

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

• Mr. SULLIVAN. Madam President, as the final piece of the robust trade package that we completed last year, the Customs report that accompanies

the Trade Facilitation and Trade Enforcement Act allows authorities to aggressively enforce U.S. trade laws and provides enhanced authorities to protect obligations gained under international trade agreements and rights under U.S. intellectual property laws.

In my home State of Alaska, trade currently supports more than 90,000 jobs, which is more than one in five of all jobs in the State. Per capita, Alaska is one of the top exporters in the country. We are the top exporter of fish and seafood products in the Nation.

I worked hard to secure a provision in the Customs package that, for the first time, establishes a principal negotiating objective on fisheries that reduces or eliminates tariffs and non-tariff barriers, eliminates subsidies that distort trade, and opens new markets for American fish, seafood, and shellfish products around the globe.

With the global marketplace becoming more competitive and increasingly challenging, it is vital that the United States focus its efforts on maximizing our ability to export our goods and services abroad in order to create more opportunity and good-paying jobs for all Americans.●

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

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

#### REMEMBERING PHILIP ROCK

Mr. DURBIN. Madam President, this morning at Old St. Patrick's Church in downtown Chicago, there was a funeral service for an extraordinary public servant, the late senate president Phil Rock.

On January 29, Illinois lost one of its most principled leaders and one of its finest public servants. He was a good friend of mine and a good friend of my wife's as well.

Before retiring from politics in 1993, Phil Rock represented Chicago's Oak Park and parts of the West Side of the city of Chicago. He spent 14 of those years as the longest serving Illinois Senate president. During part of that time, I had the opportunity to be by his side and to work as his senate parliamentarian.

People used to say Phil Rock was born a Catholic, a Democrat, and a Chicago Cubs fan, but not necessarily in that order. Phil was also a dedicated public servant.

Before Phil Rock became a public servant, he almost became a priest. He was born and lived much of his life in the Midway Park section of the Austin part of Chicago. He attended Quigley Preparatory Seminary and went on to the University of St. Mary of the Lake in Mundelein, IL. But instead of becoming a priest, he became a lawyer.

After graduating from Loyola Law School—newly married to his wife Sheila—he took a different path than his colleagues. He decided not to join a big law firm. He chose to enter public service. He worked for Illinois State attorney general Bill Clark in 1965, and by 1967 Phil was the chief of the Illinois Consumer Fraud Division. He chose to enter public service at a difficult time—the turbulent 1960s. The country was torn over the Vietnam war and many social issues. The 1968 Democratic Convention was a painful reflection of our Nation's troubles.

Instead of turning away from public service, at that time Phil Rock decided to dive in and make a difference. In 1970 he was elected to the Illinois State Senate, where he ascended quickly in both the Democratic Party and the State senate as an institution. Within a year he was elected Democratic State committeeman for the Sixth District. A couple years later he became assistant senate minority leader. In 1979 Phil Rock was chosen by his colleagues to be the senate president. At the time, Illinois was facing tough times. Illinois was hard hit by the national recession and some of the highest urban unemployment rates in the country. Once again, Phil did not waver. Through his leadership, Phil helped guide the State through a storm of a recession.

Phil was a loyal and passionate Democrat, but he understood that compromise was always an important part of success. "Bipartisanship" wasn't a dirty word for Phil Rock; he worked with everybody. He just wanted to get things done for his constituents, as well as the people of the State. His word was his bond. When his allies made unreasonable demands, Phil was firm and said no.

When the day's legislative work was done, though, you could still find Phil presiding—usually over a barbecue pit near the State capitol. Legislators from both political parties came by; they wouldn't miss it. Phil would hand them a cold drink, and they would have a great evening together.

Hardly any of Phil's parties ended without Phil being requested to sing "Danny Boy," which he did in a spirited fashion. On St. Patrick's Day, you could always count on Phil Rock and his fellow State senator Bob Egan being close to a piano, singing great Irish tunes. The events were always bipartisan, with Democrats and Republicans coming together. This is a lesson in friendship and cooperation which all of us should remember today.

Phil leaves a proud legacy. He had a wonderful sense of fairness and a strong voice for the most vulnerable in communities across the State. Phil exemplified what Hubert Humphrey called "the moral test of government." He authored and passed more than 450 major pieces of legislation in his career. He earned dozens of awards from organizations across the State of Illinois, from Cairo to Zion.

Among his legislative accomplishments, Phil started Illinois's I-

SEARCH Program for missing children, which provides State funding to provide information almost instantly to save those kids. He also championed laws for mandatory insurance for newborns and the State's original Abused and Neglected Child Reporting Act. One of his proudest achievements was sponsoring legislation for the Nation's first school for the deaf and blind in Glen Ellyn, which today has been named after him, the Philip J. Rock Center and School.

Phil passed away last month at the age of 78. His legacy shines brightly from Oak Park to Springfield and across our State. My wife Loretta and I want to offer our condolences to Phil's wife of more than 50 years, Sheila; their four kids, Kathleen, Meghan, Colleen, and John; and, of course, the grandkids.

Phil Rock was a tireless advocate for the little guy, he was a giant in Illinois politics, and he will be missed.

Madam President, last year I joined a bipartisan majority in the Senate to pass a Customs reauthorization bill. It was strong, it was meaningful, and it really set out to modernize our Nation's customs system and strengthen the enforcement of U.S. trade laws.

One of the greatest concerns Americans have about trade and trade agreements is that when they are cheated on by other countries, we don't enforce them, and the losers are American businesses and employees. So I like that Customs bill. I like that version and the strong language on currency manipulation which has cost a lot of American jobs and hurt U.S. businesses. It strengthened our commitment to combat human trafficking around the world. It would allow us to safeguard our climate policies under future trade agreements.

The conference report that is back to us now and before the Senate at this moment is a much different bill. Let me say there are provisions of it that are good and important. I strongly support the ENFORCE Act. The provision would allow us to have a level playing field so that companies, such as Illinois companies, could ensure that other countries play by the same rules when it comes to trade. These strong anti-dumping rules are vital to prevent foreign companies from dumping cheap steel products and other goods that undercut domestic prices and put our companies out of business and employees out of work.

I recently had representatives of the steel industry come by my office, and they explained the dramatic increase in imports of steel product, particularly rebar from Turkey. They can't understand how Turkey can sell its rebar in the United States so cheaply, putting American businesses at a disadvantage. Turkey takes scrap metal from the United States and transports it across the ocean, transforms it there into rebar and steel, and ships it back to the United States—and they are still able to charge less.

The folks in the steel industry here say: We are ready for competition, but something else is going on here.

There is clearly a subsidy when it comes to Turkish steel. And the net result is that companies like Granite City Steel in Granite City, IL, and companies across the United States are being threatened.

Some countries are dumping their products in the United States. They are selling them for less than the cost of production to run American businesses out of business and to put our steelworkers out of work.

The ENFORCE Act puts some teeth into this process, and it is one of the sections in this bill I would wholeheartedly support if it were a separate piece of legislation. But that is not how bills are presented to us in the Senate. We are given an array of issues and topics in every bill, and we have to decide whether at the end of the day the bill is worth voting for even if there are provisions in it that we like and some that we hate.

The inclusion of this important legislation is not enough to overcome my concerns with the overall bill.

Unlike the Senate-passed bill, there was a provision airdropped into this bill at the last minute in conference that really creates a problem. It is called the Permanent Internet Tax Freedom Act. What it means is, with this legislation, we are by Federal law prohibiting State and local governments from imposing taxes on access to the Internet. Generically, I think that is a good thing to do, to encourage use of the Internet and not to create hardships on families, students, and individuals who use the Internet, but let's go into this conversation with our eyes wide open.

If you use a telephone to make a call to someone, you are likely going to face a tax from your State or local unit of government on telephone services. If, however, you do what my wife and I try to do every weekend and Skype your grandkids, you are using your computer for that conversation, and there is no tax on your use of that computer. Some people say, "Good. I didn't want to pay the tax." But remember, local and State taxes go to sustain critical services in communities.

What we are doing with this bill is prohibiting States and localities from, in most cases, imposing taxes on Internet services. So we are closing the door to State and local units of government raising revenue that they might view as reasonable and fair to sustain police protection, fire protection, and all the demands they face. That is the reality of this provision.

What we had hoped to do was, at the same time, say that State and local units of government could collect sales tax on Internet sales. Let me explain. More and more Americans are turning to the Internet to buy things, our family included. You go to the usual vendors on the Internet, and in some cases, if they decide to, those Internet

retailers collect the local sales tax. So when I give my home address in Springfield, IL, they check the ZIP Code, and they decide that when I make the purchase, they will collect the sales tax on the Internet sale of a book, for example, and they will remit that amount to the treasury of the State of Illinois. But it is not required, and many Internet vendors do not collect the sales tax. So what happens? State and local units of government don't get the benefit of the sales tax from Internet purchases.

However, if I decided, instead of buying a book on the Internet, to buy it at a local bookstore in Chicago or Springfield, I would pay a sales tax. Well, people are learning this. As they learn this, they are changing their shopping habits.

A friend of mine, Chris Koos, is the mayor of Normal, IL. He is an extraordinary person beyond Normal, as far as I am concerned. He is also a businessman as well as mayor. He has a business that sells bicycles and running shoes. He tells me people will literally come into his store and say: I need size 11 New Balance shoes. What do you have?

They bring out the running shoes, and people try them on, stand in front of the mirror, and say: Thanks a lot, Chris. I appreciate it.

They will then write down the number for the New Balance running shoes, go home, buy them on the Internet, and not pay a sales tax. Well, Chris is the loser. Here he is with a good, solid business in Normal, IL, that not only provides good service and good products but collects—as required by law—the sales tax on transactions, the sales tax going to the State and to the community to sustain basic services. So when people use his store as a showroom and then buy on the Internet and not pay the taxes, of course the State and the community lose.

What we had hoped to do was to put these two things together and say that if we are going to prohibit State and local units of government from imposing taxes on access to the Internet, at the same time, we will require Internet sellers and retailers, to collect sales taxes for purchases. That would be remitted back to the State and local government so at least there was some balance. It isn't as if we are closing the doors to State and local units of government for what they might have otherwise collected.

Unfortunately, only half of what I just described is included in this bill. The prohibition against State and local governments collecting taxes on Internet service is included, but sales conducted over the Internet is not included. That is unfortunate.

Initially, I opposed this bill and said that this was brought into it at the last minute, that it has nothing to do with customs whatsoever, and that it should never have been included. It is the kind of thing that I think gives us a bad name sometimes when it comes

to the way we write bills. I opposed it. I then ended up deciding to talk to Republican Leader Senator McConnell. With his assurance that we will get a shot at calling the marketplace fairness or internet retail tax this year—either if it is sent from the House or if it originates in the Senate—I have dropped my opposition to the overall bill—although I will vote against it, I am not working against it—and the earlier rollover indicated strong support.

With that in mind, I yield the floor and say that I will continue to oppose the Customs bill for the reasons stated, but I am happy that Senator McConnell and I have been able to reach an agreement on the path forward toward marketplace fairness or e-fairness.

I yield the floor.

Mr. HATCH. Madam President, as we move toward final passage of the conference committee report on H.R. 644, the Trade Facilitation and Trade Enforcement Act, I would like to take just a few minutes to reflect on how we got here and to thank the many individuals who made this moment possible.

This conference report concludes what has been an historic 13 months for trade legislation in the U.S. Senate. When I began my tenure as chairman of the Senate Finance Committee early last year, one of my foremost goals was to strengthen and modernize U.S. international trade institutions and policies. It was an audacious goal. After all, it is not like we had not tried before. Years of stagnation had enabled countless trade problems to accumulate, many of them crying for legislative resolution. Everyone agreed that something needed to be done, but again and again, our efforts were stopped. Well this Congress was different.

Working together in a bipartisan way, we were able to advance legislation to strengthen congressional oversight of trade negotiations through reauthorization of trade promotion authority, or TPA. I intend to vigorously employ TPA's new oversight tools in reviewing the Trans-Pacific Partnership that the Obama administration concluded in October and signed last week. While the verdict is still out on TPP, the efforts of the individuals who made that possible should not go unrecognized. So I would like to acknowledge the hard work of individuals such as Ambassador Mike Froman, former Deputy U.S. Trade Representative Wendy Cutler, and the Assistant U.S. Trade Representative for Southeast Asia and the Pacific, Barbara Weisel. Their tireless commitment to advancing the interests of the United States abroad deserves to be recognized and applauded.

I also would like to thank my staff, who worked behind the scenes to help negotiate and craft legislation that will serve our Nation for many years to come. I believe that the Senate Finance Committee leadership team of Chris Campbell, Mark Prater, and Jay

Khosla is among the finest that I have had the pleasure to work with in my many years of Senate service. Our trade team, consisting of chief trade counsel Everett Eissenstat, Shane Warren, Douglas Petersen, Rebecca Eubank, Andrew Rollo, Kevin Rosenbaum, Paul Delaney, Greg Kalbaugh, and Kenneth Schmidt consistently demonstrated that teamwork, motivation, and drive can produce great results; and this bill we are considering here is no exception. I also would like to thank our outstanding speech and communications team, consisting of Bryan Hickman, Julia Lawless, Aaron Fobes, Amelia Breinig, and Joshua Blume; and of course, our fine tax team, including Nick Wyatt, Eric Oman, Jim Lyons, and our chief economist, Jeff Wrase.

Bipartisanship was critical to all of our work over the past year, especially on trade. For their steadfast commitment and determination to our shared goal of producing strong, bipartisan legislation, I would like to recognize Senator WYDEN and his team: Josh Sheinkman, Mike Evans, Jayme White, Elissa Alben, Greta Peisch, Anderson Heiman, Tiffany Smith, and Todd Metcalf.

I also would like to thank Senator McConnell and his staff: Sharon Soderstrom, Brendan Dunn, Terry Van Doren, and Hazen Marshall, who provided us with support and leadership throughout this process. Finally, let me thank my House colleagues, Speaker RYAN, Chairman Brady, and their staffs Austin Smythe, Joyce Meyer, Angela Ellard, Geoff Antell, Steve Claeys, Nasim Fussell, and Casey Higgins. On the Democratic staff, I would like to acknowledge the hard work and contributions of Ranking Member Sandy Levin and his staff, Jason Kearns, Beth Baltzan, Katherine Tai, and Keigan Mull.

Finally, this conference report would not have been possible without the excellent work done by Tom Barthold from the Joint Committee on Taxation, the Senate Legislative Counsel's office, especially Margaret Roth-Warren and Thomas Heywood, and the Congressional Budget Office, especially Teri Gullo, Ann Futrell, Susan Willie and Mark Grabowicz. The support of the legislative affairs staff at U.S. Customs and Border Protection also was essential for getting this conference report right, and I especially want to acknowledge John Pickel, Ned Leigh, and Kristin Isabelli.

I am proud of this conference report and pleased that we were able to pass it with a strong, bipartisan vote. It took many hands to bring us to this moment, and I am truly thankful for all of their hard work. This bill shows that, through persistence and hard work, we can accomplish great things.

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

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

Mr. McCONNELL. Madam President, I know of no further debate on the conference report.

The PRESIDING OFFICER. Is there further debate on the conference report?

Hearing none, the question occurs on agreeing to the conference report.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is 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 Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mr. SULLIVAN).

Further, if present and voting, the Senator from Alaska (Mr. SULLIVAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 75, nays 20, as follows:

[Rollcall Vote No. 22 Leg.]

#### YEAS—75

Ayotte	Ernst	Moran
Baldwin	Feinstein	Murkowski
Barrasso	Fischer	Murphy
Bennet	Flake	Murray
Blumenthal	Gardner	Nelson
Blunt	Grassley	Paul
Booker	Hatch	Perdue
Boozman	Heitkamp	Peters
Burr	Heller	Portman
Cantwell	Hoeven	Risch
Capito	Inhofe	Roberts
Cardin	Isakson	Sasse
Carper	Johnson	Scott
Casey	Kaine	Sessions
Cassidy	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Lankford	Tester
Coons	Leahy	Thune
Corker	Lee	Tillis
Cornyn	Manchin	Toomey
Cotton	McCain	Vitter
Crapo	McCaskey	Warner
Daines	McConnell	Wicker
Donnelly	Merkley	Wyden

#### NAYS—20

Alexander	Heinrich	Rounds
Boxer	Hirono	Schatz
Brown	Markey	Schumer
Durbin	Menendez	Udall
Enzi	Mikulski	Warren
Franken	Reed	Whitehouse
Gillibrand	Reid	

#### NOT VOTING—5

Cruz	Rubio	Sullivan
Graham	Sanders	

The conference report was agreed to.  
The PRESIDING OFFICER. The majority leader.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that on Thursday, February 11—that is today—at 1:30

p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 361; that there be 15 minutes for debate on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate vote without intervening action or debate on the nomination; that, if confirmed, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. McCONNELL. 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.

The PRESIDING OFFICER. The Senator from Vermont.

(The remarks of Mr. LEAHY and Ms. COLLINS pertaining to the introduction of S. 2544 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Carolina.

#### CONGRATULATING THE DENVER BRONCOS ON THEIR SUPER BOWL CHAMPIONSHIP

Mr. TILLIS. Mr. President, after the very weighty and serious discussion that just preceded me, I come maybe with a little bit more lighthearted message for the Presiding Officer and my colleague, the senior Senator from Colorado, Mr. BENNET.

I think everybody knows here—the folks up in the gallery may know—that Denver is home of the Super Bowl 50 winners, the Denver Broncos. The Presiding Officer and I attended the Super Bowl on Sunday, and I am sure he agrees it was quite a treat.

God blessed us with beautiful weather, and the people of Santa Clara really made us feel welcome and at home. They did an amazing job. The Super Bowl organizers are to be commended for their attention to detail and the superb work they did to make us feel welcome. It was a fantastic experience for me. So I can only imagine, with the Presiding Officer having the winning team, how much fun it was for him.

I think it is safe to say that there are thousands in Colorado on a Rocky Mountain high this week, and I will bet there are even more who are really happy that the Broncos won the Super Bowl.

The Denver Broncos played a great game, and they defeated my Carolina Panthers. Both defenses played extraordinarily well, and the Broncos' offense did just enough to get the job done.

So to the Presiding Officer and Senator BENNET, I come to the Senate Chamber today to fulfill my wager to humbly offer my congratulations to the Super Bowl champion, the Denver

Broncos, and to all their fans in your great State and, I would argue, across the Nation.

But before I talk about the beloved Panthers, I want to thank you for not accepting some of my maybe exuberant or overexuberant offers that I made as a possible friendly wager. And for C-SPAN viewers at home, you may want to avert your eyes.

I really don't think I would have looked very good in an orange beard with Broncos earrings. With all due respect to the Presiding Officer, you looked a lot like Papa Smurf with a blue beard. So a simple speech of congratulations is what I have to offer.

The truth is, I am deeply disappointed about the Panthers' loss. But it is also true that, unless the Broncos are playing my Panthers or my childhood team, the Miami Dolphins, I am usually pulling for the Broncos. The Broncos' organization, starting with the Bowlen family and Coach Kubiak, are topnotch and well respected in the NFL. Former greats such as John Elway, Terrell Davis, Shannon Sharpe, Ed—how could he wear so few pads and still survive—McCaffrey, and so many other members have made this team so much fun to watch over the years.

But then there is this guy, Peyton Manning, or "The Sheriff," as Coach Gruden nicknamed him back in 2009. I have been watching Peyton Manning since he was recruited to the University of Tennessee many years ago—a five-time NFL MVP and two-time Super Bowl winner on two different franchises. Next month, on March 24, he is going to be 40 years old, and he is playing at the top of his game. Peyton is an amazing athlete, but what really makes Peyton extraordinary is his character and his behavior on and off the field. He is a true gentleman, a great sport, and he is a scholar of the game.

I opted not to put up a graphic on the New England Patriots because anybody who knows me knows that I am not much of a fan of the New England Patriots, dating back to a December 1982 snowplow game.

But, in addition to all the other things Peyton Manning has done, he also led the Broncos to a victory over the Patriots in the AFC Championship, completely deflating Tom Brady's shot at another Super Bowl ring. That alone makes Peyton Manning a great American, in my book.

The Broncos and I do have something in common. We were both born in 1960. We are both 56 years old. They built a franchise that most fans expect to be in contention every year.

The Panthers, on the other hand, are young. They were born in 1995. They are 20 years old. They have already gone to the playoffs seven times. They have won two NFC Championships and been in the big game twice, and I believe that next year they have a good shot to be in contention.



So before I close, I thank owner Jerry Richardson, Coach Ron Rivera, and the Carolina Panthers. Mr. Richardson is a pillar of our community, and Coach Rivera has developed a Super Bowl-caliber team: Cam Newton, the league MVP; Luke Kuechly, our defensive standout; a total of 10 Pro Bowlers this year; and a 17-to-2 season. It was fun to watch. The Super Bowl was fun to watch.

You know, I did grow a playoff beard. After we ended the playoff season, I proudly displayed it for weeks on the Senate floor, back in North Carolina, and at Levi Stadium on Super Bowl night.

But on Monday morning I got misty-eyed as I shaved it off in San Francisco. So with all apologies to Tony Bennett, I penned a poem based on one of his songs about that same city. I called it "I left my hair in San Francisco."

I left my hair in San Francisco  
After the game, it haunted me  
I'm cleanly shaven, quite sad and bare  
While Broncos fans dance like Fred Astaire  
The loveliness of Santa Clara seems somehow sad today  
The glory of my Panthers' season is of another day  
But I'm looking forward to next year's season  
Because I expect a Super Bowl repeat for many good reasons

To Senator BENNET and to the Presiding Officer, congratulations on a great Super Bowl win for the Denver Broncos, and I look forward to many more games that our two teams may play in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I will be very brief. I have a longer set of remarks that I want to give next week celebrating the Broncos' victory, and I know our colleague from Wyoming is here.

But since the Presiding Officer is shackled to the desk and can't make remarks, I would say on his behalf how grateful the two of us are to the Senator from North Carolina for the graciousness of his remarks. I know how hard it must have been.

But to have the Senator not only make the remarks but provide original poetry at the end, is more than anybody could have expected. So through the Chair I thank the Senator for that.

I also want to say how proud we are of the Broncos and the Broncos organization, the Bowlen family, and the entire team for what they were able to pull off. I was able to watch it in my living room with my wife and daughters.

I congratulate, in particular, Von Miller, who is the MVP, and our defense, who played a game like no other defense I have ever seen.

Finally, I would simply say thank you to Peyton Manning for the example he has set for my children and for children all over our State—that what matters is not how good you are or how

skilled you are or how you act in the minute, but what matters is the patient decades of hard work a person is willing to put in to perfect their craft. That is what Peyton Manning has demonstrated. That is what he has shown. That is the value he has lived. I think he has made a huge difference, as I say, to the next generation of Coloradans.

We learned last week, as well, that this game, just like any game, is not about any one individual; it is about a team. We saw a team—the weaknesses and strengths—come together and win a game over a very, very tough organization in the Carolina Panthers.

(Mr. BARRASSO assumed the Chair.)

With that, I see my colleague from Colorado is now on the floor.

I yield the floor by saying: Go Broncos.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I thank the Senator from Wyoming for providing relief and the Presiding Officer for allowing me to make remarks.

I thank my freshman colleague from the great State of North Carolina for those kind words. I can only imagine if the Senator from Colorado, Mr. BENNET, and I had to give the same remarks had the outcome been different, that we could only be so gracious. So thank you very much for the congratulations to the Denver Broncos and, obviously, the Carolina Panthers. It was an exciting game that they were able to be a part of, and there will be many more years of success to both franchises, undoubtedly.

For those of you in Colorado who were able to watch the game, what an exciting time it was. We can remember the great teams led by John Elway—whether they played the Packers or the Falcons for the two Super Bowl victories—and now this exciting victory at Santa Clara as well. Also, a million people showed up in downtown Denver, CO, just a few short days ago to express their outpouring of support for the Denver Broncos. This has truly been an exciting time for the people of Colorado.

I am very pleased that Senator BENNET and I didn't have to grow a beard. Thank you, Senator TILLIS, from the great State of North Carolina.

I yield the floor.

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

#### THE PRESIDENT'S BUDGET

Mr. BARRASSO. Mr. President, on Tuesday, President Obama released his budget for the next fiscal year. As usual, there was a lot of new spending the American people don't want and a lot of new taxes the American people can't afford.

It is interesting. Politico had a headline about the budget in Tuesday's paper. It says "Obama launches liberal offensive in his final budget." A liberal offensive in his final budget. It called the budget "aggressively liberal."

Well, one of the big, "aggressively liberal" things the President put in his budget is an enormous tax increase on gasoline. This tax would add over \$10 to the price of a barrel of oil. That equates to about 24 cents to a gallon of gasoline at the pump. This increase in tax would raise about \$319 billion over 10 years.

President Obama knows his budget has zero chance of becoming law, not just because Republicans won't vote for it; Democrats won't vote for it. Last year his budget was defeated by a vote of 98 to 1. Only one Member of his own party voted for his budget last year, and now Democrats in Congress are running away from this gas tax as fast as they can.

The problem is, this tax is about more than just the budget; this is a sign that the Obama administration is still committed to continuing its assault on energy production in this country—red, white, and blue energy.

The American people understand there are enormous national security implications to what the President is proposing in his budget. Right now there is fierce competition in the global energy markets. The OPEC cartel has a strategy to win that competition in the oil market. It has been pumping out oil at a pace that is intended to drive U.S. shale oil producers out of business. Then once the competition is gone, they will raise prices.

The best way for us to protect American interests is to make it easier and cheaper for energy producers to operate here in America. The worst thing we could do is to add to the cost of American oil by imposing this new tax of \$10 per barrel, 24 cents per gallon, but that is exactly what President Obama wants to do. He wants to raise taxes, and he wants to make it harder to produce American energy. President Obama's plan would actually help OPEC get what it wants. It would also put American energy producers at a competitive disadvantage with our adversaries in Iran and in Russia.

Just a few weeks ago, the Obama administration lifted economic sanctions on Iran's energy exports. This means that Iran can now export oil again. So how much oil are they going to export? According to the U.S. Energy Information Administration, Iran right now has between 30 and 50 million barrels of oil sitting offshore in tankers today. Iran is planning to boost its oil exports to Europe and Asia by half a million barrels a day in the next few months. And it is not just oil; Iran is also the world's second largest producer of natural gas in terms of its resources. Right now, they are building a new export plant for liquefied natural gas that is about 40 percent complete, and they are ready to start shipping natural gas to Europe within 2 years.

Russia is also a huge exporter of natural gas. That is one of the reasons Vladimir Putin invaded Ukraine. It was to get control of the gas pipelines there. Now it appears that Gazprom is

prepared to start a natural gas price war with the United States. Gazprom is, of course, the Russian gas company that is mostly owned by the government and controlled by Vladimir Putin. A price war would help them maintain their grip as being the biggest gas supplier in Europe, and it would discourage U.S. liquefied natural gas projects from ever being built.

What has the Obama administration done? The Obama administration has a documented history of delaying permits to American businesses that want to export our liquefied natural gas. Needless bureaucratic delays just deter energy production and producers from wanting to start these projects in the United States because it is so hard to get them approved, and that just drives up the cost. The administration's approach plays right into Vladimir Putin's hands.

This is not the time to add cost to American energy production. That will only help our adversaries more, and it will make our allies more dependent on energy—not from us but from places such as Russia and Iran and, of course, from other OPEC countries. This is not the time to shut down the production of American energy.

There are a lot of far-left, extreme environmentalists out there who want to make sure American energy resources are never used but stay in the ground. There are also a lot of Washington Democrats who are eager to give these environmental extremists everything they want—everything.

Last week in New Hampshire, Hillary Clinton was caught on tape promising one of these extremist supporters that the end of fossil fuel development on public land, she said, is “a done deal.” The end of exploration of fossil fuels on public land is “a done deal.” Well, it may be a done deal in her mind. It is also unrealistic, unwise, and unworkable. Take a look at it. Forty-one percent of America's coal production right now comes from public land; 22 percent of our crude oil comes from public land; 16 percent of our natural gas comes from public land; and Hillary Clinton, in her speech and her comments last Thursday in New Hampshire, said, in terms of any of that production, it is “a done deal.”

I remind my colleagues that energy is the master resource. America needs energy for our economy to grow. We need those jobs. Where are we supposed to get our energy if we don't get it from public lands? We can't power America's manufacturing on wind alone.

Instead of building new barriers to American energy production, we should be tearing down those barriers. The energy legislation we have been debating in this body actually includes ideas to help do that. One bipartisan idea in this legislation would help speed up the permitting process to export liquefied natural gas. It is bipartisan, with six Democratic cosponsors.

After all the environmental studies have been done, after everything has

been approved, it then takes an average of another 7 months for this administration to say yes or no on the permits. That is after everything has already been approved. Why would it take 7 additional months to get a decision by the administration? The Energy Department should be able to say yes or no, and this legislation says they should be able to do it within 45 days. This is going to force Washington to do its job in an accountable and timely way. That will help make sure other countries have options for where to get their energy, other than the concerns we have about a dominance of Russia, a dominance of Iran, and a change of the balance of power internationally.

It is time for America's energy policies to help American energy producers compete and to help those jobs in our energy security at home. That is how we are going to build our economy, how we are going to create American jobs, and how we are going to strengthen our national security.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. 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. NELSON. Mr. President, I ask unanimous consent to speak for up to 7 minutes.

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

#### THE EL FARO

Mr. NELSON. Mr. President, late last year a cargo container ship carrying 33 men and women left Florida from the Port of Jacksonville en route to Puerto Rico. It typically sailed back and forth, carrying cargo to and from San Juan, Puerto Rico, but this time it sailed directly into the path of a hurricane.

Two days later the crew sent what would be its final communication, reporting that the ship's engines were disabled and the vessel was left drifting and tilting, with no power, straight into the path of the storm.

Subsequent to that, despite an exhaustive search and rescue attempt by the Coast Guard in the days that followed, the El Faro and her crew were never heard from again. Only in one case, in desperately trying to do a search and rescue mission, did they find one decomposed body in a body-suit, but they could not find anybody else.

Since then, the National Transportation Safety Board—the agency charged with investigating the incident—has been working tirelessly to understand what happened. Why would the ship leave port when they knew there was a storm brewing and it was going to cross the path of where the ship was supposed to go?

Working with the U.S. Navy and the Coast Guard, investigators eventually found the ship's wreckage scattered at the bottom of the ocean east of the Bahamas Islands in waters 15,000 feet deep. But what they didn't find that day was the ship's voyage data recorder, or what we typically refer to as the ship's black box, not unlike the black box we look for in the case of an aircraft incident that records all of the data.

Since we have no survivors, this data recorder is a key piece to getting the information to understand this puzzle of why that ship would sail right into the hurricane. It records and it stores all of the ship's communications. Finding it could shed light on what really happened onboard in those final hours. Despite the search team's exhaustive efforts to locate the data recorder amongst the scattered wreckage, they couldn't find it, and eventually they had to call off the search.

Earlier this year, this Senator wrote to the Chairman of the NTSB and urged him to go back and search again because finding the ship's data recorder is important for us to understand how these 33 human beings who have families back at home were lost. I am here to report that at this very minute, the NTSB is announcing that they are going back to do the search again. At this moment, the NTSB is saying it will resume the search for the ship's black box. This time it will do it with the help of even more sophisticated equipment to help investigators pinpoint the approximate location of the recorder and hopefully, if it is not among the wreckage of the ship, point to its location and pick it up off the ocean floor.

The NTSB's decision today—which I commend; and I thank the Chairman for continuing to keep after this—to search again for the data recorder is a critical step in our understanding of what went so tragically wrong that day. We owe it not only to the families of the lost mariners aboard the El Faro but to the future safety of all those who travel on the high seas. It is up to us to not only understand what happened but to do what we can to ensure that it doesn't happen in the future.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 23 Ex.]

YEAS—93

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

NOT VOTING—7

Boxer	Moran	Sullivan
Cruz	Rubio	
Graham	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

Under the previous order, 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.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—  
S. 1169

Mr. GRASSLEY. Mr. President, soon Senator WHITEHOUSE and I will be offering a unanimous consent request. It is in regard to the Juvenile Justice and Delinquency Prevention Reauthorization Act. It has an amendment at the desk. I introduced this measure last April with Senator WHITEHOUSE, and it has three main goals.

First, this measure would extend a federal law, known as the Juvenile Justice and Delinquency Prevention Act, for 5 more years. The centerpiece of this 1974 law, which Congress last extended in 2002, is its core protections for youth.

There are four core protections. The first calls for States to avoid detaining

youth for low-level status offenses. The second requires that juveniles be kept out of adult facilities, except in rare instances. The third ensures that juveniles will be kept separated from adult inmates whenever they are housed in adult facilities. The fourth calls for reducing disproportionate minority contact in State juvenile justice systems. States adhering to these four requirements receive yearly formula grants to support their juvenile justice systems.

Second, this legislation would make important updates to existing law in order to ensure that juvenile justice programs will yield the best possible estimates. The authorization for these programs expired in 2007, but they continue to receive appropriations. Nearly 14 years have elapsed since the last reauthorization, and the programs are long overdue for an update.

Third, this bill would promote greater accountability in government spending. The Judiciary Committee that I chair heard from multiple whistleblowers that reforms are urgently needed to restore the integrity of formula grant programs that are the centerpiece of our current juvenile justice law. The Justice Department's Office of Juvenile Justice and Delinquency Prevention administers this formula grant program.

This grant program would be continued for 5 more years under this bill, but the Justice Department would have to do much more oversight if this bill is enacted. This bill also calls for evidence-based programs to be accorded priority in funding. The goal is to ensure that scarce Federal resources for juvenile justice will be devoted mostly to the programs that research shows have the greatest merits and will yield the best results for these young people.

For years and years, I have been reading inspector general reports that disclose shortcomings within the Justice Department, under both Republican Presidents and Democratic Presidents. Money is not being spent according to congressional intent, and it has not yielded the results we should be getting. That's why we want evidence-based programs to be accorded priority in funding.

A coalition of over 100 nonprofit organizations, led by the Campaign for Youth Justice and the Coalition for Juvenile Justice, worked closely with us on this bill's development. Others that have endorsed this measure include Fight Crime: Invest in Kids, Boys Town, Rights4Girls, the National Criminal Justice Association, the National Council of Juvenile and Family Court Judges, and the National District Attorneys Association. Senator WHITEHOUSE and I are very grateful for their support.

I also take this opportunity to thank our 15 cosponsors, who include not only numerous Judiciary Committee members but people off the committee, such as Senators BLUNT, RUBIO, ERNST, and other non-committee members. This bill is a truly bipartisan effort, and

many Senators contributed provisions to strengthen this bill since we introduced it last April.

There are a few provisions of the bill that I especially want to highlight. First, as already mentioned, this bill calls for continued congressional support of existing grant programs that serve at-risk youth. It also incorporates new language, championed by the organization called Rights4Girls, which emphasizes Congress's support for efforts to reduce delinquency among girls. Experts tell us that many girls in the juvenile justice system today have experienced violence, trauma, and poverty.

Second, at the urging of the National Council of Juvenile and Family Court Judges, this bill gives States 3 years to phase out the detention of children who have committed so-called status offenses. Status offenses are those that are low-level offenses, such as running away from home, underage tobacco use, curfew violations, or truancy, which wouldn't be crimes if committed by an adult and which would never result in an adult being jailed.

Most status offenders are boys, with one exception. Girls account for about 60 percent of the runaway cases. Many of these girls and boys come from broken homes, and many have experienced trauma or mental health issues in childhood. Research shows that detention tends to make mentally ill status offenders worse. Because some detention facilities are crowded, violent, or chaotic, they can be very dangerous places for the low-risk offender. It is very expensive to lock up status offenders who don't pose a public safety risk. Finally, experts say that the status offenders learn negative behavior from high-risk offenders in detention, which greatly increases their risks of reoffending. Researchers call this peer deviancy training.

Third, the bill incorporates new provisions designed to rehabilitate and protect juveniles while they are in custody. It encourages screenings of boys and girls who may be exploited by human traffickers, as well as those with trauma, mental health, or substance abuse issues. It includes language, authored by Senators CORNYN AND SCHUMER, which would end the shackling of pregnant girls in detention. It calls for greater data collection, including reports on the use of isolation on juveniles in State or local detention facilities, and it includes language calling for States to ensure that juveniles will continue their education while in detention.

The measure we are seeking to pass today also includes a minor amendment at the request of Senator MURKOWSKI to ensure that the bill's definition of the phrase "Indian tribes" is the same as existing law. We also have added several new provisions to meet the better needs of tribal youth, who are overrepresented in the juvenile justice system. They include a requirement that the GAO report back to Congress on ways to improve prevention

and treatment services, as well as provisions encouraging States to notify Indian tribes when tribal youth come into contact with their juvenile justice systems.

I am pleased to have had the opportunity to work so closely in such a bipartisan manner with Senator WHITEHOUSE, who I hope will speak shortly on these key reform provisions. I am pleased that we have revisited the authorization statute for some vitally important juvenile justice programs—a statute which is long overdue for an update to reflect the latest scientific research on what works with at-risk adolescents.

At this point, would the Presiding Officer recognize Senator WHITEHOUSE under the rules.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am here to show support for my Judiciary Committee chairman's effort to move this measure by unanimous consent. He has described the bill in considerable detail, so I will not repeat his description of the bill.

From a point of view of process, I will say that this was a bill that came through Judiciary without a single voice of dissent. A great deal of bipartisan work was done to make sure it addressed new problems that young people face in all these different areas that the chairman described. It has a lot of enthusiasm and support in the Judiciary Committee. Indeed, it had such broad enthusiasm and support in the Judiciary Committee that we decided that we would simply hotline the bill because there seemed to be no objection to it. "Hotline" means you ask unanimous consent and warn people you are going to ask unanimous consent, and anybody who wants to object has a chance to come to the floor and do so.

It is my understanding that there is one Senator of the 100 of us who wishes to do so, and so here we are going through that exercise. But it has completely cleared on our side and is ready for action.

I would say that it is quite broadly supported. This is the list of law enforcement support for it. As you can see even from a chair quite far away, this is a fairly considerable document with a substantial list of hundreds of folks from across the country who pledge their support to this bill in law enforcement.

I would add that from the State of Arkansas, the junior Senator from Arkansas is the Senator who is going to raise the one objection, I gather. The Arkansas State Advisory Group, the association called Arkansas Advocates for Children and Families, and the official State Arkansas Division of Youth Services all support this bill.

On the list of law enforcement supporters that I showed you are the following law enforcement leaders from Arkansas who support this bill. Robert Alcon is the chief of police of the

Mayflower Police Department, and he supports this bill. Steve Benton is the chief of police of the Ward Police Department; he supports this bill. Ray Coffman is the chief of police of the Judsonia Police Department; he supports this bill. Randy Harvey is the chief of police of the Lowell Police Department; he supports this bill. Mark Kizer is the chief of police of the Bryant Police Department; he supports this bill. Kirk Lane is the chief of police of the Benton Police Department; he supports this bill. Randy Reid is the chief of police of the Glenwood Police Department; he supports this bill. Montie Sims is the chief of police of the Dardanelle Police Department; he supports this bill. Obie Sims is the sheriff of the Lafayette County Sheriff's Office, and he supports this bill.

I would note that the senior Senator from Arkansas is not here to object to it.

I would hope that since the Governor of Arkansas has appointed a Youth Justice Reform Board, whose purpose is to "improve the overall effectiveness of the juvenile justice system" through evidence-based practices, the 3-year period that this bill gives for the implementation of this would give Arkansas plenty of time to accommodate itself. If there proves to be a problem, we can always come back to it later. In the meantime, this effort that is being undertaken under the leadership of the Governor of Arkansas is being done in conjunction with the Arkansas Division of Youth Services, which supports this bill.

I would add one other thing, which is that the purpose of this bill is to prevent children from being locked up for something that no adult could be locked up for if they were to do it—truancy, not showing up for school, things like that.

In the event, however, that a child comes under the supervision of a court and the court directs that child to do certain things, if the child then fails to comply with the court order, judges have broad authority to enforce compliance with their orders. It is known as the contempt power. It is inherent in the judicial office. It can include fines; it can even include detention.

To be in violation of a court order is not, in my view or in the view of anybody else that I am aware of, a status offense. Therefore, in a particularly acute or difficult situation in which a judge feels the need to enforce compliance with his or her order, the contempt power inherent in the judiciary is not obviated or addressed in any way by this bill.

So for all those reasons, I will conclude by recalling the story of the conclusion of the Founders' work on the Constitution, when, at the end, Benjamin Franklin stood up and acknowledged that there had been various disagreements but that he would urge that each of the Members of that body doubt just for one moment their own infallibility and allow the measure to proceed.

In that spirit, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is the opportunity we have been waiting for. I hope it is not objected to. If it is, we will have to take that into consideration and just hold the bill in the Senate.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 325, which is S. 1169; further, that the Grassley substitute amendment be agreed to; that the committee-reported substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time; and that the Senate vote on passage of the bill, as amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Mr. President, reserving the right to object, first, I want to express my appreciation for the work Senator GRASSLEY, Senator WHITEHOUSE, and others have done in crafting the Juvenile Justice and Delinquency Prevention Act. I agree with my colleagues—the bill improves the way we handle juvenile offenders. The bill properly focuses on rehabilitation and services that seek to turn juveniles away from crime and provide help to at-risk youth. I support the vast majority of the bill, and I hope it ultimately passes into law. However, I would like to take more time to discuss one specific provision of the bill relating to juvenile status offenders and secure confinement.

Secure confinement is not and in my opinion should not be the preferred option for instances of alcohol possession, truancy, or other status offenses. In fact, current law bars judges from imposing secure confinement for initial status offenses. But I am concerned that the bill eliminates completely the ability for judges to order secure confinement for a short time in instances where a status offender flagrantly violates the judge's prior order for him to, say, enter into rehabilitation, counseling, or take part in other treatment services. In such narrow circumstances, it may be prudent to allow judges—often in consultation with the parents and attorneys involved—to have secure confinement as a means to enforce their own orders and to ensure that the juvenile receives the help he needs.

Currently, many States are developing an array of options for treating status offenders beyond secure confinement. Yet a majority of States do, in fact, still choose to retain the option for judges to order secure confinement in narrow circumstances.

Just last year, my State of Arkansas passed a new juvenile justice bill that sought to expand rehabilitation services for status offenders so the State could reduce the number who were subject to secure confinement, but in my State legislature's judgment, it chose

to retain secure confinement as a last-resort option. I don't believe Congress should second-guess this choice. I have heard from Arkansans on this point, and I have raised it with the bill's sponsors.

A blanket Federal mandate that bans secure confinement in each and every circumstance may not be the best way forward. I submit we should continue to entrust States with the decision to retain it as a last-resort option and to allow judges on a case-by-case basis to use their discretion about the best course to enforce their prior orders. Therefore, with hopes we can resolve the issue promptly and pass this legislation, I regretfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, may I clarify one point?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, there are grants that the Federal Government makes to States to support their juvenile justice programs, and there are conditions that come with those grants. But I want to make sure that what is clear from the exchange is that this is a condition for receiving these Federal grants, but there is no mandate of any kind. The State, if it wishes, is free not to receive the Federal grant money and not comply with those conditions. It may be a technical point, but I think it is one that is important to clarify.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I understand the point the Senator from Rhode Island makes. I would say it poses a Hobson's choice for many States.

I would also make note of his earlier comment about a court's inherent authority to enforce its previous order using its inherent power of contempt, which would include the ability to order secure confinement for a short period of time. Perhaps we can work together to include a proviso in the bill that would recognize that inherent authority, and this bill would not remove that inherent authority on the condition of accepting the grant.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Again, for the RECORD, I am the Senator from Rhode Island, not the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I respect the Senator from Arkansas. In the short time he has been in the Senate, he has been an outstanding leader on very important issues. He is a good Senator. I have watched him over the period of time he has been in the Senate, and I think this is the first time I felt he was wrong. But he has his rights.

Juvenile judges are the ones who originally requested that Congress include a valid court order, or "VCO,"

exception in the Federal juvenile justice statute, and they now are asking us to repeal it. We accorded great weight to the opinion of the National Council of Family and Juvenile Court Judges because their members are the ones who invoke this exception.

As further noted this week by Elizabeth Pyke of the National Criminal Justice Association: "No one on the state government side is arguing to keep the VCO. . . . All agree that the VCO is the wrong tool to get a child's attention. Holding them in detention for a status offense is no longer considered the best practice for scaring a kid into going straight. . . . So parsing the language to allow judges to continue to use the VCO for punishment doesn't really make sense. And, again, no one in the states has argued for that."

Detaining status offenders is not good public policy. We don't support a further language change because locking up these adolescents will make them worse, expose them to violent offenders who have committed serious crimes, and increase the likelihood they will become serious offenders themselves.

Remember that we are talking about juveniles who have committed infractions that would not be crimes if committed by adults. Curfew violations. Truancy. Underage tobacco use.

Status offenders often come from broken homes or homes with family conflicts. Many have had traumatic childhoods or suffer from mental health issues.

Strikingly, girls are 16 percent of the detained population but comprise 40 percent of status offenders. In the case of girls, the root cause for commission of a status offense may be severe forms of child abuse, including child sex trafficking.

In truancy cases, placing a status offender in detention only ensures that the juvenile will miss even more school without ever resolving the issue motivating the truancy. Even a brief time in detention may make it harder for the child to keep up with school work. Yet truancy is one of the status offenses that frequently results in a status offender's detention in Arkansas. We need to resolve the issues that lead these children to skip school so that they can succeed.

Judges have more effective and less costly tools at their disposal to ensure these juveniles' accountability. For example, they can suspend their driver's license; impose fines; send the juvenile to live with another family; order the juvenile into counseling. Judges also may ask parents to undergo counseling or take parenting classes.

Finally, as already noted, locking up status offenders costs the taxpayers a lot of money, even though these juveniles typically don't pose a public safety risk. In Arkansas, housing a child in detention costs hundreds of dollars per day. Community-based programs cost a lot less, but they ensure the judge receives periodic status updates and en-

able the judge to increase sanctions if the child remains unstable.

Mr. President, I ask unanimous consent to have printed in the RECORD some of the letters we have received in support of the bill's passage.

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

NATIONAL CRIMINAL  
JUSTICE ASSOCIATION,  
Washington, DC, July 27, 2015.

Hon. CHARLES GRASSLEY,  
U.S. Senate,  
Washington, DC.

Hon. SHELDON WHITEHOUSE,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS GRASSLEY AND WHITEHOUSE: We are pleased to support S. 1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act (JJDP) of 2015. Members of the National Criminal Justice Association (NCJA) include the state, territorial and tribal chief executive officers of criminal justice agencies charged with managing federal, state, and tribal justice assistance resources. About half of these administer the programs authorized by the JJDP.

NCJA members applaud the goals of S. 1169 to preserve and strengthen the prevention, youth development and rehabilitation purposes of the JJDP, and are committed to achieving the reforms envisioned by the bill. In particular, the bill focuses on employing evidence-based and promising practices to promote alternatives to detention and provide for the diversion from, and the safe and effective treatment for, youth in confinement. It also would further the progress we have made as a nation in keeping youth out of contact with adult offenders, from the time of arrest through confinement.

The promise of the JJDP is federal support for innovative state approaches to reforming the juvenile justice system and improving the treatment of juveniles under the state's care. S. 1169 will add to states' responsibilities by substantially expanding the activities under the core requirements, increasing data collection, and potentially requiring states to establish new facilities to house youthful offenders and increase the number of facilities states are required to monitor. Yet, since the last reauthorization in 2002, funding for JJDP programs has dropped by more than 60 percent. This means that the resources available to states for juvenile delinquency programming and compliance with the core requirements are substantially dropping at a time when the requirements on states are substantially increasing.

It is for this reason that NCJA members appreciate the flexibility and spirit of partnership embedded in the bill which will help all states reach a common standard of protection and service for children in the juvenile justice system even when resources are scarce.

NCJA members also believe the bill will help continue to rebuild the partnership between OJJDP and the state agencies responsible for carrying out the purposes of the Act. The bill includes new training and technical assistance opportunities for state agency administrators, offers a new opportunity for state agencies to partner with OJJDP in research and the sharing of best practices, and holds the promise of improving transparency.

We are effusive in our praise and thanks for Evelyn Fortier and Lara Quint. Throughout the bill development process, Evelyn and Lara have been thoughtful, professional, welcoming, patient, collaborative, and kind. They have listened to our concerns and



worked hard to craft language that supports the role of the state administering agencies while keeping pressure on the states to strengthen our juvenile justice systems.

Thank you for your leadership, for your commitment to improving the outcomes for youth, and for supporting state efforts to prevent and reduce juvenile crime.

Sincerely,

JEANNE SMITH,  
President.

—  
ACT 4 JUVENILE JUSTICE,  
Washington, DC, January 25, 2016.

Hon. CHUCK GRASSLEY,  
U.S. Senate,  
Washington, DC.

Hon. SHELDON WHITEHOUSE,  
U.S. Senate,  
Washington, DC.

DEAR CHAIRMAN GRASSLEY AND SENATOR WHITEHOUSE: We, the undersigned—representing more than 200 national, state, and local organizations and hundreds of thousands of constituents—thank you for your leadership in sponsoring S. 1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015. The bill strengthens and updates the Juvenile Justice and Delinquency Prevention Act (JJDP), which has provided States and localities with federal standards and supports for improving juvenile justice and delinquency prevention practices and contributed to safeguards for youth, families and communities for more than 40 years, and we are grateful that you have made it a priority this Congress.

Despite a continuing decline in youth crime and delinquency, more than 60,000 young people are held in detention centers awaiting trial or confined by the courts in juvenile facilities in the U.S. For these confined youth, and the many more kids at-risk of involvement in the justice system, the JJDP and programs it supports are critical. Youth who are locked up are separated from their families, and many witness violence. These youth struggle when they get out, trying to complete high school, get jobs, housing, or go to college. Aside from the human toll, the financial costs of maintaining large secure facilities have also made it vital to rethink juvenile justice in every community.

Premised on research-based understandings of juvenile justice and delinquency prevention, S. 1169 reaffirms a national commitment to the rehabilitative purpose of the juvenile justice system; one that supports developmentally appropriate practices that treat as many youth as possible in their communities. It advances important improvements to the JJDP, its core requirements and its central purposes, provides enhanced safeguards for youth in the system, increases community safety, and ensures progress toward racial fairness.

Since the last JJDP reauthorization was approved in 2002, there have been many developments in the field of juvenile justice that significantly impact practitioners' work. S. 1169 recognizes and addresses many of these developments in several key ways. Specifically, we are pleased that the bill:

1. Strengthens the Deinstitutionalization of Status Offenders (DSO) core requirement by calling on states to phase-out use of the Valid Court Order Exception that currently causes non-offending youth/status offenders to be locked up.

2. Extends the adult Jail Removal and Sight and Sound Separation core requirements to apply to juveniles held pretrial, whether charged in juvenile or adult court.

3. Gives States and localities clear direction on the Disproportionate Minority Contact (DMC) protection to plan and implement approaches to ensure fairness and reduce racial and ethnic disparities, and to set

measurable objectives for reduction of disparities in the system.

4. Encourages States to eliminate dangerous practices in confinement and to promote adoption of best practices and standards.

5. Recognizes the impact of exposure to violence and trauma on adolescent behavior and development.

6. Encourages investment in community-based alternatives to detention; encourages family engagement in design and delivery of treatment and services; improves screening, diversion, assessment, and treatment for mental health and substance abuse needs; allows for easier transfer of education credits for system-involved youth; and calls for a focus on the particular needs of girls either in the system or at risk of entering the justice system.

7. Promotes fairness by supporting State efforts to expand youth access to counsel and encouraging programs that inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track.

8. Reauthorizes the Juvenile Accountability Block Grant (JABG) program which helps states and localities reduce juvenile offending by providing judges and other juvenile justice officials with a range of age/developmentally-appropriate options to both hold youth accountable and get them back on track so they are less likely to reoffend.

9. Encourages transparency, timeliness, public notice, and communication on the part of OJJDP, its agents and the States.

10. Increases accountability to ensure effective use of resources, to provide greater oversight of grant programs, and to ensure state compliance with federal standards.

Given the significant gains reflected in S. 1169, we are pleased to endorse the bill and look forward to continuing to work with you and your colleagues toward final passage in the 114th Congress.

—  
HUMAN RIGHTS PROJECT FOR GIRLS,  
Washington, DC, January 30, 2016.

Hon. CHUCK GRASSLEY,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: Rights4Girls is a human rights organization focused on gender-based violence against young women and girls here in the U.S. We write to thank you for your leadership and commitment to our youth in sponsoring the Juvenile Justice and Delinquency Prevention Reauthorization Act (JJDP) this Congress. We believe this bill strengthens the existing law by providing critical updates needed to protect youth, families, and communities.

We write to express our support for the JJDP, which has not been reauthorized in over a decade. Despite an overall decline in youth crime and delinquency, more than 60,000 children are held in detention centers across the United States. We also know that girls are now the fastest growing segment of the juvenile justice population, requiring a more gender-responsive lens when looking at issues related to delinquency and justice-involvement. The research shows that the vast majority of girls in the justice system enter with extensive histories of sexual and physical abuse. Nationally, over 70% of girls in the justice system report histories of sexual and physical violence, but in some states it can range anywhere from 80-93%. For youth and especially young girls in the system or at-risk of involvement in the system, the JJDP and the improvements in this year's language are vital.

For example, we know that each year more than 1,000 American children are arrested for prostitution, despite not being old enough to consent to sex and despite the existence of

federal laws that define them as victims of trafficking. The JJDP protects child trafficking victims by providing for the screening of youth upon intake for child trafficking and promoting services and alternatives to detention for such victims. The JJDP will also grant greater protection for pregnant girls behind bars by restricting the use of shackles. Because shackles can greatly increase the likelihood of falls, the JJDP limits the use of restraints on pregnant girls in the system, which will better protect the life and health of both these young women as well as their unborn children. Another critical way in which the JJDP will benefit young girls is in phasing out the Valid Court Order (VCO) exception. Since girls are disproportionately charged with and detained for status offenses, closing this loophole would particularly benefit girls—many of whom are arrested and detained using the VCO exception for offenses that are directly correlated with suffering abuse and trauma.

We are grateful for your commitment to this issue and to these youth. As a human rights organization dedicated to protecting the rights of vulnerable young women and girls, we urge the Senate to swiftly take up and pass this critical piece of legislation.

Sincerely,

RIGHTS4GIRLS,  
Washington, DC.

—  
FIGHT CRIME: INVEST IN KIDS,  
Washington, DC, September 17, 2015.

TO ALL MEMBERS OF CONGRESS: We are members of Fight Crime: Invest in Kids, a national organization of nearly 5,000 law enforcement leaders nationwide, including chiefs of police, sheriffs, prosecutors, and other law enforcement executives. We write to express our strong support for S. 1169, the bipartisan reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP). This reauthorization supports proven programs that can prevent youths from engaging in criminal activity or rehabilitate youths starting to offend. These programs provide a critical support for law enforcement and an important investment in those young people. We urge your support for this important reauthorization.

Recidivism remains a serious problem, draining law enforcement resources and damaging public safety. Past studies have shown that if a youth 14 years old or younger becomes a second-time offender, their likelihood of future run-ins with law enforcement spikes to 77 percent; and nationwide, almost half of youths who come before juvenile court (40 percent) will come before the court at least one more time. More needs to be done to ensure that if a youth offends, their first contact with the justice system is also their last.

The bipartisan Senate bill to reauthorize JJDP would provide federal support for evidence-based programs to combat youth recidivism. Many states have expanded the use of these intervention programs in recent years, and additional support through the JJDP reauthorization would help states continue this work. Research has shown that effective community-based intervention programs for youths and their families can significantly reduce the likelihood that the youth will get into trouble again. By reasserting family and personal responsibility, and coaching parents and children in the skills they will need to change the youths' behaviors, juvenile offenders are much more likely to engage in more pro-social behavior and avoid future run-ins with the law.

This reauthorization strengthens the evidence-based standard, ensuring the federal investment will go to programs that have demonstrated significant effectiveness. It also encourages continued growth in the

anti-recidivism field by allowing a small portion of funds to go to promising programs, thus encouraging innovation and yielding the greatest results for the community.

A study of one intervention program that works with troubled youth and their families, Functional Family Therapy (FFT), found that youth whose families received FFT coaching were half as likely to be re-arrested as those whose families did not. Another study found FFT reduced subsequent out-of-home placements by three quarters. Further, because of the reduced costs associated with crime and contact with the justice system, FFT was found to save the public \$27,000 per youth treated. Another intervention that works with the families of serious juvenile offenders, Multisystemic Therapy (MST), found juvenile offenders who had not received MST were 62 percent more likely to be arrested for another offense, and more than twice as likely to be arrested for a violent offense.

One effective, research-based program, Multidimensional Treatment Foster Care (MTFC) provides specially selected and trained foster parents for seriously troubled youth who cannot stay with their parents. While the youth are in foster care learning crucial skills, their parents are receiving coaching so they can continue the process of directing their children's behavior in more positive ways once the youths return home. In studies, MTFC has been shown to cut juvenile recidivism in half and save the public an average of \$9,000 for every juvenile treated. Each of these programs can be used successfully either in place of residential facilities, or as after-care upon leaving a facility.

As these programs help to reduce youth recidivism, there also needs to be a clear sense of the progress being made and areas for continued improvement. We support the National Recidivism Measure within this reauthorization that instructs the Administrator to establish a uniform measure of data collection that states can voluntarily adopt, or not, as another tool to evaluate data on juvenile recidivism. The option of measure some re-offending outcomes in the same way could help states compare results and share best practices.

Law enforcement nationwide remain committed to doing what is necessary to protect public safety, and we know that families and communities have an important role to play. We support the reauthorization of JJDP, which will provide support for family-centered and community-based interventions, like FFT, MST, and MTFC. This is a strategic investment in public safety. Changing the behavior of a teenager is more likely than changing the behavior of an adult career criminal. This not only benefits those youths, but also law enforcement, the taxpayer, and the community.

We urge Congress to pass the reauthorization of JJDP that will prioritize evidence-based programs to get troubled kids back on track and improve public safety.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I share in the mutual admiration for the Senator from Iowa, and I appreciate his work on this and many other pieces of legislation. I commit to work with both him and the Senator from Rhode Island to try to resolve this as promptly as possible so we can move this piece of legislation forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I ask unanimous consent that at the conclu-

sion of my remarks, the Senator from Texas, Mr. CORNYN, be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### THE PRESIDENT'S BUDGET

Mr. CASSIDY. Mr. President, for the 10th anniversary of Hurricane Katrina, I went down to the Lower Ninth Ward. President Obama had a little convocation which I was privileged to be part of. I pointed out that his budget that year attempted to take the money that the Federal Government had committed, voted on by a majority of this Chamber, to share in the offshore revenue from Louisiana's coast, Texas's coast, and other Gulf Coast States, with those States.

I said: Mr. President, your budget is taking this money away.

If you look at the devastation wrought by Katrina, it was wrought because we lost our wetlands, which was a loss directly connected to the Federal Government's decision to channel the Mississippi River for the benefit of the rest of the country's economy, and also because the Army Corps of Engineers failed to build—and this has been established in court—levees to the degree that would protect the city of New Orleans.

The President clearly agreed. He said so. He looked at his budget man, Shaun Donovan, and said: Why would this be? We need this State to have that money.

I paraphrase, but it was essentially that. And he committed to taking care of that issue so that our State would not be confronted with the kind of disaster Katrina was. He did not want this to happen again.

On Tuesday the President released his fiscal year 2017 budget. Once more, despite his words, he proposed repealing existing revenue-sharing law, which would deny Louisiana and other Gulf Coast States billions. Louisiana will use this money on critical coastal restoration. By doing this, the President betrays the commitment he made in the Lower Ninth Ward. The President and some in this Chamber want to repeal a law that received bipartisan support, with over 70 Senators supporting the original legislation in 2006. By the way, it is also a law that anti-poverty and environmental organizations support.

I hold up a letter from Oxfam. Oxfam America states in this letter that "America's Gulf Coast is home to some of our nation's highest rates of poverty and greatest risks of natural hazards like sea level rise, hurricanes, flooding and coastal land loss."

Passage of amendment No. 3192—which, by the way, is my amendment to the Energy bill which brings more equity and revenue sharing—will provide new resources to address the glaring inequities facing these communities.

In response to the President's fiscal year 2016 budget, the Environmental

Defense Fund, the National Wildlife Federation, the National Audubon Society, and the Lake Pontchartrain Basin Foundation stated:

But we are disappointed by the budget's proposed diversion of critically needed and currently dedicated funding for coastal Louisiana and the Mississippi River Delta.

This proposed budget undercuts the Administration's previous commitments to restore critical economic infrastructure and ecosystems in the Mississippi River Delta, where we are losing 16 square miles of critical wetlands every year—a preventable coastal erosion crisis.

So if you are pro-environment and pro helping poverty-stricken communities, how can you not support revenue sharing for coastal States?

Coastal restoration is critical to Louisiana's economy and safety but also to America's economy. Every 38 minutes, Louisiana loses about a football field-sized chunk of land. I am presiding next. At the bottom of the hour, Louisiana will have lost another football field of land. This revenue sharing helps reverse that.

By the way, in Louisiana, our Constitution dedicates 100 percent of revenue from offshore energy production to restoring and rebuilding our coastal wetlands.

A strong coast protects families and businesses against storm surge. It prevents posters like this: "Why New Orleans Still Isn't Safe," and posters like this, and many other posters.

With our coasts so degraded—it puts Louisiana's economy in jeopardy, but it also puts America's energy and trade infrastructure in jeopardy. Most importantly, loss of coastal wetlands puts American lives in jeopardy.

Not only do we need to protect this revenue sharing as promised, but I and others feel we must increase that revenue sharing amount if we are to truly protect our coast.

Royalties to States from energy produced offshore is a fraction of what States that produce energy onshore receive. In fiscal year 2014, the Federal Government received \$4.6 billion—with a "b"—in royalties from energy production in the Gulf of Mexico. The coastal States that provide the energy infrastructure received \$3.4 million—with an "m"—so 0.7 percent of the royalties. In comparison, States that produce energy onshore—and I think the Presiding Officer's State is such—get 50 percent of those royalties. So 0.7; 50 percent—there is no equity there.

I have introduced a bipartisan amendment to the Senate's Energy bill that I hope we can keep working on to provide greater equity and revenue sharing for States that do host offshore energy production.

For decades, energy activities in the Gulf of Mexico have produced billions of barrels of oil and trillions of cubic feet of natural gas. Gulf of Mexico offshore oil production accounts for close to 20 percent of the U.S. crude oil production. Over 45 percent of total petroleum refining capacity in the United States is located along the gulf coast,

as well as 51 percent of total natural gas processing plant capacity. The Gulf States provide the docks, roads, railroads, refineries, and other infrastructure that makes energy production possible to fuel America's economy.

On top of this, our waterways support trade throughout the country. Farm crops produced in the Upper Midwest pass through the lower Mississippi on their way to international markets. We need equitable revenue sharing to continue hosting these industries, ensuring that America continues to have a resilient domestic energy supply and access to the goods and services we need.

If the President is serious about protecting families, our environment, enhancing the resiliency of the gulf coast and improving the Nation's economic infrastructure, he should have worked with Congress to ensure that this never happens again.

I yield to the Senator from Texas.

The PRESIDING OFFICER. The majority whip.

MENTAL HEALTH AND  
PRESCRIPTION DRUG ABUSE

Mr. CORNYN. Mr. President, I thank my colleague and friend from Louisiana.

I want to talk a little bit about the work of the Senate Judiciary Committee because we have had a pretty extraordinary week this week in the committee under the leadership of the Senator from Iowa, Mr. GRASSLEY. We have been focusing our efforts on our criminal justice system and how it has been transformed in recent years because instead of just being law-and-order courts, our criminal justice system is dealing with everything from heroin addiction to opioid addiction, mental health challenges, and the recognition that eventually many of the people who are in our prisons will get out of prison, and we have become more focused on what we can do to help those who are willing to accept some help to be better prepared for a life on the outside and not reengage in this turnstile that sometimes our criminal justice system has become, where they get in jail or in prison, they get out, and then they automatically end up back in prison. That is not good for society, for public safety. It is not good for the taxpayer who has to pay for it, and it really is a squandering of human capital when some people—indeed, a significant number of people—are willing to accept that help to deal with their drug or alcohol issues, to learn a skill, and to turn their lives around.

We had a hearing yesterday that I want to make particular note of on a piece of legislation I have introduced called the Mental Health and Safe Communities Act. The Presiding Officer is well familiar with this and is sponsoring some important comprehensive mental health legislation himself, and we are working together to try to find common ground on that, but my

legislation is designed specifically to address how do we equip law enforcement with the additional tools they need in order to address the mental illness crises they find in their daily work and in our criminal justice system.

We made good progress, but the fact is I think most of us were shocked to realize our jails and prisons have become the de facto treatment centers for people with mental illness, and actually in most instances it is not diagnosed and not treated. People self-medicate with drugs or alcohol, exacerbating their problems, and we couldn't have had two better witnesses. One was the sheriff, Susan Pamerleau, from Bexar County, TX, San Antonio—my hometown—which has created a model program of how to divert people for treatment and to get them out of the criminal justice system and back on their feet but also to save tax dollars and make sure our jails and our criminal justice system is reserved for people who are bad actors and not just people who are suffering from a mental health crisis.

Today we considered and passed a bill called the Comprehensive Addiction and Recovery Act, known as CARA. This is another example of bipartisan work being done in the Senate, which is back doing the people's work with some notable accomplishments.

More importantly, it addresses a real crisis in the country because we have all come to be aware of the fact that America is facing an epidemic of drug addiction, ranging from prescription drug painkillers to heroin, addiction that is ruining lives of Americans and taking the lives of far too many.

According to the Centers for Disease Control and Prevention, 47,000-plus Americans died from drug overdoses in 2014—47,055 Americans died from drug overdoses in 2014, more than any previous year on record and more than double the mortality record from the year 2000. That statistic cries out for further investigation and action. These 47,000-plus drug overdoses represent 150 percent more deaths than those caused by motor vehicles. I know we spend a lot of resources and a lot of time trying to improve safety for people on our highways driving cars down the road, but more than 150 percent more people died from drug overdoses than motor vehicles, and 61 percent of those deaths involved some type of opioid, including heroin.

Fortunately, this legislation begins to establish a strategy to address this problem head-on. The bill would expand prevention and education efforts to help people learn the dangers of becoming addicted to prescription medication and the dangers of even experimenting with a drug as powerful and addictive as heroin.

It would also reauthorize and expand Federal anti-heroin and anti-methamphetamine task forces, which are on the frontlines in the battle against drug trafficking organizations, many of

whom operate south of the Texas-Mexico border and import their poison into the United States.

This legislation would also promote treatment and recovery options for those struggling with deadly addictions and provide law enforcement and first responders the tools they need to help reverse overdoses as fast as possible by giving medication, which will actually restore people to health rather than see them die because of their overdoses.

This legislation is another example of the fight that I think we all share in common without regard to partisan affiliation. I want to particularly point out the leadership of the Senator from New Hampshire, Ms. AYOTTE, and the Senator from Ohio, Mr. PORTMAN, together with Senator WHITEHOUSE from Rhode Island, who have been leading the effort to make opioid addiction a national priority.

I hope there are other ways in the future we can consider strengthening the hand of those fighting on the supply side of the drug addiction battle. The Comprehensive Addiction and Recovery Act primarily deals with the demand side, people who have become addicted to prescription drugs and heroin, but as I indicated a few moments ago, we have tons of heroin, methamphetamine, and other drugs being imported into the United States by transnational criminal organizations, otherwise known as cartels.

Earlier this week, the Director of National Intelligence, James Clapper, testified before the Armed Services Committee. He touched on how significant this problem is in Latin America and where many of the drugs sold in the United States are grown or manufactured. Director Clapper noted that the production of heroin in Mexico has been increasing steadily in response to U.S. demand. Other illicit substances, such as cocaine, have been increasing in volume as well, but while the production and importation through illicit networks into the United States has been growing, our efforts to interdict or intercept these drugs and keep them from landing on our shores has not been keeping up.

In 2014 alone, drug cartels successfully smuggled more than 250,000 pounds of heroin across our borders at a street value of about \$25 billion. We need to have a real conversation about the budget shortfalls that allow this to happen and how it is impeding our ability to choke off the flow of these illicit drugs coming into our country.

We have to do more to resource our military, particularly the Southern Command, which has as its area of responsibility Mexico and to the south, where many of these drugs transit. We need to provide those on the frontlines with the tools they need in order to combat and prevail over these transnational criminal organizations.

Let me give you a quick snapshot. U.S. Southern Command, which I mentioned a moment ago, is our geographic

It is very important that we continue to strengthen our security regime, and I believe there is more that we can do. Our bill, S. 2430, would have allowed

Customs and Border Protection to expand preclearance operations at targeted airports where we are concerned that the U.S. has a full partnership. If you have traveled outside of the United States of America and then return, you are very well aware of what happens to you at Customs—something like what is depicted in this photo where somebody is asking you for your passport information and background. Many of these operations have continued to be improved, including at Dulles airport. Through a pilot program, they now have the latest and greatest biometric technology that allows for enhanced fingerprint identification, facial recognition pictures, and a variety of things that are making our air travel more secure. We would like to do the same thing at U.S. preclearance operations abroad, and we will keep working to do just that.

We would like to see customs and border operations, which is U.S. law enforcement on the ground, at partnership airports for places such as the United Kingdom, Spain, Norway, Sweden, Belgium, and Turkey, even though it is not a visa waiver country, because it is a transit point between Syria and Europe.

The language in the bill today shows that Congress supports efforts to strengthen the security of our border checks by stretching them overseas to these operations. Again, I appreciate Secretary Johnson's committed insight to constantly improving our border security. He and his agency have been working hard to constantly upgrade our security. He engaged in a conversation with Senator COLLINS and me last December on this legislation, and he has continued to help us get this language into the Customs bill that we just voted on.

I so appreciate Senator COLLINS' focus on this issue for many years as the head of the Homeland Security Committee. She has since turned that responsibility over to Senator JOHNSON, and he has also been focused on these issues. I just want to thank her for working with me on this legislation over several years. In 2010, we tried to improve the biometric standard for visa waiver countries and passed strong legislation out of the Senate. Unfortunately, it was watered down to a lesser standard. Yet it did start the efforts on more aggressive biometric travel infrastructure with our visa waiver partners.

In our bill, S. 2430, we try to set up new biometric pilot projects that will work with our partners overseas and test out the best biometrics we can use. That provision was not included today, but it's something we will keep working on.

We know ISIS has set up operations and is continuing to focus on these visa waiver countries, as well, like the U.K. and Belgium, and we know it is active in Turkey. Giving the best technologies and tools to our partner countries and working on counterintel-

ligence is very important. Having trained U.S. law enforcement officials working with our partner airports is important for U.S. travelers, U.S. businesses, international commerce, and for travel and the airline industry in general. The fact that customs agents can conduct interviews, capture biometrics, and conduct behavioral analysis before travelers come to the United States of America helps improve the security of our system.

Customs and Border Patrol has announced they want to increase the number of these preclearance-screened travelers by a considerable percent by 2024. This will help us protect the ever-growing traveling population—and know that we are doing a better job before people reach the shores of the United States.

We know with a U.S. law enforcement presence overseas that we will increase security. Customs and Border Patrol turned away nearly 10,000 people seeking admission to the United States. That is 29 people per day. I am not saying all of these people were terrorists. Some had expired documents or otherwise inadmissible information, but the key fact is that preclearance worked. It worked in helping to prevent people that should not have been here from coming to the United States.

Existing U.S. Customs and preclearance operations have stopped some suspected terrorists from reaching our country, and that is why we are so glad we passed this legislation and hope that it will be moved throughout the process to the President's desk and quickly signed.

I also want to thank all of our colleagues and the managers of the legislation for including this in the bill. I thank all those who work at our U.S. border and U.S. Customs and Border Protection—like the person at the Washington State border who helped catch the Millennium Bomber, Ahmed Ressaam, before he could harm Americans.

I again thank the Senator from Maine for her constant work with me on this issue and for her focus on U.S. security. She and I know this job is not done. She and I would go even further in this effort, but we are at least glad we are expanding our border controls to these overseas airports, making U.S. travel safer and protecting people by not letting people come to the United States who pose a security threat.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, it is a great pleasure to join the Senator from Washington State, Ms. CANTWELL, in discussing some very important provisions that were included in the Customs conference report that the Senate acted on earlier this afternoon.

As Senators representing border States, we are particularly attuned to the security and economic consequences of our border security policies. When it comes to travel, our

country's goals should be to let our friends in and to keep our enemies out. As the Senator from Washington so eloquently described, the best way for us to do that is to push out our borders.

Today, approximately 15 percent of travelers boarding an airplane destined for the United States do so only after fully clearing U.S. Customs and immigration inspections at 15 Department of Homeland Security preclearance facilities located in foreign airports. That is a start, but it doesn't go far enough. If we truly want to enhance our security, we need to advance the use of preclearance facilities in other foreign airports, and that is exactly what the Senator from Washington and I would do and what the Senate voted to do today. As Senator CANTWELL has described, it is something that we have long worked on together as a team for many years, and I am very pleased with the progress we can point to today.

Now, let me just briefly explain how preclearance works. Under the preclearance program, we station U.S. law enforcement officials overseas at foreign airports. There they can screen passengers at the point of departure to the United States rather than waiting for the passengers to arrive in the United States. Well, that makes all the sense in the world. It helps to prevent someone—a terrorist—from smuggling a bomb onto a plane. It helps make the no-fly list more effective. It helps Federal law enforcement to do a scan of other terrorist databases to see if a passenger is listed.

In addition, the unique biometric information of each passenger is also collected before the flight departs to our country rather than after it has arrived. Again, it is this concept of pushing back our borders so that more screening is done overseas. We are doing this more with cargo, also, that is shipped on those cargo ships coming into our ports. It makes all the sense in the world. The security feature is particularly important because biometric information is so much more difficult to fake than biographic information such as the name or a date of birth, which can easily, regrettably, be falsified. As a result of the preclearance operations, threats to aviation security and to our country and its people can be identified at the earliest opportunity.

Accelerating the expansion of preclearance operations incurs minimal costs and great benefits. Instead, new preclearance operations overseas are often paid for by the foreign airport authorities in exchange for the opportunity to offer passengers an improved travel experience returning home.

Think of it, I say to my colleagues. When we come back from a long overseas flight and then we see that long line to go through Customs and immigration, wouldn't we rather do that on the front end of the flight when we are fresher and before that long flight

home? This is advantageous for our foreign visitors, as well as increasing our security.

The conference report passed by the Senate today thus represents an important step forward in strengthening our security. It will help to strengthen the security of travel to the United States. It does not represent our entire bill.

The Cantwell-Collins bill also has enhanced information sharing between the United States and Europe regarding the identities of suspected terrorists. If our intelligence community can provide more information to European border authorities and they can use it in the screening of the more than 1 million migrants that are arriving in Europe, we simultaneously improve the security of Europe and of the United States.

The continued threat posed to aviation from terrorist groups like Al Qaeda, like ISIS, and so many others demands that we take immediate steps to improve our security, keeping our borders and our aviation industry safe but, most of all, keeping the American people safe. Today's vote on the Customs bill conference report is a significant step in the right direction.

I want to acknowledge the work of the Committee on Homeland Security and Governmental Affairs, which is headed by our colleague Senator RON JOHNSON, as well as the Department of Homeland Security, headed by Secretary Jeh Johnson. Both of them have also worked hard on the preclearance issue.

I hope that our colleagues will join Senator CANTWELL and me as we continue the work we have been doing for the past 5 years on this issue. It is so important. As border State Senators, I think we are particularly sensitive to the fact that we want tourists, we want trade, we want people to come into this country, but we do not want lax border security to allow those who would do us harm to be able to enter this country.

Let me end where I began. Our goal is to keep our enemies out and invite our friends in when it comes to travel. I want to commend Senator CANTWELL for her longstanding leadership on this issue. It has been a pleasure to work with her.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### WASTEFUL SPENDING

Mr. COATS. Mr. President, this week the President unveiled his budget for fiscal year 2017, and it landed here in the Senate with a big thud.

This is not the first time that has happened. In fact, when the President's budget has been brought up for a vote by the 100 Members of the Senate, it has never received more than 1 vote. Both Democrats and Republicans have roundly rejected the President's proposals. Why? Overspending and over-taxation, driving us ever deeper into debt—nobody wants to put their name to that. Yet that is the situation we are in. We are in that situation because of the irresponsible policies that have been laid upon the American people and put into law by this President and by those who have supported him.

Despite numerous efforts over the past several years to address this ever-growing threat to our future, all of these efforts—some of them bipartisan, even—have been rejected by the President. They have failed due to the President's unwillingness to work with the Congress and to put us on a path to fiscal solvency.

Now, I have been a part of that effort now for the last 5 years. All of us throw our hands up in frustration as we watch the debt clock click away ever faster, as we watch the debt rising ever greater.

When the President took office, our national debt—the money we had to pay back—was \$10.6 trillion. It is almost impossible to describe what \$1 trillion is. Trust me; it is a lot of money. It was \$10.6 trillion. Today, it is over \$19 trillion—nearly double—just in the term of this President. And what have we done about it? Nothing. Some will say a little bit. We have touched on it a little bit, but it continues to rise.

The Congressional Budget Office, a nonpartisan organization that just does the numbers, has told us that in 10 years the debt will rise to well over \$27 trillion. The shocker is the amount of money that has to be spent in paying interest on the debt. Nobody is giving us this money for free. We have to pay interest on it because people want interest, and they want their principal back. The interest on that, plus the mandatory spending—that is, automatic spending over which we have no control here unless we put reforms in place—will consume 99 percent of all the taxes and revenue that is coming in to pay for these programs. So that means we won't be building any roads; we won't be repairing any roads. That means we won't be providing research capabilities to the National Institutes of Health or the Centers for Disease Control and Prevention. That means we won't have money for viable programs in the fields of education, commerce, and transportation. Ninety-nine percent is all revenue consumed by just these two items: the mandatory spending—which we have lost control over and refuse to take reform actions to address—and the interest that has to be paid.

Well, this is unsustainable. It will all come down with a crash. That is why the President's budget this year will be

soundly rejected and will only receive one vote, if it gets that.

I am not giving up. I am looking at the major reforms that are necessary, even if we start today, even in an election year. I personally think the public is way ahead of us on this, and they will reward people who stand up and tell them the truth: Folks, we are going broke, and here are the numbers. This isn't political; these are pure numbers that come out of a neutral office. Nevertheless, we will see whether or not those who are running for office will take up the cause.

So I thought: Well, OK, we can't do the big stuff. Can we at least look at waste, fraud, and abuse? Can we not at least encourage my colleagues to take things that have been presented to us—examples of waste, fraud, and abuse by inspectors general, by the Congressional Budget Office, by the Government Accountability Office that looks into all the ways in which we spend money—can't we at least do that? So for the last 33 weeks, starting in the last session and moving into this session, I have been coming to the floor every week to highlight yet another documented example of waste, fraud, and abuse. This is the 33rd time.

Today, this one involves the sum of \$25 billion that has not been properly accounted for by the Centers for Medicare & Medicaid Services, which is part of the Department of Health and Human Services. I spoke with the Secretary this morning about it. There are 25 recommendations as to how the Department can address this matter, and she is committed to that. I know she has the right intent, and we will see if it can be accomplished.

In this particular case private sector contractors partner with the CMS, or the Centers for Medicare & Medicaid Services, to provide any number of products and services to beneficiaries—those on Medicaid and Medicare. Federal agencies that administer the contracts are required to track the contracts' progress and costs and then close out these accounts once the contracts are finalized. There comes the rub. The regulations give a grace period of up to 20 months in order to close out a contract—to get everything closed down and so forth on these contracts. There is a handful of extensions where maybe it takes a little bit longer to do that. The timeframe or the grace period is intended to prevent improper payments and reduce the agency's financial risk and then close it out.

The inspector general looked at all this and said: Great idea, good regulation—but it is not happening. In December the Health and Human Services inspector general issued a report of the investigation into these terminated contracts. There are over 6,000 contracts that have been completed, but \$25 billion in funding is overdue—meaning that the accounts haven't been closed, which makes CMS vulnerable to improper payments.

Sadly, 15 percent of the completed contracts remained overdue for more



than 10 years, even though the regulation states they have to be closed out within 20 months. It shows the ineptness of this bureaucracy. It shows the incompetence of this bureaucracy, the inability of this bureaucracy to manage taxpayers' money in an effective way, to perform functions in an effective and efficient way. It is shocking. It is shocking to have the inspector general come along and find that there are thousands of contracts that have been completed for years—some over 10 years—and they are still open. The cost of that is \$25 billion. Even worse, the system that CMS has in place to monitor the contracts hasn't been accessible to the bureau within HHS responsible for closing the contracts. It is just a complicated mess.

Once again, we have situations totaling about \$25 billion that could either be used for more necessary functions, returned to the taxpayer or not taken from the taxpayer in the first place. The bottom line is that these have been identified and action needs to be taken.

This Senator continues to add to an ever-growing amount of waste, fraud, and abuse totaling, since we have started, a grand total approaching \$156 billion.

Having exposed this, the first thing we ought to be doing before we begin talking about raising taxes, before talking about a program staying in place or not staying in place is going after the waste, fraud, and abuse and stopping this outrageous waste of money that is occurring.

The next time we are back in session, I will be back down here with more. They just keep pouring in. We keep finding these documents, finding this and that. It is unbelievable that we have put ourselves in this situation and the ineffectiveness is out of control. It is no wonder the public no longer trusts us. If we can't get to this, how can we ever get to the reforms necessary to stop us from becoming insolvent?

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EVERY CHILD SUCCEEDS ACT

Mr. ALEXANDER. Mr. President, last summer, by a vote of 81 to 17, the Senate passed a bill to fix No Child Left Behind. The House of Representatives had already passed their version. We had a conference report. We sent it to the President, and it was in December that President Obama signed the Every Student Succeed Acts to fix No Child Left Behind. The President not

only signed it in a large ceremony attended by parents, teachers, students, Governors, and people from all walks of life, the President said it was a "Christmas miracle." I think he said that for a couple of reasons. One, it was good news. Miracles are usually good news, and this was good news for 50 million children, 3.5 million teachers, and 100,000 public schools. They had waited 8 years for the U.S. Congress to fix the problems with No Child Left Behind. They knew it was difficult to do, and they looked forward to the result that we achieved because we achieved a consensus. There surely was a consensus if this was a law that everybody wanted fixed, but we also had a consensus about how to fix it.

People who don't usually agree in the education world said: We want to keep the tests. We want to keep the 17 federally required, State-designed tests between grades 3 and 12 so we can know how our children are doing, and we want to report that to the parents and the students, but we want to move the responsibility for our children and our schools out of Washington and back to the classroom teachers, back to the local school boards, back to the communities, and back to the Governors.

We heard that from the left, and we heard that from the right. We heard that from the Governors, and we heard that from the teachers unions. Because we all had that consensus, we were able to secure a vote of 81 to 17 here, and, as I often said last year, that is not that easy to do. Everyone is an expert on education. We have all had some education. It is like being in the Louisiana State University football stadium or the University of Tennessee football stadium. The stands are filled with 80,000 or 100,000 people who know exactly what the next play to call is because they have all played a little football and they are usually ready to say what it is. So that is what we had to navigate, but we did. As the President said, it was a Christmas miracle and a gift for the children, the teachers, and the parents who care about our public schools.

The reason I am on the floor today is to put into the CONGRESSIONAL RECORD a letter to the Acting Secretary of the U.S. Department of Education, John B. King, Jr. The letter is from a number of those in the coalition of educators and others who helped to pass the Every Student Succeeds Act.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I am referring to at the conclusion of my remarks.

This is a letter from people who don't always work together. In fact, in their letter to the Acting Secretary of Education they say: "Mr. KING, although our organizations do not always agree, we are unified in our belief that ESSA is a historic opportunity to make a world-class 21st century education system. We are dedicated to working together at the national level to facilitate partnership among our members

in States and districts to guarantee the success of this new law.”

This letter comes from the National Governors Association, the School Superintendents Association, the National Education Association, and the American Federation of Teachers who all signed this letter. So did the National Conference of State Legislators, the National Association of State Boards of Education, the National School Boards Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, and the National Parent Teacher Association. I have racked my brain, and I can't think of any significant group in the State or local education world that hasn't signed this letter, except the Council of Chief State School Officers. I have no idea why they have not yet signed it because they were enthusiastically in support of our bill as well, so I hope they are also part of our coalition.

But here is the importance of this coalition. The coalition that sent this letter is the same coalition that supported passage of the bill. They know what I know and what Senator MURRAY of Washington State knows—who was the principal Democratic architect of the bill—that bill isn't worth the paper it is printed on unless it is implemented properly.

This bill makes a dramatic shift in policy for elementary and secondary education. The Wall Street Journal called it the largest devolution of power from Washington to the States in a quarter of a century. They are right about that. Both the left and the right had grown tired of a national school board in Washington, in effect, telling teachers and school boards and Governors and legislators what to do about their children and what to do about their schools. Those decisions are best made by those closest to the children. We don't get any wiser by flying from Nashville to Washington each week. In fact, there are a lot of people back in Nashville who think we lose a little bit of our common sense when we come here. So this is important. This is what we usually don't see from Washington—taking large amounts of power and sending it back home where it belongs. That is what all of these organizations say about the new law. Their letter says:

ESSA replaces a top-down accountability and testing regime with an inclusive system based on collaborative State and local innovation. For this vision to become a reality, we must work together to closely honor congressional intent. ESSA is clear: Education decision-making now rests with states and districts, and the federal role is to support and inform those decisions.

Let me read that again:

Education decision-making now rests with states and districts, and the federal role is to support and inform those decisions.

That is what the Governors say. That is what the National Education Association says. That is what the American Federation of Teachers says. That



the final Trans-Pacific Partnership Agreement. She put in an awful lot of important and valuable exercises in negotiating TPA. Of course, these are the rules under which we conduct trade policy, and in my view she did superb work with the TPA amendments in the trade enforcement package.

Andy Heiman is our resident innovation adviser. His contributions have been crucial on Internet tax policy, on the Trade Adjustment Assistance Act, trade preference, creating a new program for Nepal—an area where Senator FEINSTEIN has done an awful lot of good work—or improving the African Growth and Opportunity Act. Of course, that legislation involves several of our colleagues—Senator ISAKSON, Senator COONS, and others—who did very important work on those bills.

Jayme White is with me on the floor. He is our team leader. It would be hard to overstate the excellent work Mr. White has done. Over the last 2 years, his ideas, his patience, his leadership, and his ability to get a sense of where we needed to go for the future have been very valuable. My view is we couldn't have had these exceptional accomplishments in this Congress on the trade issue without Mr. White.

Now, he is not here on the floor, but I want to say a word about Jeff Michels, our chief of staff. Jeff has been with me since I came to the Senate. I think it would be fair to say there is not a person in the Nation's Capitol who better understands the intersection, particularly on technology and innovation, between policy and politics. We would spend the entire afternoon if we were to talk about the good work Jeff Michels has done on these issues, but in particular, on the Internet tax freedom bill, Jeff Michels was there during those first days in 1998. Our former colleague from the other body, Chris Cox, was the sponsor on the Republican side of the aisle. I was the sponsor of the legislation in the Senate. I had pretty much just arrived in the Senate. We were struck by the idea that somebody might be trying to tax Internet access. If you tax Internet access, you are doing something that is extraordinarily regressive. What it means—for example, in the State of Louisiana—if somebody were to try to do this in one of our States that doesn't already have some kind of grandfathered arrangement, taxing Internet access means that you have new regressive taxes in America—taxes that are especially punitive to working families, families who are trying to use the Internet to find out about educational opportunities or employment or maybe they are using it to learn more about dealing with matters associated with raising children. We wouldn't have the Internet tax freedom legislation, in my view, without Jeff Michels.

In addition to the problem with the prospect of taxing Internet access, what we found back then is just out and out discrimination. For example,

people would buy a paper snail mail and they wouldn't face a tax. Then they would buy the online edition of the very same publication, and they would face a tax for the online edition. We said: That seems pretty odd, even by Washington, DC standards. Let's ensure that there is, in effect, technological neutrality. So what the Internet tax freedom bill is all about is ensuring that there are no regressive taxes to hit working families hard on Internet access and that we don't reward discrimination against technology and innovation. That work would not have been possible without Jeff Michels.

Importantly, Joshua Sheinkman, who is the Democratic staff director, and Mike Evans, our chief counsel, did masterful work in navigating all the pitfalls and landmines of the Finance Committee, the Senate floor, and the other body in the Congress. Their leadership and their experience has been essential to our success on trade and all other policy matters before the committee.

Before I wrap up, I want to note that none of this happens just coming from one side of the aisle. Chairman HATCH's trade team and senior staff were absolutely essential to the success of the last year and today. Specifically, I commend Everett Eissenstat, Douglas Peterson, Shane Warren, Andrew Rollow, Jay Khosla, Chris Campbell, the staff director of the Finance Committee, and Mark Prater, whom we have always been very proud of because he is an Oregonian. All of his friends still give me a hard time when we are working out in Southeast Portland at the gym. Mark Prater is a truly talented and thoughtful public servant, and we appreciate his leadership.

I would also like to thank a couple of others who have been very helpful in the leadership to work with us. Ayesha Khanna on the Democratic leader's staff and Brendan Dunn have been very helpful in terms of working closely with our team.

Finally, there are a couple of alums. These issues have gone on so long, I believe the Presiding Officer was probably practicing medicine when we started some of these battles. A number of alums have also contributed significantly to the work that was completed today.

Hun Quach and Ayesha Khanna started working on Customs legislation what seems like eons ago under Chairman Baucus, and Alan Treat helped lay the groundwork for the ENFORCE Act. The ENFORCE Act is really landmark legislation—landmark legislation that Alan Treat helped lay the groundwork for.

What we found when we set up a sting operation that demonstrated this is that trade cheats all over the world were basically laundering merchandise. They would get caught violating the trade laws in one jurisdiction, and they would just move to another, slap a label on the box, and off they would go.

Alan Treat helped lay the groundwork to get the ENFORCE Act, which I think is going to be a landmark in our ability to get tough with the trade cheats and those who rip off American jobs.

So good policy doesn't just get created out of the ether, and it doesn't get advanced unless you have dedicated staff on both sides of the aisle. It doesn't happen just because a Senator has an election certificate. So I wanted to take just a few minutes this afternoon to make sure that the Senate understood that there were very capable staff on both sides of the aisle who gave up nights and weekends, family time, and a lot of opportunities they could have had to catch a movie or a game or go for a jog. It has led us to be able to introduce four major trade bills. So I thank them. They don't get thanked enough. They probably deserve a lot more praise than I have given them this afternoon, but at least what they have heard from me today is a start.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### TRADE FACILITATION AND TRADE ENFORCEMENT BILL

Mr. PORTMAN. Mr. President, I stand before the Senate to talk about legislation that was marked up today in committee that deals with the opiate addiction crisis we have in this country.

Before I do that, and while my colleague is still on the floor, let me congratulate him and Senator HATCH, who is on the floor, for the legislation that was passed today that will now go to the President with regard to trade—and two provisions in particular: one that Senator WYDEN just talked about, which has to do with ensuring that when you get an order against an unfairly traded import from a country because it is dumped or because it is subsidized, that you can't just take that product and shift it to another location to evade the Customs duties. That is called the ENFORCE Act. It is going to make a huge difference. I introduced it with him originally, and it is legislation that will help Ohio steelworkers and steel companies in particular, but it helps everybody who goes through the long process—which is a little better, now thanks to the Level the Playing Field Act—to get an order against a product that is not being sold here fairly, to ensure that some country doesn't just move it to another jurisdiction. I thank Senator WYDEN for his hard work on that issue and ensuring that we can have a more level playing field. If it is level, we can compete and win, but when it is not level, it is impossible for our workers, our farmers, our service providers to be able to get a fair shake. So I thank the Senator from Oregon for that.

The other is the BDS legislation, which didn't get as much play on the

floor today because there were so many other things in this legislation, but there are countries that have boycotts that divest from and put sanctions on Israel in an effort to delegitimize Israel. In this legislation, it provides that if countries want to do business with us and do trade with us, they cannot put in place these discriminatory policies as to Israel. I thank the chairman and ranking member for that as well. This is very important legislation for us to be able to ensure that we can continue to stand by our friends in Israel so they are not treated unfairly, but rather, where trade is involved, we can use our leverage to ensure that they can be able to be treated with the respect that other countries have around the world.

So those are two parts of the bill that I think are extremely important. I thank Senator WYDEN and Senator HATCH, who was on the floor a moment ago, for their hard work on that.

#### COMPREHENSIVE ADDICTION AND RECOVERY ACT

Mr. PORTMAN. Mr. President, I now turn to the issue of opiate addiction.

I thank my colleagues again on the Judiciary Committee for reporting on legislation today, on a bipartisan basis—in fact, there wasn't a single "no" vote. It was reported out on a voice vote. Everybody in committee agreed to it. That doesn't happen very often. The reason it happened this way is that the legislation before the committee called CARA—the Comprehensive Addiction and Recovery Act—is legislation that has been thoughtfully crafted, with Republicans and Democrats alike, really for the past 3 years.

We have had five conferences in Washington, DC, to put together the experts from all over the country. SHELDON WHITEHOUSE and I have lead this effort but also with Senator AYOTTE, Senator KLOBUCHAR, and others. What we have said is that we want to come up with legislation that will make a difference in our States and around the country to deal with what is sadly a growing crisis of people who are abusing prescription drugs, heroin, and this addiction problem is leading to not just a lot more people becoming addicted but people actually overdosing and dying.

In Ohio we lost over 2,400 fellow Ohioans last year to overdose deaths. It is now the No. 1 cause of death in America, accidental deaths in America. Now more people are dying from overdoses than they are from car accidents. So this is an issue that affects every single one of us. It has no ZIP Code. It is in our rural areas, it is in our suburban areas, and it is in the inner city. It is something that affects so many families.

When I am back home talking about this, it is hard for me to find a group I am meeting with that doesn't bring this up. Most recently I was in Ohio this past week talking with women

who had been trafficked. They also were women who were given drugs and became addicted, and that dependency led to the kind of sex trafficking that they were involved with and their sense of being coerced and being compelled because of this drug addiction issue. They are now trying to work through that issue, God bless them. They are back with their families. They are back getting their lives back on track, but as they told me, Rob, going through this issue of the addiction and the treatment and the recovery is hard work because the grip of addiction from opioids—meaning prescription drugs and heroin—is very difficult to address.

That is why our legislation is so important, because it provides to State governments, to local governments, to nonprofits the tools they need to be able to have better treatment and better recovery programs, longer term recovery, but it also focuses on prevention and education to try to keep people out of the funnel of addiction. It also helps our law enforcement personnel. It gives them the ability to save lives through Narcan and naloxone, which is the drug that is a miracle drug to be applied when someone has an overdose. It is saving lives right and left in my State of Ohio and around the country.

Finally, our legislation helps to get the prescription drugs off of the bathroom shelves, to ensure that these prescription drugs which have been overprescribed over the years—there are too many prescription drugs out there—aren't going to be taken by somebody, often young people who get them, it gets them involved in this addiction issue, and then often they turn to heroin as a less expensive and more accessible alternative. Our legislation does that, and it also provides for a monitoring program for the prescription drug prescribing, so we know who is getting prescribed what, including across State lines, which is why it is very important to have Federal legislation in this regard. Until we get at this issue of prescription drugs, it is very hard to stop what is a growing crisis in our communities.

Can we turn the tide? Yes. I am absolutely convinced we can because I have seen the treatment programs that work. I have seen the prevention and education programs that work. I started my own anti-drug coalition in my hometown of Cincinnati, OH, about 22 years ago. Using proven techniques, we can make a difference and we have made a difference there. Unfortunately, most communities don't have that kind of a coalition, that kind of effort.

Our legislation will help to provide that. In treatment, most Americans who are suffering from addiction do not have access to treatment. This will provide more needed resources, not just money but also being sure that the money is going to evidence-based treatment and recovery that works, that has been proven to work, so we are

not just throwing money at a problem, but we are setting up a framework for success.

The legislation is supported by many groups because it has been carefully crafted. It has been bipartisan or I would say nonpartisan. Over 120 groups have come in from around the country to support this legislation. Today I am happy to report that we have a new endorsement, and this one comes from the National Fraternal Order of Police. The FOP endorsed our legislation today, which is a tremendous boost to us.

Law enforcement around the country has been supportive. The doctors have been supportive. The nurses, first responders, those in recovery themselves, and of course experts from around the country who are involved in providing treatment and providing the prevention that is science-based, evidence-based know that if they have more support from the Federal Government, they can do more. They can leverage that at the local level to make a difference in our communities.

I am glad to hear that this legislation got reported out with such broad bipartisan support today and that everyone said this is good legislation and we need to move it forward because the next step is to get it to the floor of the Senate and to get it passed on the Senate floor and then get it over to the House where there is a companion bill. In other words, there are Democrats and Republicans working together in the House as well on this issue, understanding the urgency of addressing this crisis. They are ready go. If we send them the legislation, I believe that legislation can end up on the President's desk in short order, and we can begin to turn things around and change what is unfortunately a growing problem. It is a spreading problem. We can begin to reverse it, and through prevention and education keep people, particularly young people, from making bad choices and going down this route.

I have gone across the State holding roundtables on this over the year, but in the last month alone, I have met in Columbus, OH, Marion, OH, and in Cleveland, OH, with people who are directly affected. In Cleveland I toured the Rainbow Babies & Children's Hospital. This is one of the great children's hospitals in America. There they have lots of specialists, particularly an issue that sadly is one that is affecting more and more of our hospitals; that is, drug-dependent babies. These are babies who are drug-addicted when they are born because their mothers used.

These are consequences of this addiction problem we talked about. They take these babies through withdrawal. These are babies, many of whom are born prematurely and can almost fit in the palm of your hand. These babies, God bless them, are getting the help they need to be able to withdraw from that addiction.

We don't know what the longer term health consequences might be, but we

do know that many of these babies are now starting their life in a much healthier situation because of this special expertise that is being provided, but these hospitals are telling me this is an increasing problem. Every hospital in America needs to have this expertise now to deal with a situation that is hard to imagine, a baby who is born drug-addicted.

I also toured a community alternative sentencing center in Claremont, OH, to see where a court is taking people who have been arrested for possession and instead of throwing them in jail is setting up an alternative program where they can get some of the treatment they need and get some of the life skills they need to get their life back on track. It is an intensive program that is working.

These are programs that are also supported by our legislation. Our legislation also deals with people who are in prison who have addiction problems, to be able to get them treatment, so when they get out of prison they don't fall back into a life of crime to support their addiction problem.

Most recently I was in Columbus, OH. I met with four women who were recovering addicts who had this addiction foisted upon them as part of human trafficking, sex trafficking. Their traffickers got them addicted to make them dependent. In one case, the woman told me she wasn't paid anything. She was just paid in terms of the drugs. Her trafficker kept her dependent because of that. These women were in a program where they had been given the opportunity to get into treatment, given the opportunity to be able to get their lives back together, but sadly a lot of people do not have that opportunity, not having access to treatment. Our legislation will be very important to do that.

The bill targets the very issues we know have to be addressed—keeping people away from these substances in the first place. Then, once they are addicted, if they become addicted, get them the treatment they need to begin to turn their lives around. For that longer term recovery, which we think is absolutely essential from the experience and the good science that is out there for successful programs, it is important that we have, in some cases, medication treatment as well that supports that.

It also says that we have to help our law enforcement more. I think that is one reason the Fraternal Order of Police, the national sheriffs' organizations, and others have supported this legislation with such wonderful statements, as I just talked about earlier, as we got today from the FOP.

This is an issue that will continue to be a serious problem in all of our communities unless we take these kinds of actions at the Federal level, the State level, and the local level. We have to work as a team with nonprofits, with people who are in the trenches dealing with this. If we do not, we will con-

tinue to see families torn apart. We will continue to see communities that are devastated, including by the crimes and other consequences of this, and we will continue to see Americans who are not able to fulfill their God-given abilities and destinies because of this drug addiction problem.

Today I am told that others who support this legislation would like to spend more money in addition to the \$80 million that this program provides every year going forward. This is a well-crafted, well-thought-out framework of how to spend that money more effectively to be able to address the problem. I am for spending more money. If there are people who would like to spend more money on this issue of opiate addiction, I am for that. I think it is enough of a crisis that we should be funding more funds on it.

I will say something else. Let's get this bill moving. Let's get this bill to the floor. Let's get this bill passed. Let's get the House to pass the companion legislation. Let's get it to the President's desk. This is an urgent problem. We cannot wait. If people are going to offer other ideas, including more funding and funding that is an emergency, rather than in a way that is paid for, that may make it more difficult to move this bill forward because some people in this Chamber will not support that.

We now have a consensus on this bill. Let's not play politics with this bill and stop this bill. Let's move this bill forward. Right now we have on the floor of the Senate an energy bill. It includes energy efficiency provisions I have worked on for years. Yet it is being stopped by other issues, important issues. Around here we too often refuse to move forward on legislation where there is a consensus, where we know it is the right thing to do, because other issues come up, and sometimes it is other issues that are very important issues but ones that end up stopping the legislation and not allowing us to make progress for the people we represent.

I do support more funding. I support funding in this legislation. Over and above that, I support additional funding. The President's budget has a request for additional funding. I talked about that today in a hearing we had. I told the Secretary of Health and Human Services I would support some of these programs that have additional funding. Let's be sure it is well-spent, as it is in this legislation. Let's be sure we are not throwing money at a problem. Let's make sure we are making a difference in the lives of the people we represent, and let's be sure it doesn't derail this effort to get this legislation passed.

We are on a track now. It is bipartisan. It is bicameral. It has the President's general support. He hasn't specifically said he will endorse this bill, but his representatives—including the Secretary of Health and Human Services—today were very supportive of the direction we are moving.

It was reported out of a committee today in a total bipartisan way. It was unanimous. Again, that doesn't happen often around here. Let's address this issue now. Let's not sit back and play politics. Let's take the politics out of this, as has been the case for the last few years.

SHELDON WHITEHOUSE has been my partner in this. SHELDON WHITEHOUSE and I don't agree on a lot of issues. He is more liberal. I am more conservative on some issues. We agree on this issue because we know the way it affects the communities we represent, the families we represent, and the people we represent. Let's move forward on this legislation. Let's get it to the floor. Let's get a vote. Let's start turning the tide. Let's start changing the dynamic on the ground where instead of us having this creeping problem of addiction and all of its horrible consequences that we begin to allow people to get their lives back together, to give them the opportunity to get their families back together, to be able to achieve the dreams they have for themselves and their families.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Ohio on his remarks here today. He is one of the pillars of this Senate. He is one of the finest men I have served with in the whole time I have been in the U.S. Senate. He is on top of everything. His experiences outside of the Senate have been magnificent. Everybody, I think, has a very high opinion of him. Those who might express otherwise, deep down do. They know what a fine man he is. He is absolutely right on this issue. We need to do many things about it.

#### BALANCED BUDGET AMENDMENT

Mr. HATCH. Mr. President, having said that, during the 2008 Presidential campaign, one of the candidates criticized the outgoing President for adding \$4 trillion to the national debt. He called that increase not only irresponsible but even "unpatriotic." Barack Obama was that candidate. He won the election and took office with the Government Accountability Office warning the long-term fiscal outlook is "unsustainable."

The national debt on inauguration day 2009 was \$10.6 trillion, and it stands at \$19 trillion today. The national debt for American households has risen from \$93,000 to nearly \$160,000 since President Obama took office.

If a \$4 trillion increase is irresponsible and unpatriotic, what words describe an increase that is more than twice as large? The national debt crisis has been around for a long time, but we have never been in a more serious, perilous situation than we are today. One way to grasp the magnitude of the national debt is to compare it to the size of the economy, or the gross domestic

product. In other words, we can compare what we owe to our ability to pay.

When President Obama took office, the national debt was 82 percent of GDP. It is now 105 percent of GDP today, by far the largest increase in American history during a President's first 7 years. Economists tell us that the national debt above 90 percent of GDP for a sustained period of time will lead to substantially slower economic growth and higher interest rates.

The United States is now in the longest period in history with a national debt above that toxic 90-percent level. Not surprisingly, since the recession ended in June 2009, the national debt has grown more than twice as fast, and GDP has grown less than half as fast as during the same period after previous recessions. Some economists prefer to evaluate the national debt as a percentage of tax revenue; that is, comparing what we owe to what we earn. The national debt has risen from approximately 350 percent of Federal revenue when President Obama took office to 600 percent of Federal revenue today. But even that does not tell the whole story.

During the last several years of skyrocketing national debt, the interest rate on that debt has been nearly zero. If interest rates had been at the historical average, annual interest costs would be more than twice what they are today and on their way to consuming more than half of all Federal revenue. And now interest rates are starting to creep up. The Concord Coalition and the Committee for a Responsible Federal Budget both anticipate that over the next decade interest payments on the national debt alone will approach \$1 trillion per year. That is interest against the national debt. By any of these measures, the national debt crisis is not only serious, it is worse than ever and much worse than when this President took office.

The Congressional Budget Office has a new budget, an economic outlook that projects the national debt rising by nearly \$10 trillion over the next decade. Looking beyond the next decade, CBO says that under current law, the national debt will explode to more than 150 percent of GDP, the highest level in American history. CBO also says that interest on the national debt is one of the engines driving the debt even higher. A national debt of this magnitude undercuts the economic growth necessary to minimize borrowing to fund the government. Rising interest costs for such a monstrous debt add to the debt on which more interest must then be paid.

In this new report, CBO again outlined some of the serious negative consequences of this national debt for the budget and the Nation. In addition to substantially higher interest payments, these include lower productivity and wages, less flexibility by lawmakers to respond to fiscal challenges, and an increased likelihood of a fiscal crisis. In addition to those prob-

lems, former Joint Chiefs of Staff Chairman Michael Mullen and experts from the Heritage Foundation to the Brookings Institution warned that the national debt crisis is a serious threat to national security. It is no wonder that more than two-thirds of Americans say that their concern over the national debt is growing, and more than three-quarters of Americans say that the national debt should be among Congress's top three priorities.

The national debt was once a top priority. In fact, America's Founders were so determined to avoid debt that their commitment to fiscal balance was often called our unwritten fiscal constitution. President George Washington, for example, told Congress that the regular redemption of the public debt was the most urgent fiscal priority. That commitment is long gone. The Federal budget has been balanced in only a dozen of the last 80 years, and as I said earlier, we are in the longest period of American history with a debt above 90 percent of the GDP.

As its willpower failed, Congress has also tried to address the debt crisis by legislation. The first bill requiring a balanced budget was introduced in 1934, when the national debt was 40 percent of GDP, compared to today. Fifty years later, Congress enacted the Balanced Budget and Emergency Deficit Control Act. Since then, we have enacted multiple budget control acts and budget enforcement acts as the national debt climbed from 42 percent of GDP in 1985 to more than 100 percent of GDP today.

Good intentions will not balance the Nation's checkbook. Statutes that Congress can change or ignore will not keep our fiscal house in order. Neither willpower nor legislation will tackle this national debt crisis. Pretending otherwise is the fiscal equivalent of fiddling while Rome burns. In no other way, except by an amendment to the Constitution, can Congress be compelled to balance its budget in peacetime. Let me say that again. In no other way, except by an amendment to the Constitution, can Congress be compelled to balance its budget in peacetime. While I claim that as my firm conviction, I cannot claim authorship of those words. The Appropriations Committee expressed that principle in 1947 about a balanced budget amendment introduced by Senator Millard Tydings, a Democrat from Maryland. Everything that has happened since then has proved the truth of those words.

Year after year, decade after decade, we slide deeper in debt until today our economy is being suffocated. One definition of insanity is doing the same thing but expecting different results. If we keep doing what we have done, we will get more of what we have been getting. This would be a very different country, a freer and more productive country, if Congress had already proposed the only solution that exists—a constitutional amendment that requires fiscal responsibility. The first

balanced budget amendment was introduced in the House in 1936.

I introduced my first balanced budget amendment in June of 1979 during my first term in the U.S. Senate. Adjusted for inflation, the national debt then was \$2.6 trillion, or 32 percent of GDP. That share of GDP doubled by 1997, when the Senate came within one vote—one solitary vote—of passing a balanced budget amendment that I introduced. It rose to 95 percent when the Senate last voted on a balanced budget amendment in 2011 and is 105 percent of GDP today.

Since this crisis is already so grave and getting worse, and since the only way to tackle it is through the Constitution, we should propose a balanced budget amendment and let the American people decide to take this step. Congress, after all, cannot amend the Constitution. A requirement that Congress keep its fiscal house in order does not become part of the Constitution until it is approved by three-quarters of the States, or 38 States.

Article V of the Constitution also allows the States to apply for a convention to propose constitutional amendments. Concerned citizens have been working since the mid-1970s to reach the two-thirds threshold for calling such a convention to propose a balanced budget amendment. Since Congress has never called an article V convention, many questions remain unresolved, and theories remain untested regarding that method of proposing an amendment. I can assure my colleagues, however, that Congress's continued failure to propose a balanced budget amendment guarantees that our fellow citizens will continue working to force that course upon us.

I looked at dozens of polls conducted by major polling firms and national news organizations since I was first elected to the Senate. Three-quarters of Americans supported a balanced budget amendment in 1976, and three-quarters support it now. They believe even more strongly today what the Appropriations Committee said in 1947—that in no other way, except by a constitutional amendment, can Congress be compelled to balance its budget in peacetime. It will do no good to pretend that the national debt is not a fiscal Tsunami. It is. It will do no good to pretend that this ocean of debt is not already taking a serious toll on our country. It is. It will do no good to repeat the mantra that Congress can tackle the national debt crisis by itself. No one believes that anymore—not anyone. That emperor has no clothes. Perhaps some of my colleagues believe that all the polls over the last 40 years are wrong, that the American people are content watching the national debt swallow the economy.

Perhaps our fellow citizens are actually OK with slower economic growth, a rising threat to national security, the greater likelihood of a fiscal crisis, and an unsustainable path to fiscal disaster. If that is what the American



people actually believe, then they will decline to ratify a balanced budget amendment. So why not give it a chance?

Perhaps some of my colleagues believe that the Congressional Budget Office is wrong in its disturbing projections and dire warnings or that the Government Accountability Office is mistaken and the fiscal path we are on is sustainable after all or that the Concord Coalition and the Committee for a Responsible Federal Budget are wrong about how national debt interest payments will continue to grow and add to the debt or that economists are wrong to warn about the impact of a sustained national debt of this magnitude. If my colleagues are convinced that everyone else is wrong and that our fiscal future is just fine and hunky-dory after all, then I still urge them to let the American decide. The Constitution belongs to the American people—not to the people here, although we are part of the American people.

President Obama once said that a \$4 trillion increase in the national debt is irresponsible and unpatriotic. This week he submitted a budget for fiscal year 2017 that reflects the same recycled misguided policies that have both added to the debt and have failed in Congress. On all of the budgets he submitted, there was only one vote for his budget. There was a bipartisan rejection in each case.

President Obama wants to expand a broken Medicaid system rather than reform it. He wants to impose higher taxes to prop up more government spending. He continues to turn a blind eye to the Nation's unsustainable entitlement programs that are propelling the national debt to unprecedented levels.

We all know the facts and the dangers about the national debt crisis. We all know that the American people are, if anything, more alarmed about this crisis than we are—certainly with the exception of myself. The only reason that Members of Congress have refused to give our fellow citizens a choice about adding a balanced budget amendment to the Constitution is that they know what that choice will be. I say with respect, but as strongly as I can, that this is not a legitimate basis for refusing to propose a balanced budget amendment. In our system of government, as Founder James Wilson once put it, the people are the masters of government. Only they have authority to set the rules for government. This choice must be theirs, not ours.

Here is the heart of the matter. First, the national debt crisis poses a significant and growing threat to the economic and national security of this country. In fact, we have never been in such an extended, perilous period than we are right now. Second, Congress has tried and failed to address this crisis by either willpower or legislation and will do so only if the Constitution requires it. Third, the decision of whether to use the Constitution to require fiscal

responsibility belongs to the American people, not to Congress. A balanced budget amendment would allow the American people to make that choice.

What are we afraid of? Are we afraid that we can't keep going on spending like this or that the American people might pass a balanced budget amendment to the Constitution? Yes, I think we are afraid of that, but we shouldn't be. We should be glad to have it in the Constitution itself. We could either take the responsibility we were elected for and propose a balanced budget amendment or the American people may do it for us.

The key to me is to pass a balanced budget constitutional amendment. I filed it, and it has a great number. It was filed right after we got into the Congress. It is an amendment that literally every one of us should support.

Let's get real about this national debt. Let's get real about helping our American people survive. Let's get real about having the greatest Nation on Earth continue to fight for liberty and freedom and independence and religious rights all over the world and all over this country. Let's get real about the future of our young people. Let's get real about being in the U.S. Senate and having an opportunity to form a real, solid approach to this, which would make all the difference in the world.

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.

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

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

#### AMBASSADOR NOMINATIONS

Ms. KLOBUCHAR. Mr. President, I am here today to speak about U.S. policy toward Iran.

I wish to mention first that we are continuing to work on the issue of State Department nominees. Of course, my focus has been on the Swedish and Norwegian Ambassadors from our country to those two countries. We have now gone for 867 days without a confirmed ambassador to Norway and 476 days since the President nominated an ambassador for Sweden.

I think we have made it very clear that nearly every Member in this Chamber does not have an issue with having a vote or even an issue with the qualifications of these nominees who went through the Foreign Relations Committee without objection. Senator COTTON himself said: I believe both nominees are qualified. We have significant interest in Scandinavia. My hope is that both nominees receive a vote in the Senate sooner rather than later.

As we know, Senator CRUZ has had various issues not related to the nomi-

nees or our two strong allies, Norway and Sweden. We are hoping we can find a way forward so that he lifts his hold and we can continue to move forward with the 11th and 12th biggest investors in the United States of America, those countries, Norway and Sweden, being able to have Ambassadors like the rest of Europe. Every other major Nation has an ambassador.

I wish to thank Senator MCCONNELL and Senator REID and Senator CORKER and Senator CARDIN for their work on this issue. I am hoping to get this done as soon as possible.

#### U.S. POLICY TOWARD IRAN

Ms. KLOBUCHAR. Mr. President, as I mentioned, I rise today to discuss U.S. policy toward Iran—an issue that is critical to our national security and the security of our allies. When we talk about our policy toward Iran, we must do so with our eyes wide open. The Iranian regime is one of the world's leading State sponsors of terrorism. It threatens Israel, it destabilizes the region, and it abuses human rights. That is why I have cosponsored the Iran Policy Oversight Act, a bill that allows Congress to move quickly to impose economic sanctions against Iran's terrorist activity. It expands military aid to Israel, and it ensures that agencies charged with monitoring Iran have the resources they need.

Preventing Iran from obtaining a nuclear weapon is one of the most important objectives of our national security policy. I have strongly advocated for and supported the economic sanctions that have brought Iran to the negotiating table over the last few years. Those sanctions resulted in a nuclear nonproliferation agreement between Iran and the United States, the United Kingdom, France, Germany, Russia, and China.

The Iran nuclear agreement, as we have talked about many times on this floor—including my own words—is an imperfect but necessary tool to prevent Iran from getting a nuclear weapon. In order for the agreement to work, of course, we must remember that simply trusting Iran to do the right thing is not an option. We must be vigilant in our monitoring and in our verification.

In my view, our national security strategy must focus on three things. This is overall: Protecting our citizens, eliminating threats to our national security, and never losing sight of our core American values. It is through this lens that we must approach Iran.

First of all, we must do all we can to keep our own citizens safe. We can't be naive. We cannot trust in the Iranian regime—and the Iranian regime continues to prove that is the case. Iran repeatedly violated the United Nations Security Council Resolution 1929 by testing ballistic missiles, most recently on October 10 and November 21 of 2015. The very next month, in December of 2015, Iran conducted a live fire exercise using unguided rockets

near a U.S. aircraft carrier in international waters. Make no mistake, this was an intentional provocation.

Just last month Iran announced it flew a surveillance drone over a U.S. aircraft carrier. Afterwards, an Iranian Navy commander went on State TV and said the drone strike was a “sign of bravery” that “allowed our men to go so close to the warship and shoot such beautiful and accurate footage of the combat units of the foreign forces.”

Iran flying military drones over our aircraft carriers means that we must respond.

We also have to keep in mind that Iran isn’t just provoking our military. Iran also targets innocent civilians by funding terrorism around the world. Iran is the world’s leading State sponsor of terrorism. Iran funds Hezbollah, a terrorist group that wreaks havoc in the Middle East. Recently Hezbollah was accused of recruiting five Palestinian men to attack Israelis using explosives. Luckily, the Israeli defense forces were able to stop the attack before anyone was hurt.

Iran also continues to defend Bashar al-Assad and attack U.S.-backed rebel forces in Syria. The United Nations estimates that Iran spends \$6 billion a year to fund Assad’s government. What is Assad doing with that money? He buys barrel bombs to level entire Syrian towns. He pays for blockades to prevent food, medicine, and other critical supplies from reaching his own people. He is starving entire villages in northern Syria where children are starving and thousands of people have been forced to survive on grass because Assad and troops from Hezbollah will not let food and medicine get to them.

Iran is funding a government that is responsible for a civil war that has killed 250,000 people and displaced 11 million more. Again, we need to be at the top of our game when it comes to sanctions. The worst would be for a country that behaves in this manner and that disrespects international human rights to have access to a nuclear weapon, which is why many of us in this Chamber did support the agreement. While imperfect, we did support the Iranian nuclear agreement.

Our national security strategy also must focus on eliminating threats. We must demonstrate that the United States has the capability to stand up to Iran when it funds terror and seeks to destabilize the world.

Given Iran’s history, we can anticipate that it will test the boundaries of international agreements, and we have to be ready to respond when it does so. That is why we must hold Iran accountable every step of the way. Imposing harsh sanctions against those responsible for Iran’s ballistic missile program is a good start.

Iran’s ballistic missile program is a threat to regional and global security. Any person or business involved in helping Iran obtain illicit weapons should be banned from doing business with the United States, have their as-

sets and financial operations immediately frozen, and have their travel restricted. Minimizing the threat Iran poses also means working to ensure that the money flowing into Iran now that nuclear sanctions are lifted is not used to further destabilize the region and spread terrorism. We must monitor the flow of terrorist financing and use every tool available to punish bad actors who seek to do harm.

It is also known that Iran has a terrible human rights record. In fact, Iranian Americans and Iranians around the world will be the first people to tell you that 35 years of religious dictatorship has been a human rights nightmare for the people of Iran.

Recently, thousands of Iranians took to the streets of Paris to join a mass demonstration protesting President Ruhani’s visit to Paris. Those protestors are demonstrating against things like Iran’s policy to permit girls as young as 9 to boys as young as 15 to be sentenced to death. They protested Iran’s continuing suppression of journalists and freedom of speech.

Beyond imprisoning journalists—and we do applaud the recent release of the Washington Post journalist. I was so honored to be at the opening recently at the Washington Post facility where he appeared and spoke. We learned how he was taken from his home in Iran at gunpoint, blindfolded, handcuffed, and thrown into solitary confinement for 18 months until recently his release was negotiated. Beyond imprisoning journalists, Iran arbitrarily jails human rights activists, and it oppresses religious minorities including Christians, Jews, and Sunni Muslims.

America has a long history of being an arbiter of peace and security around the world. In order to continue this legacy, we must hold Iran accountable for its human rights violations.

I sponsored the Iran Policy Oversight Act because it is a bill that does three important things to hold Iran accountable. First, it allows Congress to more quickly impose economic sanctions against Iran’s terrorist activities. This is really important because the best way to stop terrorism is to cut off the financing for it. We should be doing everything in our power to better track terrorist financing so that we can stop the flow of money that funds suicide bombers and illicit weapons.

The United States and the international community have maintained sanctions against Iran for decades. I have voted to increase sanctions on Iran’s oil imports and strengthen sanctions against human rights violators in Iran. Sanctions are a powerful tool, and Congress should exercise its authority to implement them as fast as possible against people who fund international terrorism.

Second, the bill also expands military aid to Israel. The United States plays a critical role in supporting Israel’s defense. The United States and Israel have enjoyed a friendship based on values rooted in democracy, free-

dom, and mutual strategic goals. Protecting Israel—our most reliable ally in the Middle East, the beacon of democracy—against a hostile Iran is essential.

Third, the bill ensures that agencies charged with monitoring Iran have the resources they need. We cannot take Iran’s word for it that they are obeying the rules. We need strong independent verification and monitoring. The United States and our European partners must fulfill our obligation to fund the international agencies responsible for that monitoring.

In order to protect our citizens, Congress must exercise its constitutional authority to enact legislation that expands oversight of the Iran nuclear agreement. We must also continue to work with the P5+1 to ensure that the agreement is strictly enforced. Iran must understand that we will not hesitate to snap back sanctions if it fails to comply with the rules. Sanctions were effective at getting Iran to the table, and they will continue to be a tool that allows the United States and our allies to minimize the threat posed by Iran.

Those of us who supported the Iran nuclear agreement have a special responsibility to ensure that it works. In fact, this whole Senate has a responsibility, regardless of whether Members supported it or not. It is in the best interest of our country. We cannot shirk from our duties and we must be vigilant. We owe it to the American people, to Israel, and to our allies. Our mission here is clear: We must protect our own citizens by exercising our authority to enact strong legislation to ensure that Iran does not cheat on its international commitments. Because we know from experience that Iran will test the international community, we must be ready to respond when it does.

Iran must know that if it violates the rules, the response will be certain, swift, and severe. We must also minimize the threat Iran poses to our citizens and the world by doing everything in our power to stop Iran from funding the world’s terrorists.

Last year the world was shaken by a series of successful terrorist attacks on innocent civilians. The attacks in Paris, Lebanon, Mali, and San Bernardino, right here in the United States, remind us that the victims of these massacres will never be limited to one nationality or one ethnicity or one religion.

It is critical that we take additional steps to stop countries like Iran from funding terrorism and destabilizing the world. Stopping Iran’s support of terrorism protects us here at home, but it also helps millions of refugees fleeing Syria, the children that are starving in cities like Madaya, and the families fleeing mortar fire in Yemen. Our values of justice, democracy, and freedom for all demand nothing less.

Iran’s recent behavior suggests that the United States needs to have the ability to snap back as soon as possible. We have to have the ability to

impose sanctions. That is why I am supporting this bill. I urge my colleagues to do the same.

Mr. President, I yield the floor.

Thank you.

The PRESIDING OFFICER. The Senator from Indiana.

#### VETERANS CHOICE PROGRAM

Mr. DONNELLY. Mr. President, I rise today to talk about the Veterans Choice Program and the challenges some of Indiana's veterans are experiencing with its implementation.

Our veterans have served our country and have sacrificed for our country every day. Some come home bearing physical or mental wounds. Some bear both. Serving also means being away from their families, who also sacrifice for us. Veterans have missed their sons' or daughters' first words, first steps, birthdays, little league games, holidays, and many other life milestones that we all treasure.

When our veterans first come home, they are met with the many challenges of settling back into everyday life, which can include stress from finances to reconnecting with their wife or husband and sons and daughters. Some, as mentioned, must deal with the physical and mental wounds of war.

All of our vets should be able to have peace of mind that they will be able to have a good-paying job and access to quality health care. Our veterans should not be burdened with wondering if or when they will be able to schedule a medical appointment.

While we can never fully repay our veterans or their families for their service and sacrifice, our country has a sacred responsibility to honor our veterans and to take care of them. Serving our veterans and making sure they receive the best care possible, whether for physical ailments or for mental health challenges, is something I take very seriously. We are committed to ensuring each and every one of them has access to quality care and the full range of benefits they have earned by their service.

Following gross mismanagement and misconduct at several VA medical centers nationally, in 2014 Congress passed the bipartisan Veterans Access, Choice, and Accountability Act that was signed into law. The law established the Veterans Choice Program to help address the inadequate access to care that our vets were facing. The program is designed to enable veterans who can't see a VA doctor within 30 days or who live more than 40 miles from a VA facility to access a local non-VA provider using a Veterans Choice Card.

Unfortunately, there are repeated examples of the Veterans Choice Program coming up short. It is our responsibility as legislators to review, follow up, and ask questions about this program we helped to put in place to make sure it is working correctly and efficiently.

I stand here today to state that some Indiana veterans are experiencing

problems with the Veterans Choice Program, and we must work to address these issues and to solve them.

There are two third-party vendors contracted to help the VA implement the Veterans Choice Program around the country and in Indiana—Health Net Federal Services, which covers most of our State, and TriWest, which extends into parts of southern Indiana. Instead of making Veterans Choice Program appointments directly with local hospitals, veterans must use Health Net Federal Services or TriWest. In recent weeks, our office has heard from Indiana veterans who are experiencing long wait times of up to 90 minutes on the phone and disconnected calls when they contact Health Net Federal Services.

I share the stories of some of these veterans and the struggles they have dealt with. Vietnam vet Daniel Vice from Marion, IN, had eye surgery through the Veterans Choice Program and had been told by Health Net that his postoperation appointments would also be covered. When he was at the eye doctor for his follow-up appointment, he learned that Health Net Federal Services had not sent over his paperwork. This meant that instead of being covered by the Veterans Choice Program, Dan would have to pay out of his own pocket. Dan contacted our office while at the doctor seeking help. Our case manager called Health Net only to be put on hold for 21 minutes before speaking to a supervisor. The company could not provide immediate answers but called back our staff a few hours later and said that Dan's paperwork had not been approved. We continue to work with Dan to get answers to solve this problem.

Veteran Robert Trowbridge, from South Bend, had surgery on his ankle almost 6 months ago and has yet to be scheduled for his post-op physical therapy. He called Health Net many times and was put on hold for 30 to 40 minutes each time he called. When he was able to reach a rep, he was told repeatedly that his paperwork was sent to be approved, only to find out 4 months later that there was a problem. He was later informed that his Social Security number was not attached to his file. Frustrated, Robert contacted our office for assistance.

Our staff experienced firsthand the frustrations and inadequate customer service that some of our vets like Robert face. One of our case managers called Health Net and it took 23 minutes into the conversation with a representative before the customer service rep even asked for the veteran's name. After calls with a representative, then a supervisor, and then a manager from Health Net Federal Services, we were finally able to work with the manager to resolve the issue for Robert.

What our veterans are going through to schedule appointments and access their benefits through the Veterans Choice Program is completely unacceptable. Our office continues to work

to assist vets who experience difficulties.

I have called on Health Net Federal Services to get answers. We need to get to the bottom of this problem, and we need to ensure that all Hoosier veterans and all American veterans and their families receive the timely and quality care they deserve.

I will work nonstop to end this problem, and our office will continue to work nonstop to make sure we get to the bottom of the problems that our Hoosier veterans are having with the Veterans Choice Program. They gave too much to this country to be treated this way. We will solve these problems for Hoosier veterans and for every American veteran.

I yield back the remainder of my time.

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. 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.

#### BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, I rise today to join the American people in celebrating Black History Month, but it should be noted that the immeasurable role African Americans have had in making the Nation the strong Nation that it is today could not be fully recognized in 1 short month. Black history is American history.

This February we highlight the titans of African-American history: Marylanders such as Harriet Ross Tubman, Frederick Douglass, and Thurgood Marshall; icons, including Dr. Martin Luther King, Jr., and Dr. Dorothy Height; and contemporary heroes, such as JOHN LEWIS and Mae Jemison.

We all celebrate the countless men and women whose names will never grace the history books or newspapers, those who fought each day for freedom and equality, those who pushed the limits of innovation, and those who endured and overcame hardships over the centuries.

As we celebrate, the struggle to ensure all Americans under the law are treated equally under the law rages on. I believe that as much as Black History Month is about reflecting on a rich past, it is also a time for all Americans to contemplate how to create a better future.

It is not enough simply to recognize the great contributions that African Americans have made, to honor those who have come before us; we must use Black History Month as a springboard to bring about positive change in America. I have a number of legislative priorities that relate directly to Black History Month and to building a better future.

I take pride in being from Baltimore for many years reasons. I know all my colleagues are familiar with the National Association for the Advancement of Colored People, the NAACP for short. The NAACP celebrates its 107th anniversary on the 12th of month. The NAACP is headquartered in Baltimore City. The model of the NAACP is "One Nation Working Together, For Justice and Equality Everywhere." The motto is fitting because for the last 107 years, this is exactly what the NAACP and its more than half a million members have done. I have introduced legislation to honor the legacy of the civil rights champion, executive director of the NAACP Legal Defense and Educational Fund, Solicitor General, Supreme Court Justice, and Baltimorean Thurgood Marshall. The legislation would direct the National Park Service to determine the suitability of including his alma mater, Public School 103 in West Baltimore, as a national historic site.

The stories of Justice Thurgood Marshall reading the Constitution in the basement of P.S. 103 during detention typifies the American dream. Preserving P.S. 103 would not only be a fitting tribute to a great Marylander but also an enduring symbol of the importance of education in shaping civic-minded and great Americans. I understand that the legislation may be included in the Energy Policy Modernization Act that the Senate may consider again in the near future, and I hope the Senate will approve of this amendment.

I just mentioned education, and during Black History Month, I think there are few topics more important to promoting equality than ensuring that all Americans have access to a high-quality, affordable education. In December of this past year, Congress enacted the Every Student Succeeds Act in a strong bipartisan manner. I hope the Members of this body can build on this momentum by confronting the pressing issues of college affordability and student debt.

I am a strong supporter of President Obama's America's College Promise proposal to provide 2 years of community college education tuition-free for responsible students. This proposal will allow students to earn the first 2 years of a 4-year degree or the critical skills necessary to enter the workforce without having to take on decades of debt before they even embark on their career.

While student debt is a critical problem for nearly 42 million Americans, paying for higher education can be especially difficult for African-American families. According to the Urban Institute, since the mid-2000s, African-American families on average have carried more student loan debt than White families. This is driven in large part by the growing share of African-American families who take on student debt. In 2013, 42 percent of African Americans ages 25 to 55 had student loan debt,

compared with 28 percent of Whites. Because African-American families on average have less wealth and fewer private resources, they may be more likely to turn to loans to finance their education.

Education is the great equalizer in our society. As a nation, we cannot afford to price Americans of any race out of education and the opportunities a quality education provides.

The main higher education equalizer, the Federal Pell grant, provides its lowest share of college education costs since its enactment in 1965. As a result, more than 61 percent of the students who receive a Federal Pell grant award have to take out loans, compared to only 29 percent of their more affluent peers. With more than 60 percent of African-American undergraduate students utilizing the Federal Pell grant to pay for their education, this has placed an undue burden on African-American communities for decades. During Black History Month and beyond, I will continue to help support legislation to help ease the burden of paying for higher education.

In the last year, Baltimore and many cities across the United States have been inundated with news crews covering the deaths of unarmed Black men and women at the hands of police officers. Long before the unrest that gripped Baltimore last spring, I had introduced a number of bills seeking to empower communities and rebuild trust between the citizens and police departments. Events in Baltimore, Charleston, Cleveland, Chicago, and many other places showed the urgent need for congressional action. That is why I introduced the BALTIMORE Act, which would help communities nationwide by building and lifting trust in order to multiply opportunities and racial equality.

The BALTIMORE Act is a package of legislation made up of bills that I have previously introduced, along with several new additions. Many provisions in the BALTIMORE Act enjoy bipartisan support. Title I of the BALTIMORE Act includes law enforcement reform provisions to help better train and equip law enforcement officers so they can better serve communities across the country.

The first provision contained within the BALTIMORE Act is the End Racial Profiling Act. The End Racial Profiling Act would end racial and discriminatory profiling by State and local law enforcement and require mandatory data collection and reporting. Think about this for a moment: In 2016 there is no national standard against law enforcement officers stopping someone merely because of his or her race. I am pleased that Maryland attorney general Brian Frosh recently issued guidelines prohibiting the use of discriminatory profiling by State and local law enforcement in Maryland. And the Attorney General of the United States has acted, but we need a national standard with the force of law that

would prohibit the use of discriminatory profiling by any Federal, State, or local law enforcement officer.

The second provision deals with State and local accountability. It would require local law enforcement officials receiving Byrne JAG and COPS Hiring Program funds to submit officer training information to the Department of Justice. That information would include how officers are trained in the use of force, racial and ethnic bias, deescalating conflicts, and constructive engagement with the public.

The Police CAMERA Act would establish a pilot program to assist local law enforcement in purchasing or leasing body-worn cameras.

I am pleased that several provisions that are consistent with the BALTIMORE Act were included in the fiscal year 2016 appropriations measure enacted by Congress in December. The appropriations legislation directs the Department of Justice to swiftly devise and submit plans to improve training levels in use of force, identifying racial and ethnic bias, and conflict resolution for State and local law enforcement officers. It urges DOJ to partner with national law enforcement organizations to promote consistent standards for high-quality training and assessment and directs the agency to better collect State and local law enforcement data on the use of force.

I also want to mention that I introduced the Law Enforcement Trust and Integrity Act, which would help local law enforcement agencies strengthen their department and combat officer misconduct.

The BALTIMORE Act deals with voting rights reform and civil rights restoration. The Democracy Restoration Act would make citizens who have returned from incarceration eligible to vote. At the State level, I was proud to see that the Maryland State Senate recently overturned our Governor's veto of a State statute expanding the right to vote for people who have served their time. I want to reduce recidivism and give people a stake in their communities. If you want to do that, they need to have a voice and a vote. The Democracy Restoration Act would also restore one's eligibility to serve on a Federal jury.

Congress should also enact legislation to restore the Voting Rights Act and reverse the damage done by the Supreme Court decisions that undermine the fundamental right to vote as Americans, to cast their votes for the Presidential primary elections of 2016.

The BALTIMORE Act also deals with sentencing reform. Over the years, sentencing in this country has been marred by racial disparities. The discrepancy between jail time for crack and powder cocaine users is only one such example. The RESET Act would reclassify specific low-level nonviolent drug possession felonies as misdemeanors and eliminate the aforementioned distinctions between crack and powder cocaine. I am pleased to be

able to say that the sentencing reform is a bipartisan issue, and I look forward to working with any member who is willing to ensure that all Americans are treated equitably under the law. I hope the Senate will take up legislation to address some of these disparities in the very near future. Finally, the BALTIMORE Act addresses reentry and employment law reforms. I think this section is especially important because once someone has served his or her sentence, that person should be able to start anew and should get a fair shot to reenter the workforce.

I would be remiss if I did not mention Second Chance, Inc., a Baltimore non-profit that trains returning citizens in deconstruction, architectural salvage, and much more. I have had a chance to meet with the staff of Second Chance, and I can tell you that their reentry and job program should be a national model. I invite my colleagues to learn more about the good work that is being done only a short drive north of here.

I am pleased the administration has “banned the box” when it comes to the hiring of Federal contractors, so that ex-offenders get the second chance to rejoin our communities as productive and working members of society.

I am pleased the State of Maryland as well as Baltimore City, Montgomery County, and Prince George’s County have all “banned the box” in various forms, and I urge the private sector to follow suit. Helping ex-offenders find gainful employment is a win-win by reducing social services costs, increasing tax revenues, and making our communities safer.

Eliminating disparities in our justice system is critically important. It is just as important to eliminate disparities in the quality of health care available between groups of Americans. In Baltimore, living in certain African-American neighborhoods instead of a White neighborhood, separated by only a few miles, can shorten life expectancy by as much as 30 years—a full generation. That is unacceptable. As a Senator with a longstanding record of working to promote health equity, including my legislation establishing Offices of Minority Health throughout the Department of Health and Human Services and elevating the National Institutes of Health’s National Center on Minority Health and Health Disparities to an Institute, I will say we have made progress in shrinking disparities, but I am far from satisfied.

I am very encouraged to see that NIH received a \$2 billion increase in the fiscal year 2016 omnibus spending bill. That is very important. That is the largest increase NIH has received since 2003. The National Institute on Minority Health and Health Disparities received \$278 million. This is an increase of \$8.7 million over its fiscal year 2016 enacted level. Make no mistake, that money will help save lives.

Thanks to the Affordable Care Act, we have recently made health care coverage more accessible and affordable

than it has been in decades. By reducing the number of uninsured Americans across the country, the ACA is working to address health inequalities. For instance, between 2013 and 2014, the percentage of uninsured African Americans fell by 6.8 percent. Also, because of the ACA, there is increased funding available for community health clinics, and 300,000 Marylanders, including more than 140,000 African Americans, are served by these clinics. Under the ACA preventive services, which are critical to the early detection and treatment of many diseases that disproportionately affect minorities, are now free for 76 million Americans, including 1.5 million Marylanders.

Some of what Congress can do to shrink disparities is not limited to health care policymaking. Recent events in Flint, MI, have brought to light the need to focus on environmental justice issues. Flint is a case study in what happens when environmental stewardship and water infrastructure needs are ignored. It is also an example of how pollution can hurt minority populations in a severe way. Flint’s population is about 100,000 people. Roughly 56 percent are African American. The residents of Flint will have to live with the complications of lead poisoning for the rest of their lives.

What disturbs me the most—both as a grandfather and a member of the Senate Environment and Public Works Committee—is the very real possibility that children may have suffered irreversible damage to their developing brains from exposure to lead in drinking water. Exposure even to low levels of lead can profoundly affect children’s behavior, growth rates, and their intelligence over time. I might point out that Freddie Gray, the person who was killed in Baltimore, had high levels of lead in his blood. Elevated levels in the bloodstream may cause learning disabilities and other developmental issues.

I wish to quote from an article in the New York Times, January 29 of this year:

Emails released by the office of [Michigan] Governor Rick Snyder last week referred to a resident who said she was told by a state nurse in January 2015, regarding her son’s elevated blood level, “It is just a few IQ points. . . . It is not the end of the world.”

It is a crisis when we deny a child his or her full potential by exposing them to lead. This crisis could have been avoided. It is going to affect an entire generation of children in Flint to varying degrees.

Sadly, Flint is not alone among the cities in which pollution is harming African Americans at disproportionately alarming rates. Nationally, African Americans are 20 percent more likely to have asthma versus non-Hispanic Whites. According to a study in the Annual Review of Public Health, many African-American children live in more heavily polluted areas. Living in urban centers increases one’s exposure to

traffic and industrial pollution, which promotes a greater sensitivity to allergens.

As I said at the beginning of my remarks, Black History Month is about reflecting on a rich path but also a time for all Americans to contemplate how to create a better future. The Senate is capable of great things. Landmark bills like the 1964 Civil Rights Act, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 all passed through this Chamber. I call on my colleagues on both sides of the aisle and in both Houses of Congress to transfer the good will and kind words of Black History Month into meaningful legislation to help African Americans and all Americans.

I presented only a small portion of my legislative priorities today. I know other Senators may have different ways of approaching some of these same challenges. In honor of the countless men and women who have contributed to making this country great, let us work together to get something done for the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 443, Robert McKinnon Califf, to be Commissioner of Food and Drugs, Department of Health and Human Services.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

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.

Thereupon, the Senate proceeded to consider the nomination.

### CLOTURE MOTION

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

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

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Robert McKinnon Califf, to be

Commissioner of Food and Drugs, Department of Health and Human Services.

Mitch McConnell, John Cornyn, Lamar Alexander, Bill Cassidy, Chuck Grassley, Pat Roberts, John Barrasso, Richard Burr, Tim Scott, Orrin G. Hatch, Michael B. Enzi, Johnny Isakson, John Boozman, Cory Gardner, Roger F. Wicker, Thom Tillis, Roy Blunt.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that notwithstanding rule XXII, at 5:30 p.m., on February 22, the Senate vote on the motion to invoke cloture on the Califf nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## MORNING BUSINESS

### REMEMBERING PETTY OFFICER JOHN BALDWIN

Mr. HATCH. Mr. President, today I wish to pay tribute to a World War II veteran and an American hero—PO3 John B. Baldwin. Petty Officer Baldwin was a member of the United States Navy Reserve and sailed on the USS *St. Louis*. Tragically, on February 14, 1944, he died as a result of enemy fire during the Battle of the Green Islands.

Petty Officer Baldwin's sister—Ms. Irene Baldwin Cox of Beaver, UT—recently informed me that her brother had earned prestigious military medals, which neither he nor his family ever received. As a result of John's dedicated service during the battle that besieged the USS *St. Louis*, he earned the Purple Heart, the World War II Victory Medal, the American Campaign Medal, the Asiatic Pacific Campaign Medal with two Bronze Star apurtenances, and a Combat Action Ribbon. Thankfully, the military has since verified John's medals and will soon present them to the Baldwin family.

As we approach the anniversary of this historic battle, we should remember the challenges Petty Officer Baldwin and his fellow soldiers faced on that fateful day. At dawn, American fighters sighted six Aichi D3A dive bombers, which approached the *St. Louis* and dropped six bombs, killing 23 sailors and wounding 20 more. Petty Officer Baldwin was among the fallen.

The Baldwin family has always been proud of John's service. We owe this family a debt of gratitude that can never be repaid. It is only fitting that we present John's siblings with the medals he earned for his heroism. I am grateful for the assistance of the USS *St. Louis* CL-49 Association and the National Personnel Records Center for helping me secure these medals for the Baldwin family.

I hold our Nation's veterans in the highest regard. Because of men and

women like Petty Officer Baldwin, our Nation enjoys the full blessings of liberty. I am pleased that these medals have finally found their rightful home. May they ever serve as a testament to John's valor and his love of freedom.

This Valentine's Day, I intend to spend a moment reflecting on the bravery of our sailors who served aboard the USS *St. Louis*. Today I honor them for their courage, their selflessness, and their sacrifice.

### TRIBUTE TO JUDGE EUGENE SILER, JR.

Mr. MCCONNELL. Mr. President, I wish to recognize a celebrated Kentuckian who has received a great honor. Federal appeals court judge Eugene Siler, Jr., a fixture in his community, who has served on the bench for over 40 years, has received the "Tri-County 2016 Leader of the Year" award from the Leadership Tri-County organization in Kentucky.

Leadership Tri-County focuses on civic, business, and community leadership in Laurel, Knox, and Whitley Counties in southeastern Kentucky. A nonprofit organization founded in 1987, it identifies potential, emerging, and current leaders from the three counties and nurtures their continued development.

Judge Siler is a native of Williamsburg and earned his bachelor of arts at Vanderbilt University. He has a law degree from the University of Virginia and has two graduate law degrees from the University of Virginia and Georgetown University.

Judge Siler served as an Active-Duty officer in the U.S. Navy from 1958 to 1960 and later retired as a commander in the U.S. Naval Reserve.

Judge Siler practiced law privately alongside his father in Williamsburg and was then elected Whitley County attorney, an office he held from 1965 to 1970. In 1970, he was appointed U.S. attorney for the Eastern District of Kentucky by President Richard Nixon.

In 1975, he was appointed as a judge for the U.S. District Court for the Eastern and Western Districts of Kentucky by President Gerald Ford. In 1991, he was appointed to the U.S. Court of Appeals for the sixth circuit by President George H.W. Bush.

Today Judge Siler is a senior judge on that court. He was awarded the "1992 Outstanding Judge of the Year Award" by the Kentucky Bar Association, and that same year, he was sent to Lithuania by the U.S. State Department to advise and assist the judiciary in that country as they transitioned from a communist to a democratic system. He also traveled to Albania at the behest of the U.S. Justice Department to advise that country's judges on ethics and discipline.

Judge Siler is married to the former Chris Minnich. They have two sons, Gene Siler III and Adam T. Siler. I am sure Judge Siler's family is proud of him for receiving this award and for all

that he has accomplished. I want to thank him for his many years of public service, and I know my colleagues join me in congratulating Judge Siler on his receipt of the "Tri-County 2016 Leader of the Year" award.

An area newspaper, the News Journal, published an article about Judge Siler receiving his award.

I ask unanimous consent that 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 News Journal, Feb. 10, 2016]

WILLIAMSBURG NATIVE EUGENE SILER PICKED  
AS LEADER OF THE YEAR

(By Mark White)

A federal judge and U.S. Navy veteran has been selected as Leadership Tri-County's 2016 Leader of the Year.

Eugene Siler Jr., a senior judge on the U.S. Court of Appeals for the Sixth Circuit, said he was notified about a month ago that he was receiving the award.

"I was honored by it and humbled by it," Siler said Monday afternoon.

Leadership Tri-County is a non-profit organization established in 1987 as an educational program designed to identify potential, emerging, and current leaders from Knox, Laurel and Whitley counties and to nurture their continued development into the leaders our area needs now and in the future.

Past recipients of the Leader of the Year Award have included: Dr. James Taylor, U.S. Rep. Hal Rogers, U.S. Senator Mitch McConnell, Terry Forcht, Nelda Barton-Collings, Gene Huff and last year's winner Dr. Michael Colegrove.

"I know a lot of people who have gotten it before. I feel like I am in very good company, am pleased that they are giving it to me and I will do my best to live up to it," Siler said.

Siler, a Williamsburg native, served in the U.S. Navy on active duty from 1958 to 1960, and later retired as a commander in the U.S. Naval Reserves after 26 years of service.

He began his law practice in 1964 alongside his father. He served as Whitley County Attorney from 1965 until 1970 when President Richard Nixon appointed him as United States Attorney for the Eastern District of Kentucky.

In 1975, President Gerald R. Ford appointed Siler as a United States District Judge for the Eastern and Western Districts of Kentucky.

In September 1991, President George Bush appointed Siler to the U.S. Court of Appeals for the Sixth Circuit.

Siler will be honored during Leadership Tri-County's Leader of the Year Banquet, which will be held on Feb. 23 at the London Community Center.

There will be a reception at 5:30 p.m. followed by a dinner at 6 p.m.

During the banquet, there will be a memorial tribute to G.W. Griffin and Bill Brooks.

## FAMILY AND MEDICAL LEAVE ACT

Mr. DURBIN. Mr. President, last Friday, America celebrated the 23rd anniversary of the Family and Medical Leave Act—landmark legislation that transformed American workplaces for the better.

I am deeply proud to have voted for this bill in 1993 when I served in the House of Representatives. This bipartisan legislation was a major victory



for many working families, providing workers the ability to take up to 12 weeks of unpaid leave for family needs.

This meant working parents could take care of their newborns without fear of losing their jobs and sources of income. Workers could care for an ailing family member or care for their own serious health conditions without having to worry about whether they would be able to come back to their careers.

Before the Family and Medical Leave Act, being a working parent meant having to choose between your job and taking care of yourself and your family. Today, thanks to this legislation, this attitude has changed for many families.

Since 1993, American workers have used the leave provided by the Family and Medical Leave Act more than 200 million times. This legislation has helped balance workplace demands with family needs for millions of hard-working men and women across the country. And there is no doubt that these are achievements we should all be proud of.

But we need to do more.

As families change, so should the laws designed to help them—our workforce, our economy, and our family responsibilities have changed dramatically over the past two decades. Women now make up half the workforce, and many families depend on two incomes. Family caregiving needs are on the rise, and both men and women provide critical care.

But according to a recent Department of Labor survey, only 60 percent of employees have access to FMLA leave—and 8 out of 10 eligible workers cannot afford to take leave when they need it.

For too many Americans, unpaid leave is not an option—it is unaffordable. Just 13 percent of the workforce has paid family leave through their employers, and less than 40 percent have personal medical leave through an employer-provided disability program.

It is clear that we need to do more to ensure families can earn the support they need. I am proud that both Senator MURRAY and Senator GILLIBRAND have stepped up and introduced legislation this Congress to address these shortcomings. I hope we will continue to see support for these bills and get more of my colleagues from across the aisle to talk about these concerns.

The reality is ensuring paid family and sick leave would help keep new parents and family caregivers in the workforce and boost their earnings and savings overtime. Studies have already shown that mothers who are able to take paid maternity leave are more likely to return to their jobs and stay in the workforce. That just means more money for families to spend and put back into our economy.

Expanding paid family and sick leave makes moral sense, and it makes economic sense. It is about time we get it done.

As we mark the anniversary of this groundbreaking legislation, I hope we take the time to recommit ourselves to the values that inspired this law. Let's continue to lead on this issue and expand paid family and health leave to cover more families.

I will continue to fight and protect the benefits provided by the Federal and Medical Leave Act and help ensure fairer workplaces and healthier, more secure families.

#### RECOGNIZING HILL FARMSTEAD BREWERY

Mr. LEAHY. Mr. President, as a Vermonter, it is with great pride that I call to the Senate's attention the success of one of Vermont's fine businesses, Hill Farmstead Brewery, which was recently named the best brewer in the world by RateBeer for the second year in a row and for the third time in 4 years. The brewery's success is a testament to the hard work and dedication of founder and brewer Shaun Hill, whose philosophy revolves around brewing beer as an art rather than solely as a business. His drive to brew the best beer in the world has brought accolades and interviews in national publications from *Vanity Fair* to the *New York Times*; yet he remains staunchly opposed to following the path of most conventional breweries. Rather than focusing on boundless production, his business model gives value to what is created with integrity, grit, and perseverance.

Shaun's approach sets the Hill Farmstead Brewery apart from other, more commercial enterprises. Its location in Greensboro, VT, is situated in the Hill family's former dairy barn, surrounded by dirt roads and rolling hills. Despite its remote geography, beer lovers come from far and wide to experience the world-renowned beers, to take in the beautiful setting, and to buy some beer to take home. Because a visit to Hill Farmstead is a unique and intimate experience, it is no surprise that is on the bucket list of beer lovers around the world.

As members of his team fill orders, it is not uncommon to see Shaun buzzing around the brewery, moving grain or stopping to talk with visitors. Even if they do not know it at the time, these visitors are taking with them something extremely special. Bottled with the beer is a taste of something greater: Vermont values, and a celebration of life, initiative, and hard work.

Experiencing dramatic growth in the last decade, the craft beers made at Vermont's 40 breweries have a reputation as being some of the best in the world. It is not uncommon for people to drive from New York City, Boston, or even Washington, DC, to spend a few hours or a weekend visiting Vermont breweries. So it is wonderful to watch an entrepreneur like Shaun, with such a passion for his work, grow his idea into a valued and sought after product from all over the country. While many

Vermonters still feel the effects of a recovering economy, there are a lot of good things happening in our State thanks to people like him.

When Shaun opened his brewery 5 and a half years ago, he said his goal was to brew the best beer in the world. Well, he achieved that goal and in an impressive short amount of time. Its consistent and exemplary performance over the years, combined with success in creating several phenomenal beers across various styles, have this brewery to shine above more than 22,500 other breweries worldwide. The distinct and nuanced beers pay homage to the art of brewing and to the ambition of their creator. They are a testament to the quality products produced in Vermont, by Vermonters.

#### ADDITIONAL STATEMENTS

##### NATIONAL COUNCIL OF HIGHER EDUCATION RESOURCES

• Mr. ALEXANDER. Mr. President, I ask to have printed in the RECORD a copy of my remarks last week to the National Council of Higher Education Resources.

The material follows:

##### NATIONAL COUNCIL OF HIGHER EDUCATION RESOURCES

I was smiling a little bit when you said that I probably knew more than anybody in Congress about student loans. That is probably true, but that may not be saying very much. This is a complex subject. And although I have been in and around it for a long time, I still spend most of my time listening and learning from you and others who deal with how we help students take advantage of the tremendous opportunities they have in this country.

I'm sure some of you were up late last night watching politics. I went to bed early, but 20 years ago I was right in the middle of it. When you have the privilege of running for president, you find out that you spend most of your time hoping nobody says to you what they said to the late Mo Udall—the congressman from Arizona—when he was walking into a barbershop in New Hampshire and he stuck out his hand and said “I'm Mo Udall running for president,” and the barber says, “yeah I know, we were just laughing about that yesterday.”

I watched with interest the results this morning—my sideline view is that Marco Rubio is somebody to watch in the next week. Twenty years ago, about two weeks before the New Hampshire primary, I was at 10 percent in New Hampshire polls, and I came in third in Iowa as Marco did last night. 26% Dole 23% Buchanan and I got 18. That 18 was such a surprise I ended up on the cover of Time magazine and was in first in New Hampshire within the week. So things can change rapidly, and what happens in the 8 days between the Iowa caucuses and the New Hampshire primary should be very interesting—I have no idea what will happen.

I do think that 20 years ago it was said to be 3 out of Iowa, and 2 out of New Hampshire. And the financial limits on fundraising were such that it made that come true because you could only raise money from people up to \$1000 a person. You can imagine trying to raise millions of dollars at \$1000 per person. You can't start a business that way, you can't start a college that way and you

can't have a presidential campaign that way. So it was 3 out of Iowa and 2 out of New Hampshire.

I think this time they are going to carry 4 out of New Hampshire. And one reason is because the rules have changed about fundraising. So hopefully more Americans will have a chance to participate in the system and will get a chance to run through the southern primaries and on into the convention. So it ought to be an interesting year.

I'd like to talk just a minute about higher education and some of the things that I hope we could do. Then I'll be glad to take up to 3 questions you'd like to ask me. I'll be glad and try to respond to them if there's something you want to say to me. First—thank you for the work you do to help students have a chance to participate in what still is the best system of colleges and universities in the world. We have millions of families every year who still fill out their student aid application forms. It's a large number.

Here is what our committee, which is the Senate's education committee, will be doing. As Ron said, for the last year our major priority was elementary and secondary education. We tackled fixing No Child Left Behind which was 7 years overdue, and filled with partisan problems. It's like higher education but even more so. In fact—with elementary and secondary education it's like going to a University of Tennessee football game—you've got 100,000 people in the stands and every single one of them played football and is an expert and knows what plays to call and usually wants to call it. Well it's the same thing with elementary and secondary education—you have 50 million students, and 3.5 million teachers and parents. And everybody has got an idea—whether it's transgender bathrooms—they all want to put it in the bill. But all these things could sink the bill in a minute. And I will compliment Senator Patty Murray of Washington because she and I worked together and we got a result and the president to sign the bill. Fundamentally, it was a major change because it basically says “sure we want to know how the students are doing so the federal government will require you to take 17 tests between the 3rd grade and senior year.”

Then you report that to see how the students are doing. And you disaggregate it so you can see if the African American kids or the white kids or the Latino kids are being left behind. But after that, the decisions about what to do about the results of the tests—if you're a 4th grade teacher in Franklin—that's your business. That's the state of Tennessee's business. So if you want the common core academic standard you can have it. If you don't want it then you don't have to have it. That's not anything the United States Secretary of Education is going to tell you. It's not going to tell you what the test should be, how to evaluate the test, what the accountability system should be and how to evaluate the teachers.

People assume that because I have been a big fan of evaluating teachers as Governor that I'll come up here and try to make everybody do it. It's just the reverse with me. I think people are fed up with Washington telling them so much about what to do—whether it's elementary and secondary education or in higher education. My goal with higher education is to try to deregulate it. Try to take the federal rules and regulations which just piled up through 8 different reauthorizations of the Higher Education Act, and simplify them and make them more fair. Several years ago I got an appropriations bill; a study for how to do that with research, and the head of the University of Texas at Austin, chancellor, former chancellor now, had them update me a report. I asked the chancellor of Maryland and the

chancellor at Vanderbilt to lead a group of higher education folks to recommend how we could make higher education more simple and effective: 59 recommendations. A few of them the Secretary himself can do. As many as we can, maybe 3 dozen of the rest of those, we hope to put in a piece of legislation that Sen. Mikulski and Bennet from the Democratic side, and Sen. Burr and from the Republican side will introduce. They all will help to save the time and money from this jungle of redtape the study would have.

Another simplification we would like to do is with the FAFSA. You know better than almost anybody that it's not necessary to have 108 questions. In fact we had testimony before our committee from people that come from many different directions that said basically you only need 2 questions. One was “the size of your family?” and one was “your amount of income.” Well, maybe we don't need only 2 questions, but we need a lot fewer questions. I mean you have 20 million families filling that out every year. That's an enormous savings of time and money. And if we simplify and demystify the forms to some degree more students will take advantage of the student aid enrollment. The president of Southwest Community College in Memphis told me he thinks he loses 1,500 students every year just from the complexity of the FAFSA. And so we are experimenting in a whole variety of ways. Parents and grandparents asking, “why do I have to give this info to the government again, they've already got it on my FAFSA?” Well, good question. Maybe all you need to do is give permission to the IRS to send it over and you fill out only a few questions. So, simplifying for FAFSA is another thing we have a bipartisan agreement on.

We'd like to reduce the number of student loans. I'd like to see a single undergraduate loan. I think students would be less likely to over borrow and less likely to make mistakes. And we could use the savings from that to provide another thing that I think would be helpful and that's the year-round Pell Grant. We have ridiculously complex student aid and student aid repayment terms. I saw the other day, Bernie Sanders had some person up there holding up a sign that said she had \$90K in student loans and she was paying half of her income to pay it off every year. Well, as an undergraduate loan she doesn't have to do that.

If she knew what the existing income-based repayment programs are, she wouldn't have to pay half of her income toward loans, she would only have to pay 10 or 15 % of her income towards it. If she had been working for public service she might have it forgiven. After 20 to 25 years it would be forgiven. So there's a lot of misinformation about student loans and about repayment and our goal is to cut it down to two. To have a 10 year repayment plan and have an income based repayment plan. So you would have two choices.

Fundamentally, if students knew what their options were and that they were that simple to understand, we'd probably have a lot more students take advantage of those repayment plans and on the front end a lot more students going to college. There are other steps we'd like to take.

The ones I have just described have a lot of bipartisan agreement. We'd like to allow students to use their income from two years ago, called the prior-prior year, to use to fill out their financial aid forms. The administration agrees with us on that. Other areas where we may be able to have a bipartisan agreement on in the Senate are campus safety and sexual assault, accreditation reform, giving institutions more authority to counsel students on how much to borrow as a way to reduce over borrowing. Having institu-

tions have some skin in the game (or risk sharing) as a way to reduce over borrowing. So those are some of the areas where we should be able to have bipartisan support.

Now what can we actually get done this year?—My goal is as I've said to the group earlier, the tax payers will pay our salaries this year, and I think we ought to just continue to work. Our number one priority is oversight on the elementary and secondary education bill we passed last year. The bill's not worth the paper it's printed on unless it's implemented properly and I don't want the Department of Education granting back to itself all the decision making authority we pushed out of Washington and to the states and classroom teachers. So we're going to be watching that very closely and having a number of hearings.

Number two—we have a very important biomedical innovation research bill. There's never been a more important time for scientific research. The House has passed, the president's interested in precision medicine and cancer research. We have a genius, Francis Collins, heading the National Institutes of Health. We want to do our part. So that's going to take some time.

The third of three top priorities is reauthorization of Higher Education Act.

Maybe we can do it all this year. This year is challenging because it's not only an election year, it's a presidential election year. So we have some really interesting proposals on higher education from some of the candidates. You've heard those. And those could box things up in the Senate as we try to deal with them.

But we're going to go ahead and take some of these proposals that I've just described, and bring them through our committee, pass them in the House of Representatives, and look for opportunities to bring them to the Senate floor.

I'm really proud of what we did in elementary and secondary education. Because I think it's really good policy. It's carefully written, it was vetted by everybody who is involved in the education system, and I think it will govern elementary and secondary education for the next 15-20 years because it will be difficult to change.

I'd like to do the same thing for higher education. Over the last eight reauthorizations, the stack of regulations has gone like that. I'd like to start the stack of regulations going downward like that. I'd like your advice as we begin to do it. ●

#### RECOGNIZING RUTGERS UNIVERSITY-NEWARK DEBATE TEAM

● Mr. BOOKER. Mr. President, today I wish to recognize the Rutgers University-Newark debate team for celebrating its victory at the National Debate Tournament at the University of Missouri Kansas City, UMKC.

The Rutgers University-Newark debate team, founded in 2008, is sponsored by the School of Public Affairs and Administration and the Office of the Chancellor, Newark. They have competed in tournaments hosted by Harvard, the U.S. Military Academy, the U.S. Naval Academy, and James Madison University and outranked schools such as Boston College, Dartmouth, and New York University. Director of debate, Christopher Kozak, has led the team to 3 consecutive years as the 1st-ranked team in the Northeast; and in the 2014-2015 year, the team was the 14th-ranked team nationally.

Since 2011, the Rutgers University-Newark debate team has hosted an ever-growing collegiate tournament every year and a high school tournament in collaboration with the Newark Debate Academy. They support debate from the elementary to high school level by offering internships as assistant coaches at many local schools. RU-N debate team has also participated in a series of public debates, including a debate I participated in about student debt hosted at Rutgers University-Newark.

From September 11 to 15, the Rutgers University-Newark debate team sent two teams to the Baby Jo Memorial Debate Tournament at UMKC, the first national-level debate tournament of the season. Programs from the University of Texas, University of Kansas, Oklahoma University, the University of Iowa, and others participated in the tournament as well.

The team of Nicole Nave and Devane Murphy won six of eight of their preliminary debates and were awarded 6th-place speaker and 11th-place speaker, respectively.

The Rutgers University-Newark debate team entered the elimination rounds as the seventh-ranked team and continued to the final round to face the first-ranked team in the Nation, UC Berkeley. By a 2-to-1 decision, the RU-N team defeated UC Berkeley to be crowned champion. Going into the 2015-2016 season, this means the Rutgers University-Newark team will be ranked the No. 1 team in the Nation.

I am proud to acknowledge this landmark achievement in the Rutgers University-Newark Debate Team's history and its efforts to support debate at all age levels.

Thank you.●

#### TRIBUTE TO BEVERLY ANDERSON

● Mr. DAINES. Mr. President, today I wish to recognize Beverly Anderson of Conrad, MT, for her incredible generosity and service to the people of her community. Beverly has a huge heart for helping those in need and has truly cared for those around her.

Beverly previously worked as an emergency dispatcher before taking on the many volunteer roles that she now serves in. She is head of her community's Salvation Army, serves at the food bank every Friday, and volunteers for the local abused spouses advocate groups, DFS and CASA.

She has a heart for children as well. Every week, she plans crafts and other afterschool activities for area students. Beverly prioritizes spending time helping underprivileged children and, every year, coordinates local efforts to gather school supplies for those in need.

As a woman of faith, Beverly regularly takes individuals in recovery from drug abuse with her to church and out to lunch. She visits and prays for those who are sick and dying in her community and takes a special effort to cook food and provide encouragement for the bereaved families.

During the holiday season, Beverly is known to secretly shop for children of families in need and gathers people across town to participate in a "knock and drop" with presents. She also delivers turkey dinners to families at both Thanksgiving and Christmas. A proud parent of two soldiers, Beverly gladly promotes every veteran activity that takes place in her community and helps the VFW send gift boxes to soldiers every Christmas.

I am humbled by Beverly's heart for service and her selfless commitment to putting the needs of others before herself. She is truly a standout in her community and has made Montana a much better place. It is with deep gratitude that I honor her today.●

#### REMEMBERING JESSE DANNELS

● Mr. DAINES. Mr. President, I would like to honor Jesse Dannels—a young man with a kind smile and a strong leader in all aspects of life, who was lost from us on February 7, 2016, at the age of 18.

Jesse came into this world on November 29, 1997, to Robert and Ruth Dannels of Chinook, MT. Jesse's motivation and happy spirit impacted everyone he met. His love for sports was evident in his swimming, football, track, and wrestling. He excelled at everything he did. His teammates were not only friends, but brothers. Jesse's willingness to always help others was inspiring. He was continually motivating others to do their best, and he was there to cheer them on. He will be missed by all who knew him.

Sugarbeeter Nation, I extend my condolences to Jesse's family, his football and wrestling brothers and coaches, to Chinook High School, and to the entire community of Chinook. May God rest his soul.●

#### TRIBUTE TO LARRY GIANCHETTA

● Mr. DAINES. Mr. President, Larry Gianchetta, the dean of the University of Montana School of Business, has announced that he will be retiring at the end of this school year. Dean Gianchetta has been a part of the University of Montana staff for 41 years and has served as dean of the School of Business for the past 30 years.

Dean Gianchetta has been an inspiration not only for his staff, but also for his students. Dean Gianchetta is an enthusiastic teacher who has instilled an excitement for learning and a commitment to service in his staff and students. He created positive environment for his staff and students, making experiences at the University of Montana enjoyable for all.

Dean Gianchetta made sure the school of business could support students for generations to come through its scholarship program. He worked tirelessly to promote the University of Montana School of Business Administration name to gain the financial support needed to educate Montana's next

generation of leaders. His dedication not only resulted in donations for the school's scholarship program, but also funding for new school buildings, including the Gallagher Business Building, which opened in 1996, and the Gilkey Center for Executive Education, which opened earlier this year.

One of Dean Gianchetta's most admired accomplishments is the founding of the American Indian Business Leaders. It began at the University of Montana and, today, has grown to be a national organization that includes 76 high schools, colleges, and universities. Dean Gianchetta has also helped the University of Montana develop new college majors in marketing and management, a minor in business program, and six certificates in several different areas.

Dean Larry Gianchetta does not boast about the accomplishments he has made while at the University of Montana School of Business, but they can be clearly seen not only on the University of Montana campus, but also throughout the country. I may be a Bobcat, but I recognize the tremendous impact this Grizzly has made on our State and our Nation. He will be greatly missed at the University of Montana, but I am confident that the legacy he's left will be carried on for years to come.●

#### TRIBUTE TO MIRANDA CROSS AND KATE KROLICKI

● Mr. HELLER. Mr. President, today I wish to congratulate two students, Miss Miranda Cross and Miss Kate Krolicki, who have gone above and beyond in their academic pursuits and were selected to represent the Silver State as delegates of the 54th annual United States Senate Youth Program, USSYP. This is an incredible accolade, recognizing the very best students across the Nation, and I extend my most sincere congratulations to these two Nevadans.

USSYP was created in 1962 to bring excellent students to our Nation's Capital to gain knowledge and insight on the three branches of government. Every year, this program brings 104 outstanding students to Washington, DC, for a weeklong program highlighting the Federal Government. Students also receive a \$5,000 undergraduate college scholarship to encourage them to continue on in their scholastic pursuits. Students selected for the program generally fall in the top 1 percent academically within their State. Both Miss Krolicki and Miss Cross have excelled in their academic ambitions and are certainly deserving of the opportunity to attend this weeklong program.

Miss Cross is a student at Reno High School and serves on the Washoe County School District's student advisory board. She is a proud member of the Future Business Leaders of America, taking three State championship titles and serving as a national finalist. She

is also the founder of Girls in STEM. Miss Cross is a role model to her peers, and I am thankful to have such an ambitious Nevadan representing our State at this prestigious event.

Miss Krolicki attends George Whitell High School and serves her peers in a number of student activities. She is president of her senior class, a member of the student issues committee, president of the National Honor Society and Key Club, and captain of the varsity soccer team. I am grateful that Miss Krolicki served the State of Nevada as an intern in my office last summer. She is truly an inspiration to her peers and future generations of Nevadans.

Both students are shining examples of what hard work and determination can accomplish. They should be proud of their selection in this competitive process. Today I ask my colleagues to join me and all Nevadans in congratulating both Miss Cross and Miss Krolicki in this achievement and in wishing them well as they represent Nevada at USSYP 2016.●

#### TRIBUTE TO TINA QUIGLEY

● Mr. HELLER. Mr. President, today I wish to recognize Tina Quigley for all of her hard work and dedication to the State of Nevada. Ms. Quigley has gone above and beyond in her role with the Regional Transportation Commission of Southern Nevada, RTC, bringing efficient transportation methods to the region and driving economic development.

Ms. Quigley was raised in Petaluma, CA, and initially planned to have a career in aviation. After graduating with a bachelor's degree in aviation business and planning from Embry Riddle Aeronautical University, she moved to Las Vegas and began working for former Clark County director of aviation Bob Broadbent at McCarran International Airport. Ms. Quigley began her career with RTC in 2005, accepting the position of deputy general manager. In 2012, she was selected to lead the commission as general manager.

Since accepting the position, Ms. Quigley has led numerous projects at RTC that have greatly benefitted the State. These projects have led to vast improvements to the area's transit system, bringing greater accessibility to the local community and the many tourists traveling throughout the region. Under her leadership, RTC launched a transit pass program for university students and staff, eight new rapid transit and express bus routes, and a residential route. The commission has also added hundreds of new bus shelters, three transit terminals with commuter parking lots, and a platinum LEED-certified transit hub in Las Vegas. As a result of her successful initiatives, RTC was named one of the most efficient transit providers in the Nation.

She has also served as a voice to the Nevada legislature, advocating on behalf of southern Nevada's transpor-

tation and infrastructure needs. Recently, Ms. Quigley spearheaded work within the State to move forward on the future Interstate 11, I-11. I am proud to have led the way in Washington, DC, on legislation including the extension of I-11, which was signed into law. Developing critical infrastructure in our State is the first step toward long-term job growth and sustainability, and I am thankful to have Nevadans like Ms. Quigley working as an ally in the fight to complete this initiative.

Over the last decade, Ms. Quigley has demonstrated an unwavering commitment to bringing southern Nevada the transportation and infrastructure tools it needs. The Silver State is fortunate to have Ms. Quigley working to build a greater and more accessible Nevada. I ask my colleagues and all Nevadans to join me in thanking Ms. Quigley for her many contributions to our State. I wish her well as she continues her efforts to address southern Nevada's transportation needs.●

#### 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.)

#### MESSAGE FROM THE HOUSE

At 12:11 p.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 bills, in which it requests the concurrence of the Senate:

H.R. 3293. An act to provide for greater accountability in Federal funding for scientific research, to promote the progress of science in the United States that serves that national interest.

H.R. 4470. An act to amend the Safe Water Drinking Act with respect to the requirements related to lead in drinking water, and for other purposes.

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. 111. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 907) to improve defense cooperation between the United States and the Hashemite Kingdom of Jordan.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1428) to extend Privacy Act remedies to citizens of certified states, and for other purposes.

#### MEASURES REFERRED

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

H.R. 3293. An act to provide for greater accountability in Federal funding for scientific research, to promote the progress of science in the United States that serves that national interest; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Special Committee on Aging:

Special Report entitled "Fighting Fraud: U.S. Senate Aging Committee Identifies Top 10 Scams Targeting our Nation's Seniors" (Rept. No. 114-208).

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 483. A bill to improve enforcement efforts related to prescription drug diversion and abuse, and for other purposes.

#### 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. REID (for himself, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. MENENDEZ, Ms. HIRONO, Mr. FRANKEN, Mr. UDALL, and Mr. BROWN):

S. 2540. A bill to provide access to counsel for unaccompanied children and other vulnerable populations; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself and Mr. SANDERS):

S. 2541. A bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act to further the conservation of prohibited wildlife species; to the Committee on Environment and Public Works.

By Mrs. CAPITO (for herself and Mr. KING):

S. 2542. A bill to provide for alternative and updated certification requirements for participation under Medicaid State plans under title XIX of the Social Security Act in the case of certain facilities treating infants under one year of age with neonatal abstinence syndrome, and for other purposes; to the Committee on Finance.

By Mr. MANCHIN:

S. 2543. A bill to direct the Secretary of Health and Human Services to amend the mission statement of the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. DURBIN, and Mr. KIRK):

S. 2544. A bill to increase public safety by punishing and deterring firearms trafficking; to the Committee on the Judiciary.

By Mrs. SHAHEEN:

S. 2545. A bill to modify the requirements of the Department of Veterans Affairs for reimbursing health care providers under section 101 of the Veterans Access, Choice, and

ERNST) was added as a cosponsor of S. 1239, a bill to amend the Clean Air Act with respect to the ethanol waiver for the Reid vapor pressure limitations under that Act.

S. 1566

S. 2557. A bill to amend the Higher Education Act of 1965 to repeal the suspension of eligibility for grants, loans, and work assistance for drug-related offenses; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 282

At the request of Mr. LANKFORD, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 282, a bill to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes.

S. 491

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 491, a bill to lift the trade embargo on Cuba.

S. 497

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 497, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 498

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 498, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 524

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) 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.

S. 843

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 843, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 968

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 968, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1239

At the request of Mr. DONNELLY, the name of the Senator from Iowa (Mrs.

S. 2218

At the request of Mr. THUNE, the name of the Senator from Wyoming

(Mr. BARRASSO) was added as a cosponsor of S. 2218, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 2248

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2248, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 2292

At the request of Mr. TESTER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2292, a bill to reform laws relating to small public housing agencies, and for other purposes.

S. 2373

At the request of Ms. CANTWELL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2373, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 2423

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2423, a bill making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

S. 2496

At the request of Mr. COONS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2496, a bill to provide flexibility for the Administrator of the Small Business Administration to increase the total amount of general business loans that may be guaranteed under section 7(a) of the Small Business Act.

S. 2499

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2499, a bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes.

S. 2517

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2517, a bill to require a report on United States strategy to combat terrorist use of social media, and for other purposes.

S. RES. 99

At the request of Mr. NELSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 99, a resolution calling on the Government of Iran to follow through

on repeated promises of assistance in the case of Robert Levinson, the long-est held United States civilian in our Nation's history.

S. RES. 349

At the request of Mr. ROBERTS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. Res. 349, a resolution congratulating the Farm Credit System on the celebration of its 100th anniversary.

S. RES. 368

At the request of Mr. CARDIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 368, a resolution supporting efforts by the Government of Colombia to pursue peace and the end of the country's enduring internal armed conflict and recognizing United States support for Colombia at the 15th anniversary of Plan Colombia.

AMENDMENT NO. 3069

At the request of Mr. HEINRICH, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of amendment No. 3069 intended to be proposed to S. 2012, an original bill to provide for the modernization of the energy policy of the United States, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. MENENDEZ, Ms. HIRONO, Mr. FRANKEN, Mr. UDALL, and Mr. BROWN):

S. 2540. A bill to provide access to counsel for unaccompanied children and other vulnerable populations; to the Committee on the Judiciary.

Mr. REID. 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. 2540

*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 "Fair Day in Court for Kids Act of 2016".

#### SEC. 2. IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.

(a) APPOINTMENT OF COUNSEL IN CERTAIN CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL PROCEEDINGS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

- (1) in paragraph (4)—
- (A) in subparagraph (A)—
- (i) by striking “, at no expense to the Government.”; and
- (ii) by striking the comma at the end and inserting a semicolon;
- (B) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;
- (C) by inserting after subparagraph (A) the following:

“(B) the Attorney General may appoint or provide counsel, at Government expense, to aliens in immigration proceedings;

“(C) the alien shall, at the beginning of the proceedings or as expeditiously as possible, automatically receive a complete copy of all relevant documents in the possession of the Department of Homeland Security, including all documents (other than documents protected from disclosure by privilege, including national security information referred to in subparagraph (D), law enforcement sensitive information, and information prohibited from disclosure pursuant to any other provision of law) contained in the file maintained by the Government that includes information with respect to all transactions involving the alien during the immigration process (commonly referred to as an ‘A-file’), and all documents pertaining to the alien that the Department of Homeland Security has obtained or received from other government agencies, unless the alien waives the right to receive such documents by executing a knowing and voluntary written waiver in a language that he or she understands fluently.”; and

(D) in subparagraph (D), as redesignated, by striking “, and” and inserting “; and”; and

(2) by adding at the end the following:

“(8) FAILURE TO PROVIDE ALIEN REQUIRED DOCUMENTS.—In the absence of a waiver under paragraph (4)(C), a removal proceeding may not proceed until the alien—

“(A) has received the documents as required under such paragraph; and

“(B) has been provided meaningful time to review and assess such documents.”.

(b) CLARIFICATION REGARDING THE AUTHORITY OF THE ATTORNEY GENERAL TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(1) by striking “In any” and inserting the following:

“(a) IN GENERAL.—In any”;

(2) in subsection (a), as redesignated—

(A) by striking “(at no expense to the Government)”; and

(B) by striking “he shall” and inserting “the person shall”; and

(3) by adding at the end the following:

“(b) ACCESS TO COUNSEL.—The Attorney General may appoint or provide counsel to aliens in any proceeding conducted under section 235, 236, 238, 240, or 241 or any other section of this Act. The Secretary of Homeland Security shall ensure that aliens have access to counsel inside all immigration detention and border facilities.”.

(c) APPOINTMENT OF COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—

(1) IN GENERAL.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), as amended by subsection (b), is further amended by adding at the end the following:

“(c) UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—Notwithstanding subsection (b), the Attorney General shall appoint counsel, at the expense of the Government if necessary, at the beginning of the proceedings or as expeditiously as possible, to represent in such proceedings any alien who has been determined by the Secretary of Homeland Security or the Attorney General to be—

“(1) an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act on 2002 (6 U.S.C. 279(g)));

“(2) a particularly vulnerable individual, such as—

“(A) a person with a disability; or

“(B) a victim of abuse, torture, or violence; or



“(3) an individual whose circumstances are such that the appointment of counsel is necessary to help ensure fair resolution and efficient adjudication of the proceedings.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Executive Office of Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.”.

(2) **RULEMAKING.**—The Attorney General shall promulgate regulations to implement section 292(c) of the Immigration and Nationality Act, as added by paragraph (1), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

**SEC. 3. ACCESS BY COUNSEL AND LEGAL ORIENTATION AT DETENTION FACILITIES.**

(a) **ACCESS TO COUNSEL.**—The Secretary of Homeland Security shall facilitate access to counsel for all aliens detained in facilities under the supervision of U.S. Immigration and Customs Enforcement or of U.S. Customs and Border Protection, including providing information to aliens in detention about legal services programs at detention facilities.

(b) **ACCESS TO LEGAL ORIENTATION PROGRAMS.**—The Secretary of Homeland Security, in consultation with the Attorney General, shall establish procedures to ensure that legal orientation programs are available for all detained aliens, including aliens held in U.S. Customs and Border Protection facilities, to inform such aliens of the basic procedures of immigration hearings, their rights relating to those hearings under Federal immigration laws, information that may deter such aliens from filing frivolous legal claims, and any other information that the Attorney General considers appropriate, such as a contact list of potential legal resources and providers. Access to legal orientation programs shall not be limited by the alien's current immigration status, prior immigration history, or potential for immigration relief.

(c) **PILOT PROJECT FOR NONDETAINED ALIENS IN REMOVAL PROCEEDINGS.**—The Attorney General shall develop and administer a 2-year pilot program at not fewer than 2 immigration courts to provide nondetained aliens with pending asylum claims access to legal information. At the conclusion of the pilot program, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the extent to which nondetained aliens are provided with access to counsel.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Executive Office of Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.

**SEC. 4. CASE MANAGEMENT PILOT PROGRAM TO INCREASE COURT APPEARANCE RATES.**

(a) **CONTRACT AUTHORITY.**—The Secretary of Homeland Security shall establish a pilot program to increase the court appearance rates of aliens described in paragraphs (2) and (3) of section 292(c) of the Immigration and Nationality Act, as added by section 2(c)(1), by contracting with nongovernmental, community-based organizations to provide appropriate case management services to such aliens.

(b) **SCOPE OF SERVICES.**—Case management services provided under subsection (a) shall include assisting aliens with—

- (1) accessing legal counsel;
- (2) complying with court-imposed deadlines and other legal obligations;
- (3) procuring appropriate housing;
- (4) enrolling their minor children in school; and

(5) acquiring health services, including, if needed, mental health services.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Department of Homeland Security such sums as may be necessary to carry out this section.

**SEC. 5. REPORT ON ACCESS TO COUNSEL.**

(a) **REPORT.**—Not later than December 31 of each year, the Secretary of Homeland Security, in consultation with the Attorney General, shall prepare and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the extent to which aliens described in section 292(c) of the Immigration and Nationality Act, as added by section 2(c)(1), have been provided access to counsel.

(b) **CONTENTS.**—Each report submitted under paragraph (a) shall include, for the immediately preceding 1-year period—

(1) the number and percentage of aliens described in paragraphs (1), (2), and (3), respectively, of section 292(c) of the Immigration and Nationality Act, as added by section 2(c)(1), who were represented by counsel, including information specifying—

(A) the stage of the legal process at which the alien was represented; and

(B) whether the alien was in government custody; and

(2) the number and percentage of aliens who received legal orientation presentations.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. DURBIN, and Mr. KIRK):

S. 2544. A bill to increase public safety by punishing and deterring firearms trafficking; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I see my distinguished colleague from Maine on the floor. Both of us would like to speak about how for years law enforcement in Vermont and elsewhere have sought more effective tools to go after straw purchasers and gun traffickers. Straw purchasers are people who do not have a criminal record but who purchase firearms for other people, and all too often they enable violent criminals, drug traffickers, and terrorists to obtain guns and to circumvent the background check requirements of Federal law.

This Senator finds it frustrating. I am a gun owner. I go through background checks, but when I think of drug traffickers getting guns through a straw purchaser, that is wrong. In fact, they ship guns with impunity across State lines, not only from Vermont to other parts of New England but also along the Southwest border, allowing them to conduct illegal gun transactions in our cities and towns. Law enforcement officers who have tried to stop this have been hamstrung because under current law there is no Federal statute specifically prohibiting either the practice of straw purchasing or firearms trafficking. So today I am reintroducing legislation with the distinguished Senator from Maine, Ms. COLLINS, to plug those gaps in the law. The Stop Illegal Trafficking in Firearms Act of 2016 would make it a Federal crime to act as a straw purchaser of firearms or to illegally traffic firearms. It would also establish tough penalties

for anyone who transfers a firearm when they have reasonable cause to believe it would be used in a drug transaction, crime or an act of terrorism. It will fix a loophole in the existing law and make it clear that it is a crime to smuggle firearms out of the United States just as it is a crime to smuggle firearms into the United States. This legislation answers the call from law enforcement to strengthen our investigative and prosecutorial tools to keep guns out of the hands of criminals and terrorists.

We have to do more to protect our communities. The heartbreaking reports of mass shootings have become all too common and no corner of our country is immune from the tragedies that accompany everyday gun violence—not even Vermont. Criminals in search of firearms exploit gaping loopholes in our gun laws, and they utilize straw purchasers and trafficking networks or unregulated gun markets. In addition, the rise in addiction to heroin and opioids in the Northeast has exposed a new so-called iron pipeline of firearms trafficking. We are seeing firearms serve as a currency. You can use a firearm to buy illegal drugs like heroin. Addicts are being directed to straw purchase firearms for dealers because dealers who have criminal backgrounds could not pass a background check. In Vermont, for example, Federal investigators are reporting increasing instances of straw purchasers buying guns for drug dealers or finding guns that were purchased in Vermont being trafficked to criminals in other States, such as New York, Massachusetts, and Connecticut, where the guns are traded for heroin or used in violent crimes.

This morning the Judiciary Committee approved bipartisan legislation that takes a comprehensive approach to dealing with heroin and opioid addiction. I fought to include provisions to help law enforcement and to provide assistance to rural communities like we have in Vermont. Passing a gun trafficking bill is another way we can keep our communities safe.

Remember, straw purchasing and gun trafficking is not just tied to drug trafficking. Even terrorists, like the suspected San Bernardino shooters, have utilized straw purchasers to acquire their guns. In the San Bernardino case, the prosecutors did not have the option of charging the friend of the terrorists with a straw purchasing offense. Instead, the only charge that was available against him for unlawfully purchasing the two rifles used in the mass shooting was a paperwork violation of making a false statement. This Senator has heard from many prosecutors, Republicans and Democrats alike, that these paperwork charges are wholly inadequate to deter or stop such dangerous conduct.

It is time to take action. Only Congress can fill the gap. Congress must not become so numb to tragedy after tragedy that we fail to fulfill our responsibility to legislate. It is true that

no one piece of legislation can prevent all criminals from acquiring firearms, and it certainly will not solve the epidemic of gun violence, but that is not an excuse for inaction.

I would hope all of us would agree that criminals and terrorists should not have guns and that we should investigate and prosecute the straw purchasers and gun traffickers who help criminals and terrorists get guns. Law enforcement officials have complained for years that they lack the statutory tools to effectively investigate and deter straw purchasers and gun traffickers. That is why this bill has such strong support from law enforcement groups such as the National Fraternal Order of Police, the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Federal Law Enforcement Officers Association, the National Tactical Officers Association, the National District Attorneys Association, and the Association of Prosecuting Attorneys. This bill builds on the progress we made last Congress when I worked with Senator DURBIN to introduce similar legislation. I want to acknowledge the tireless efforts of Senator DURBIN and others on this issue, and I am glad he is an original cosponsor of this important legislation.

As are many others, I am proud to be a responsible gun owner. I enjoy target shooting in the backyard of my farmhouse—with a nice safe backdrop I might add. I am deeply committed to the fundamental and individual rights afforded in the Second Amendment. I know Senator COLLINS shares my commitment to protecting those constitutional rights, but we also share a desire to go after violent criminals, drug traffickers, and terrorists. We do not want to hand guns to violent criminals, drug traffickers, and terrorists, and if they do get guns we want to make sure law enforcement officials arrest the people who gave them the guns to keep guns out of their hands. This legislation does just that.

Mr. President, I yield the floor to my good friend, the senior Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join my colleague from New England, Senator LEAHY, in introducing our bill, the Stop Illegal Trafficking in Firearms Act. Our bill would strengthen Federal law to make it easier for prosecutors to effectively go after gun traffickers while protecting fully the rights of the vast majority of gun owners who are law-abiding.

The practice of straw purchasing is intended to achieve one result, and that is to put a gun in the hands of criminals. Today traffickers target individuals who can lawfully purchase firearms and then use those weapons to commit crimes. They exploit weaknesses in Federal law that make prosecuting straw purchasers difficult and punishment for such a crime generally minimal.

The guns we are targeting in our bill are frequently sold and resold and traf-

ficked across State lines, resulting in the proliferation of illegal firearms in our communities. This practice has fueled the violence across our southern border associated with the Mexican drug cartels; it has spurred gun violence in our cities; and it has contributed to the heroin crisis that is so devastating to our families and is undermining public safety in our communities.

Current Federal law makes preventing and prosecuting these offenses very difficult for law enforcement. Right now, a straw purchaser can only be prosecuted for lying on a Federal form. Essentially, that is treated as if it were a paperwork violation. Our bill would create new, specific criminal offenses for straw purchasing and trafficking in firearms. Instead of a slap on the wrist, these crimes would be punishable for up to 15 years in prison for those who knowingly purchase a firearm for a prohibited person or had reason to believe they would use the firearm in a prohibited way. For those straw purchasers who know or have reasonable cause to believe that the firearm would be used to commit a crime of violence, that crime will be punishable for up to 25 years in prison.

It is not surprising that so many law enforcement groups have endorsed our commonsense proposal. It would provide them with an effective tool to fight the violence that too often goes hand in hand with drug trafficking. Straw purchasing and the trafficking of firearms puts guns directly into the hands of drug dealers and violent criminals who smuggle heroin into my State and so many other States. The heroin flooding our communities is reaching crisis proportions. In 2014, there were a record 208 overdose deaths in the State of Maine, including 57 caused by heroin, and the problem is only getting worse.

The problem of straw purchasing and drug and gun trafficking is directly linked to the heroin crisis. Law enforcement officers tell me they have seen a major influx of drug dealers coming from out of State, straight up I-95's "iron pipeline" and other interstate highways with direct ties to gangs in major cities and ready to sell or trade prescription opiates and heroin for guns.

Oftentimes drug dealers and gang members follow a similar pattern. They seek out and target addicts and they trade or sell them heroin for guns. These gang members with criminal records cross into Maine and approach these drug addicts to be their straw buyers because these addicts usually have clean records, so they can legally purchase the firearms these criminals are seeking. The addict exchanges the gun for heroin to support his or her drug dependency, and that cycle is repeated time and again. Those guns might be used in out-of-State crimes or resold at a profit.

Recently, I received a truly shocking briefing from Federal law enforcement

officials about the cases in Maine that fit this pattern. Let me tell you about one. Gang members trafficked in crack cocaine and heroin between New Haven, CT, and Bangor, ME, where I live. They were later charged with acts of violence, including assault, armed robberies, attempted murder, and murder. Law enforcement's investigation revealed that they had gotten the firearms by trading narcotics for them in Bangor, ME. They then distributed these guns to other gang members.

The terrorist attack in San Bernardino, CA, is another tragic example of how straw purchasing can lead to horrific crimes. In this case it is believed that the individual straw-purchased two assault rifles that were later used in the terrorist attack that killed 14 people. He has been charged with making a false statement in relation to the purchase of those firearms. Our bill, the Stop Illegal Trafficking in Firearms Act could have allowed law enforcement officials to charge this individual with straw purchasing and the trafficking of firearms rather than just a paperwork violation.

Our bill also strengthens existing laws that prohibit gun smuggling. Right now it is illegal for someone to smuggle a firearm into the United States with the intent to engage in drug trafficking or violent crime.

To combat the drug cartels operating across our southern border, we must also prohibit firearms from being trafficked out of the United States for these illegal purchases and purposes. In doing so, our bill would provide an important tool to combatting the trafficking organizations that are exporting firearms and ammunition from the United States and into Mexico, where they are used by drug cartels that are fueling the heroin crisis here at home.

According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, out of the nearly 105,000 firearms recovered in Mexico in the last 5 years, more than 73,000 were sourced to the United States. Similarly, a large percentage of guns used in crimes in our largest cities were trafficked across State lines.

Let me emphasize that our bill protects the Second Amendment rights of law-abiding citizens. It protects legitimate, private gun sales and is drafted to avoid sweeping in innocent transactions and placing unnecessary burdens on lawful, private sales. It expressly exempts certain transactions that are allowed under current law, such as gifts, raffles or auctions. There is absolutely nothing in our bill that would, for example, prohibit a father from giving a hunting rifle to his daughter as a gift. Furthermore, our bill expressly prohibits the act from being used to establish a Federal firearms registry, which I strongly oppose.

This Stop Illegal Trafficking in Firearms Act takes guns out of the hands of criminals without infringing upon the constitutional rights of law-abiding citizens.

We have had many discussions in this Chamber, in our caucuses, and in our

committees about the heroin crisis that is gripping far too many families and communities in States across the Nation, including the State of Maine.

We need to take a comprehensive approach that includes strengthening law enforcement, providing treatment, and increasing education and prevention efforts. This bill is one piece of the law enforcement puzzle as we seek to combat this terrible epidemic that is ruining so many lives.

I urge our colleagues to join Senator LEAHY and me in supporting our legislation.

By Mr. KAINE (for himself and Mr. WARNER):

S. 2548. A bill to establish the 400 Years of African-American History Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KAINE. Mr. President, today I am introducing the 400 Years of African American History Commission Act.

During my tenure as Governor of Virginia I presided over the 400th anniversary of the founding of Jamestown, VA, by the English colonists in 1604. Last year I attended the 450th anniversary of the founding of St. Augustine, FL, which celebrated Hispanic heritage. Both commemorations included activities sponsored by federal commissions, which were voted on and passed by Congress. In three years, in 2019, we will mark another key anniversary in American history. August 2019 will mark 400 years after the first documented arrival of Africans who came to English America by way of Point Comfort, Virginia. Although in 1619 slavery was not yet an institution the “20 and odd” Africans, as it was recorded, were the first recorded group of Africans to be sold as involuntary laborers or indentured servants in the colonies.

Having commemorated the English and Spanish heritage of our founding there is no reason it should be any different for the arrival and continuous presence of Africans and African Americans in the English settlements in 1619. There is no dispute that the beginning of African and African American presence in what is now the United States was both tragic and regrettable. Slavery as an institution broke up families, resulted in the deaths of thousands, and caused irreparable damage to our American psyche. Though we should never forget that period of stain on our history, slavery is not the only part of African American history. We must remember the whole story. African Americans have contributed to the economic, academic, social, cultural and moral well-being of this nation.

So today with my cosponsor Senator MARK WARNER, I introduce the 400 Years of African American History Commission Act, which would establish a commission that would plan programs and activities across the country to recognize the arrival and influence of African Americans since 1619. It is

my hope the establishment of a “400th” commission would create an opportunity to bring continued national education about the significance the arrival of African Americans has made to the U.S., and the contributions that have been made since 1619. Additionally, the commission would create space to discuss race relations in America and focus on dismantling the institutional systems that have adversely hindered African American progress.

By Mr. CARDIN (for himself, Mr. TILLIS, Mr. MURPHY, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. BROWN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. COONS, Ms. MIKULSKI, Mr. MARKEY, Mr. MERKLEY, Mrs. BOXER, Mr. CASEY, and Ms. WARREN):

S. 2551. A bill to help prevent acts of genocide and mass atrocities, which threaten national and international security, by enhancing United States civilian capacities to prevent and mitigate such crises; to the Committee on Foreign Relations.

Mr. CARDIN. Mr. President, on April 10, 2014, I introduced the Syrian War Crimes Accountability Act in this Chamber. Three days earlier, the world had marked the 20th anniversary of the genocide in Rwanda, one of the most horrific events in modern history that unfolded as the world stood back and watched. At that time I noted that, “[u]nfortunately, we have not learned the lessons of the past. We must do better to not only see that sort of atrocities never again occur under our watch . . .” That statement was not only a reflection of my beliefs, but a promise to keep the issue of atrocity prevention in front of the Senate and the American people.

So today, under the heavy cloud of atrocities occurring in Syria, South Sudan, and elsewhere, I come to address this body again. I am here today not to look backward about actions not taken. I am here today to stress that our job, our responsibility, is to make sure the United States has the tools—diplomatic, political, economic, and legal—to take effective action before atrocities occur. Essential to this is authorizing the Atrocities Prevention Board, and ensuring that the United States Government has structures in place and the mechanisms at hand to better prevent and respond to potential atrocities.

President Obama, when he established the Atrocities Prevention Board in 2012, said that, “preventing genocide [is] an ‘achievable goal’ but one that require[s] a degree of governmental organization that matches the kind of methodical organization that accompanies mass killings”.

I am introducing the Genocide and Atrocities Prevention Act of 2016 to ensure that we do just that. I am joined in this effort by Senators TILLIS, MURPHY, MENENDEZ, SHAHEEN, BROWN, GILLIBRAND, BLUMENTHAL, COONS, MI-

KULSKI, MARKEY, MERKLEY, and BOXER. This bill authorizes the Board, which is a transparent, accountable, high-level, interagency board that includes representatives at the assistant secretary level or higher from departments and agencies across the U.S. Government.

The Board will meet monthly to oversee the development and implementation of atrocity prevention and response policy, and additionally address over the horizon potential atrocities through the use of a wide variety of tools, so that we can take effective action to prevent atrocities from occurring.

This bill gives our Foreign Service Officers the training they need to recognize patterns of escalation and early warning signs of potential atrocities and conflict. With this training, we will, over time, build atrocity prevention into the core skillset of our people on the ground. They will be equipped to see the warning signs, analyze the events, and engage early.

This bill also codifies the Complex Crises Fund, which has been a crucial tool to our ability to quickly respond to emerging crises overseas, including potential mass atrocities and conflict. We used the Complex Crises Fund in Tunisia during their Arab Spring and in Sri Lanka after its civil war. We’ve used it to respond quickly in Kenya and Cote d’Ivoire, where it has helped save lives.

Importantly, this bill builds greater transparency and accountability into the structure of the Atrocities Prevention Board. Civil society will have a say, and Congress will have a greater oversight role to make sure we are getting this right.

Mr. President, this is a good bill. It does good things, and places the United States on solid moral ground. But the moral argument alone is not enough. We must also remember that America’s security, and that of our allies, is affected when civilians are slaughtered. Our security is impacted when desperate refugees stream across borders. Our security is affected when perpetrators of extraordinary violence wreak havoc on regional stability, destroying communities, families, and livelihoods. We have seen groups like ISIS systematically targeting communities on the basis of their ethnicity or religious beliefs and practices, including Yezidi, Christian, and Turkmen populations, but over sixty years after the Holocaust, we still lack a comprehensive framework to prevent and respond to mass atrocities and genocide.

So, let this bill act as our framework, and also our call to action, so that when we use the phrase ‘never again’, we know that we are taking meaningful preventative action.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 2552. A bill to amend section 875(c) of title 18, United States Code, to include an intent requirement; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Interstate Threats Clarification Act, which is a necessary bill to clarify the “level of intent” required to convict someone for making threats to injure or kidnap another person.

I would like to thank Senators DURBIN, WHITEHOUSE, and KLOBUCHAR for cosponsoring the bill.

In June 2015, the Supreme Court issued a decision in *Elonis v. United States*, a case involving a man who was convicted for posting on Facebook “crude, degrading, and violent” threats against his co-workers, ex-wife, law enforcement personnel, and a kindergarten class.

The man started posting the violent and threatening posts after his wife of nearly 7 years left him and took with her their two young children.

The threats made over Facebook caused his ex-wife to feel “extremely afraid” for her life, leading her to obtain a restraining order against him.

But that did not stop the man, who then posted on Facebook to communicate to his ex-wife that she “[f]old up your [restraining order] and put it in your pocket / Is it thick enough to stop a bullet?”

That same month, he continued to make violent posts, including one that indicated that “[e]nough elementary schools in a ten mile radius to initiate the most heinous school shooting ever imagined / And hell hath no fury like a crazy man in a Kindergarten class.”

After viewing the posts, an FBI agent and another investigator visited the man at his home, where he was “polite but uncooperative.” After they left, he posted the following:

Little Agent lady stood so close  
Took all the strength I had not to turn the  
b\*\*\*\* ghost

Pull my knife, flick my wrist, and slit her throat

Leave her bleedin’ from her jugular in the arms of her partner.

The post went on to threaten what would happen if he was visited again by the agent, including the possible use of explosives.

Due to these threats and others, the man was convicted for making threats to inflict bodily harm under Section 875(c) of Title 18.

This law prohibits the transmission of a communication that contains a threat to injure or kidnap another person.

The man appealed, saying the lower court did not apply the correct level of intent for a conviction.

When the case reached the Supreme Court, the Court overturned the conviction.

The Court found that the law requires the government to prove some type of “wrongful” intent by the man—“negligence” was not enough for a criminal conviction under this law.

The Court’s opinion, however, left significant ambiguity regarding what the government must prove for a conviction under the statute.

The Supreme Court simply did not specify the exact “level of intent” required for a conviction.

Justice Alito highlighted the problem of the ambiguity in his partial dissent, stating, “[a]ttorneys and judges are left to guess” as to the level of intent required.

This ambiguity has left judges and prosecutors in the dark about what the law requires, and has raised concerns among domestic violence victims because prosecutors and judges may now be hesitant to fully enforce the law.

This is why Congressional action is necessary.

The Interstate Threats Clarification Act solves this ambiguity.

It clarifies that, under Section 875(c) of Title 18, the Government has three options to obtain a conviction. It can prove that a defendant either intended, had knowledge, or recklessly disregarded the risk, that the communication would be reasonably interpreted as a threat.

This is exactly what Justice Alito said would be sufficient in his opinion.

As Justice Alito stated when analyzing the statute in the context of the case, “[s]omeone who acts recklessly with respect to conveying a threat necessarily grasps that he is not engaged in innocent conduct.”

I agree.

Someone who posts violent and crude threats to harm or kidnap judges, domestic violence victims, vulnerable members of society, military personnel, and law enforcement personnel, must be held accountable for their reckless conduct.

This bill clarifies for judges and attorneys alike the proof required to convict those who make such threats to injure or kidnap such persons.

I also appreciate the work done by a coalition of domestic violence organizations that have worked with me on the bill, including the National Network to End Domestic Violence, the Domestic Violence Legal Empowerment and Appeals Project, the National Center for Victims of Crime, the American Association of University Women, Futures Without Violence, Jewish Women International, Legal Momentum, National Alliance to End Sexual Violence, National Coalition Against Domestic Violence, the National Domestic Violence Hotline, and the National Resource Center on Domestic Violence.

I also appreciate the strong support for the bill from law enforcement, including the National District Attorneys Association, the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and the Major Cities Chiefs Association.

This bill is necessary to clarify Federal law about criminal threats and ensure that those who send them are prosecuted. I urge my colleagues to support it.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3306. Mr. MCCONNELL (for Mr. BLUMENTHAL) proposed an amendment to the resolution S. Res. 298, recognizing Connecticut’s Submarine Century, the 100th anniversary of the establishment of Naval Submarine Base New London, and Connecticut’s historic role in supporting the undersea capabilities of the United States.

### TEXT OF AMENDMENTS

SA 3306. Mr. MCCONNELL (for Mr. BLUMENTHAL) proposed an amendment to the resolution S. Res. 298, recognizing Connecticut’s Submarine Century, the 100th anniversary of the establishment of Naval Submarine Base New London, and Connecticut’s historic role in supporting the undersea capabilities of the United States; as follows:

In the second whereas clause in the preamble, strike “donated land and provided funding” and insert “gifted land”.

In the ninth whereas clause in the preamble, strike “Warfare” and insert “Warfighting”.

In the twelfth whereas clause of the preamble, strike “historic ship Nautilus” and insert “Historic Ship NAUTILUS (SSN 571)”.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 11, 2016, at 10 a.m.

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

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 11, 2016, at 10 a.m., to conduct a hearing entitled “The Semiannual Monetary Policy Report to the Congress.”

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

#### COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 11, 2016, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The President’s Budget for Fiscal Year 2017.”

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

#### COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 11, 2016, at 10:15 a.m., to conduct a hearing entitled “Nominations.”

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

## COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 11, 2016, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 11, 2016, at 2:30 p.m.

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

SUBCOMMITTEE ON REGULATORY AFFAIRS AND  
FEDERAL MANAGEMENT

Mr. McCONNELL. 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 11, 2016, at 9:30 a.m., to conduct a hearing entitled "Examining Agency Discretion in Setting and Enforcing Regulatory Fines and Penalties."

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

## PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that my Marine Corps fellow, Capt. Matt Dalton, be granted floor privileges for the remainder of this legislative session.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to the en bloc consideration of the following nominations under the Privileged section of the Executive Calendar: PN1039, PN1040.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations.

The legislative clerk read the nominations of Morton H. Halperin, of the District of Columbia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of two years; and Michael O. Johanns, of Nebraska, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. Mr. President, I know of no further debate.

The PRESIDING OFFICER. Is there further debate?

If not, the question is, Will the Senate advise and consent to the Halperin and Johanns nominations en bloc?

The nominations were confirmed en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the Record; and that the President be immediately notified of the Senate's action.

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

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of all nominations on the Secretary's desk in the Foreign Service; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

## IN THE FOREIGN SERVICE

PN573-5 FOREIGN SERVICE nomination of Christopher Nairn Steel, which was received by the Senate and appeared in the Congressional Record of June 10, 2015.

PN830 FOREIGN SERVICE nominations (28) beginning Christopher Alexander, and ending Tipten Troild, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2015.

PN1085 FOREIGN SERVICE nominations (193) beginning Virginia Lynn Bennett, and ending Susan M. Cleary, which nominations were received by the Senate and appeared in the Congressional Record of January 19, 2016.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

TO ALLOW THE MIAMI TRIBE OF  
OKLAHOMA TO LEASE OR  
TRANSFER CERTAIN LANDS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 349, H.R. 487.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 487) to allow the Miami Tribe of Oklahoma to lease or transfer certain lands.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 487) was ordered to a third reading, was read the third time, and passed.

CALLING ON THE GOVERNMENT  
OF IRAN TO FULFILL ITS PROMISES  
OF ASSISTANCE IN THE  
CASE OF ROBERT LEVINSON

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 365, S. Res. 99.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 99) calling on the Government of Iran to fulfill its promises of assistance in the case of Robert Levinson, the longest held United States civilian in our Nation's history.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble and an amendment to the title.

(Strike out all after the resolving clause and insert the part printed in italic.)

(Strike the preamble and insert the part printed in italic.)

## S. RES. 99

*Whereas United States citizen Robert Levinson is a retired agent of the Federal Bureau of Investigation (FBI), a resident of Coral Springs, Florida, the husband of Christine Levinson, and father of their seven children;*

*Whereas Robert Levinson traveled from Dubai, United Arab Emirates, to Kish Island, Iran, on March 8, 2007;*

*Whereas, after traveling to Kish Island and checking into the Hotel Maryam, Robert Levinson disappeared on March 9, 2007;*

*Whereas, in December 2007, Robert Levinson's wife, Christine, traveled to Kish Island to retrace Mr. Levinson's steps and met with officials of the Government of Iran who pledged to help in the investigation;*

*Whereas, for more than eight years, the United States Government has continually pressed the Government of Iran to provide any information on the whereabouts of Robert Levinson and to help ensure his prompt and safe return to his family;*

*Whereas officials of the Government of Iran promised their continued assistance to the relatives of Robert Levinson during the visit of the family to the Islamic Republic of Iran in December 2007;*

*Whereas, in November 2010, the Levinson family received a video of Mr. Levinson in captivity, representing the first proof of life since his disappearance and providing some initial indications that he was being held somewhere in southwest Asia;*

Whereas in addition to being the site of the first submarine base in the United States, Connecticut was home to the foremost submarine manufacturers of the time, the Lake Torpedo Boat Company in Bridgeport and the Electric Boat Company in Groton, which later became General Dynamics Electric Boat;



Whereas General Dynamics Electric Boat, its talented workforce, and its Connecticut-based and nationwide network of suppliers have delivered more than 200 submarines from its current location in Groton, Connecticut, including the first nuclear-powered submarine, the USS NAUTILUS (SSN 571), and nearly half of the nuclear submarines ever built by the United States;

Whereas the Submarine Force Library and Museum, located adjacent to Naval Submarine Base New London in Groton, Connecticut, is the only submarine museum operated by the United States Navy and today serves as the primary repository for artifacts, documents, and photographs relating to the bold and courageous history of the Submarine Force and highlights as its core exhibit the Historic Ship NAUTILUS (SSN 571) following her retirement from service;

Whereas reflecting the close ties between Connecticut and the Navy that began with the gift of land that established the base, the State of Connecticut has set aside \$40,000,000 in funding for critical infrastructure investments to support the mission of the base, including construction of a new dive locker building, expansion of the Submarine Learning Center, and modernization of energy infrastructure;

Whereas, on September 29, 2015, Connecticut Governor Dannel Malloy designated October 2015 through October 2016 as Connecticut's Submarine Century, a year-long observance that celebrates 100 years of submarine activity in Connecticut, including the Town of Groton's distinction as the Submarine Capital of the World, to coincide with the centennial anniversary of the establishment of Naval Submarine Base New London and the Naval Submarine School;

Whereas Naval Submarine Base New London still proudly proclaims its motto of "The First and Finest"; and

Whereas Congressman Higgins' statement before Congress in 1912 that "Connecticut stands ready, as she always has, to bear her part of the burdens of the national defense" remains true today: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the longstanding dedication and contribution to the Navy and submarine force by the people of Connecticut, both through the initial deed of gift that established what would become Naval Submarine Base New London and through their ongoing commitment to support the mission of the base and the Navy personnel assigned to it;

(2) honors the submariners who have trained and served at Naval Submarine Base New London throughout its history in support of the Nation's security and undersea superiority;

(3) recognizes the contribution of the industry and workforce of Connecticut in designing, building, and sustaining the Navy's submarine fleet; and

(4) encourages the recognition of Connecticut's Submarine Century by Congress, the Navy, and the American people by honoring the contribution of the people of Connecticut to the defense of the United States and the important role of the submarine force in safeguarding the security of the United States for more than a century.

#### ORDERS FOR FRIDAY, FEBRUARY 12, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Friday, February 12; that following the prayer and pledge, the morning hour be deemed expired, the Journal of pro-

ceedings 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. Is there objection?

Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MARKEY.

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

The Senator from Massachusetts.

#### NOMINATION OF ROBERT CALIFF

Mr. MARKEY. Mr. President, I am here to speak in opposition to the nomination of Dr. Robert Califf to be the head of the Food and Drug Administration.

I understand that Leader MCCONNELL has asked that cloture be filed on Dr. Califf's nomination. I understand that. I appreciate it. But we need to have a debate in this country on opioids. While I am disappointed that the majority leader is taking this step, I am committed to continuing to work on this issue, and using Dr. Robert Califf's nomination is the means by which we can have a debate here on the floor of the Senate on these issues.

(Mr. MCCONNELL assumed the Chair.)

I am here to speak about a public health epidemic that every year kills more people in the United States than gun violence or motor vehicle accidents. What does this epidemic look like? Well, it looks like this: Last year 30,000 Americans died of an opioid overdose. More than 1,300 of those were from my home State of Massachusetts. In the city of Brockton, MA, last month, in January, in the span of 48 hours, 40 people overdosed on opioids. I will say that again. In Brockton, in 48 hours, 40 people overdosed on opioids.

Between 2000 and 2013, the rate of death from heroin overdoses nearly quadrupled. The United States is less than 5 percent of the world's population, but we consume 80 percent of the world's opioid pain killers. Drug overdoses are increasing the death rates of young adults in the United States to levels not experienced since the AIDS epidemic more than 20 years ago. These skyrocketing death rates make these young adults the first generation since the time of the Vietnam war to experience higher death rates in early adulthood than the generation that preceded it.

Let's compare what we did as a nation when we confronted other deadly epidemics. A bipartisan majority in Congress funded more than \$5 billion to

respond to Ebola. We dispatched the medical community and public health experts. We built entire facilities to ensure we stopped the spread of the deadly virus. Today, the Obama administration is asking Congress for \$1.8 billion in emergency funding to fight the Zika virus. Imagine if we applied the same commitment, the same urgency, the same level of resources to the prescription drug and heroin epidemic.

Yet, despite this raging epidemic, one would think the Food and Drug Administration—the agency responsible for the safety of all prescription drugs in the United States—would welcome every bit of expert advice it can get from doctors and other public health professionals. In fact, the FDA's own rules call for it to establish an independent advisory committee of experts to assist the agency when it considers a question that is controversial or of great public interest, such as whether to allow a new addictive prescription painkiller to be marketed in the United States. Instead, the FDA has put a sign in its window: No Help Wanted. That is what this nomination of Dr. Robert Califf is all about.

The FDA began turning its back on advisory committees in 2013 when an advisory panel to review the powerful opioid painkiller Zohydro voted 11 to 2 against recommending its approval. But the agency approved the drug anyway, overruling the concerns voiced by experienced physicians on the panel. Those experts criticized the agency for ignoring the growing epidemic fueled by OxyContin—the heavily abused prescription painkiller the FDA first approved back in 1995. They warned about the growing dangers of addiction, of abuse and dependence associated with this entire class of opioid painkillers. Justifiably, the FDA was lambasted for its decision to approve Zohydro by public health experts, doctors, Governors, and Members of Congress. But despite those warnings of the real-world dangers of abuse and dependence on these new, supercharged opioid painkillers, the FDA willfully blinded itself to the warning signs.

In 2014, in the wake of the Zohydro decision, the FDA twice skipped the advisory committee process altogether when it approved the new prescription opioids Targiniq and Hysingla.

Then, in August of 2015, the FDA did it again, this time by bypassing an advisory committee on the question of a new use for OxyContin for children aged 11 to 16. This time the FDA even ignored its own rules that specifically call for advisory committee advice when a question of "pediatric dosing" is involved.

At this point, it became clear that the FDA was intentionally choosing to forgo an advisory committee in order to avoid another overwhelming vote recommending against approval of a prescription opioid. And why did they do it? Well, because the FDA would then have had to ignore yet another group of experts in order to continue

its relentless march to put more drugs on the market.

With the OxyContin-for-kids decision, the FDA's reckless attitude toward expert advice on drug safety went too far. Children whose brains are not yet fully developed are especially vulnerable to drug dependency and abuse. Yet the agency focused its so-called safety analysis only on concerns about proper dosing, saying that it needed to tell doctors the proper doses for children who needed the drug. That is just plain wrong. We use experts to determine if child car seats are safe, if toothpaste is safe, and if vaccines are safe. We should also use experts to determine if those opioid painkillers are safe for the children in the United States of America.

We need to immediately reform the Food and Drug Administration's opioid approval process if we want to stop this epidemic of prescription drug and heroin addiction in the United States.

When I placed a hold on the nomination of Dr. Califf to head the FDA, I called on the FDA to commit to convening an advisory panel of outside experts for every single opioid approval question it reviewed. Here is how the FDA responded: It responded by committing to convene outside experts but only for opioids that are not abuse-deterrent. Let's be clear. I want everyone in this Chamber to understand this: "Abuse-deterrent opioid" is an oxymoron, like "jumbo shrimp" or "congressional expert." There is no such thing. When we hear the term "abuse-deterrent," think of pills that are tamper-resistant. They are supposed to be difficult to crush or chew or cut open or tamper with. But nothing about abuse-deterrent opioid prevents addiction. There is no such thing as abuse deterrence if you are suffering from addiction and have access to the Internet, where you can find out just how easy these painkillers are to manipulate and abuse. Whether an opioid is abuse-deterrent or not hasn't prevented tens of thousands of people who have had their wisdom teeth extracted or experienced lower back pain from getting addicted to these painkillers.

By refusing to convene advisory committees to reform all of its opioid approval decisions, the FDA continues to ignore outside experts who could help stem the tide of tragic deaths and overdoses plaguing this country.

This all started back with the FDA's 1995 approval of the original OxyContin—the moment in history that is widely recognized as the starting point for the prescription opioid and heroin overdose epidemic in the United States. It started with the FDA. The FDA approved the original version of OxyContin—an extended-release opioid—believing that it "would result in less abuse potential, since the drug

would be absorbed slowly and there would not be an immediate 'rush' or high that would promote abuse." Since then, the claims that opioid is abuse-deterrent have time and again proven oxymoronic.

FDA's own guidelines recognize the inherent contradiction in the term "abuse-deterrent," explaining:

It should be noted that [abuse-deterrent] technologies have not yet been proven successful at deterring the most common form of abuse—swallowing a number of intact capsules or tablets to achieve a feeling of euphoria. Moreover, the fact that a product has abuse-deterrent properties does not mean there is no risk of abuse.

That is from the FDA's own guidelines.

In many cases, the FDA approved so-called abuse-deterrent opioids despite warnings from the medical community about the potential for abuse. And when it wasn't turning a blind eye to the warnings of experts, the FDA simply didn't engage them at all in approval of opioids with abuse-deterrent properties. With numerous approvals of so-called abuse-deterrent opioids since 2010, the agency convened advisory committees for less than half of them.

This issue of abuse deterrence is not a hypothetical concern. The new policy announced by the FDA would not have guaranteed an advisory panel for the OxyContin that is on the market today and being sold in tens of millions of doses or for the other recently approved opioids that have raised serious concerns from public health and medical experts from around our country. The FDA is attempting to set up a system where nothing really changes.

We will not solve the prescription drug crisis with an FDA that operates with business as usual and continues to turn its back to external experts. The FDA needs to welcome outside expert advice and must convene expert advisory panels for all opioid approval decisions, period. Until the FDA makes that commitment, I am going to continue to raise my voice in opposition to the nomination of Dr. Califf.

This is an issue that is central in our country. The terrorist phone call that families in America are afraid of getting is not one from overseas; it is that a member of their family has fallen victim to this prescription drug opioid crisis. It is in every city, every town in our country. We have seen a quadrupling of the number of heroin deaths in our country in the last 13 years, and 80 percent of them started with OxyContin, with Percocet, with one of these prescription drugs.

We need the FDA to do the right thing, and until they do, we need to debate out here on the floor what the responsibilities will be of this new FDA Commissioner, because they have been unwilling to change their policy. Until

they do, these people and communities all across our country are going to be helpless. They are going to be helpless because families think that if a bottle is given to them by an expert, they can trust it. And when their children die—when their children die—they ask themselves the question: Could I have done more? It starts with the FDA. It starts with MEA, mandatory education for physicians. It starts there. If we don't do this, then those families are still going to be having the same result year after year after year.

I thank the majority leader for sitting and hearing my objections. The majority leader and I have had many conversations about this subject, and I know of his deep concern on this issue. I think this is something that can be corrected. I hope it can be corrected. It must be corrected.

I thank the majority leader for staying to hear my presentation.

I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:21 p.m., adjourned until Friday, February 12, 2016, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

ABDUL K. KALLON, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE JOEL F. DUBINA, RETIRED.

##### DEPARTMENT OF EDUCATION

JOHN B. KING, OF NEW YORK, TO BE SECRETARY OF EDUCATION, VICE ARNE DUNCAN.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate February 11, 2016:

##### THE JUDICIARY

LEONARD TERRY STRAND, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF IOWA.

##### FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF CHRISTOPHER NAIRN STEEL.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHRISTOPHER ALEXANDER AND ENDING WITH TIPTEN TROIDL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2015.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH VIRGINIA LYNN BENNETT AND ENDING WITH SUSAN M. CLEARY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 19, 2016.

##### MILLENNIUM CHALLENGE CORPORATION

MORTON H. HALPERIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS.

MICHAEL O. JOHANNIS, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.